

# BOARD OF SUPERVISORS

## AGENDA

Meetings are located at:  
Yuba County Government Center  
Board Chambers, 915 Eighth Street  
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8<sup>th</sup> Street, Marysville and [www.co.yuba.ca.us](http://www.co.yuba.ca.us). Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

**MARCH 29, 2016**

**8:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS SPECIAL MEETING - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. No other business shall be conducted at this meeting. The public shall have an opportunity to address the Board of Supervisors only with respect to items set forth in this agenda. Each individual or group will be limited to no more than three minutes. Prior to this time, speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Vasquez
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

**MOTION:** Move to approve consent agenda      **MOVED:** John Nicoletti      **SECOND:** Roger Abe  
**AYES:** John Nicoletti, Roger Abe, Andy Vasquez, Hal Stocker  
**NOES:** None      **ABSENT:** Mary Jane Griego      **ABSTAIN:** None

A. Clerk of the Board of Supervisors

1. Item 2  
**MotionText**

**MOTION:** Move to approve consent agenda      **MOVED:** John Nicoletti      **SECOND:** Roger Abe  
**AYES:** John Nicoletti, Roger Abe, Andy Vasquez, Hal Stocker  
**NOES:** None      **ABSENT:** Mary Jane Griego      **ABSTAIN:** None

B. Community Development and Services

1. Item  
**MotionText**

**MOTION:** Move to approve consent agenda      **MOVED:** John Nicoletti      **SECOND:** Roger Abe  
**AYES:** John Nicoletti, Roger Abe, Andy Vasquez, Hal Stocker  
**NOES:** None      **ABSENT:** Mary Jane Griego      **ABSTAIN:** None

- IV. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

- A. [\(113-0316\) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \\$8,271.28 and the recording of a lien regarding 3362 Warehouse Road, Arboga, CA 95961, HRM Ranches, LLC. \(Roll call vote\) \(Fifteen minutes\)](#)
- B. [\(111-0316\) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \\$7,241.58 and the](#)

recording of a lien regarding 5835 Garden Avenue, West Linda, CA 95961, Guillermo Navarro. (Roll call vote) (Fifteen minutes)

- C. (116-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$14,492.18 and the recording of a lien regarding 12748 Lone Tree Way, Loma Rica, CA 95901, Estate of Margaret Suda, C/O Cheryl Suda and Sandra L. Picciano. (Roll call vote) (Fifteen minutes)
- D. (118-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$53,166.06 and the recording of a lien regarding 19909 Barton Hill Road, Strawberry Valley, CA 95981, Ryan James Cornwall. (Roll call vote) (Fifteen minutes)
- E. (120-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$102,698.60 and the recording of a lien regarding 1108 Murphy Road, Olivehurst, CA 95961, Lay and Tieng Khammoughkhoun. (Roll call vote) (Fifteen minutes)
- F. (117-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$48,698.60 and the recording of a lien regarding 10128 La Porte Road, Challenge, CA 95929, Syphoum and Many Vongkhoun. (Roll call vote) (Fifteen minutes)
- G. (119-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$87,625.86 and the recording of a lien regarding 11500 Smith Road, Loma Rica, CA 95901, Stacy Savoca. (Roll call vote) (Fifteen minutes)
- H. (121-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$113,264.86 and the recording of a lien regarding 4676 Pacific Avenue, Olivehurst, CA 95961, Fahid Ravaid. (Roll call vote) (Fifteen minutes)
- I. (112-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$7,632.32 and the recording of a lien regarding 7460 White Fir Lane, Smartsville, CA 95977, Joann E. Gonzales. (Roll call vote) (Fifteen minutes)
- J. (122-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$202,712.62 and the recording of a lien regarding 4755 Pacific Avenue, Olivehurst, CA 95961, Christopher Darryl Gomes. (Roll call vote) (Fifteen minutes)
- K. (115-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$12,077.70 and the recording of a lien regarding 1093 Grand Avenue, Olivehurst, CA 95961, David Silva. (Roll call vote) (Fifteen minutes)
- L. (114-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$10,342.78 and the recording of a lien regarding 1490 Dodson Avenue, Linda, CA 95901, Estate of Lee E. Jacobs. (Roll call vote) (Fifteen minutes)

V. **CLOSED SESSION**

- A. Personnel pursuant to Government Code 54957.6(a) - Labor Negotiations DSA/MSA/YCPOA/County of Yuba  
Negotiating Parties: Negotiating Parties: Able

VI. **ADJOURN Desc**

## **Minutes Text**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors.

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434

915 8<sup>th</sup> Street, Suite 123

Marysville, California 95901

www.co.yuba.ca.us



113-0316

(113-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 3362 Warehouse Road, Arboga, CA 95961 and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder.

**BACKGROUND:** On October 6, 2015, pursuant to a Civil Inspection Warrant, authorized and signed by the Honorable Judge John H. Teirnan, an inspection of the subject property exposed the illegal cultivation of marijuana by John Pitman Jr., Earlene Sharp, and Sandra Sharp. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, HRM Ranches, LLC and the tenants, John Pitman Jr., Earlene Sharp, and Sandra Sharp. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 30 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County

On October 6, 2015, the Order was posted on the front entrance gate to the property, and on October 7, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, HRM Ranches, LLC, at the address on record and to John Pitman Jr., Earlene Sharp, and Sandra Sharp at the subject property's address. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On October 7, 2015, Code Enforcement Officer Tracie Clark performed a compliance inspection verifying that the marijuana had been removed, and stopped the Administrative Penalty from accruing at that time.

HRM Ranches, LLC, John Pitman Jr., Earlene Sharp, and Sandra Sharp, did not exercise their right to a hearing to contest the determination of a public nuisance, nor did they exercise their right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to HRM Ranches, LLC, John Pitman Jr., Earlene Sharp, and Sandra Sharp for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$8,271.28.

HRM Ranches, LLC, John Pitman Jr., Earlene Sharp, and Sandra Sharp have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts.

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0253
	)		
Plaintiff,	)	RE:	3362 Warehouse Road
	)		Arboga, CA 95961
vs.	)	APN:	014-300-018
	)		
HRM RANCHES, LLC	)		
	)		
	)		
Defendant.	)		

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
ORDERS OF THE BOARD OF SUPERVISORS

FINDINGS OF FACT

1. Assessor's Parcel # 014-300-018 is located at 3362 Warehouse Road, Arboga, CA 95961, and is owned by HRM Ranches, LLC.
2. On October 6, 2015, HRM Ranches, LLC and tenants, Sandra Sharp, Earlene Sharp and John Pitman Jr, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 30 marijuana plants.
3. On October 7, 2015, a compliance inspection by Officer Clark confirmed that all of the marijuana had been removed.
4. HRM Ranches, LLC, John Pitman Jr., Earlene Sharp and Sandra Sharp did not exercise their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.

6. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) HRM Ranches, LLC was ( ) was not ( ) present.
  - (c) John Pitman Jr. was ( ) was not ( ) present.
  - (d) Earlene Sharp was ( ) was not ( ) present.
  - (e) Sandra Sharp was ( ) was not ( ) present.
7. HRM Ranches, LLC, John Pitman Jr., Earlene Sharp and Sandra Sharp were properly served with written notice of this Cost Accounting Hearing.
8. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$8,271.28 are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. HRM Ranches, LLC was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for the property located at 3362 Warehouse Road, Arboga, CA, APN 014-300-018, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. HRM Ranches, LLC was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 014-300-018 were properly incurred in the amount of \$8,271.28 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$8,271.28 shall become a special tax assessment against the property located at 3362 Warehouse Road, Arboga, CA, APN 014-300-018.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the

enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).

3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

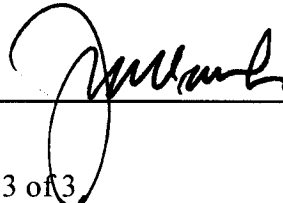
ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel





## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0253

APN: 014-300-018

Owner: HRM Ranches, LLC

Violators: John Pitman Jr., Sandra Sharp, Earlene Sharp

Situs: 3362 Warehouse Rd, Arboga, CA 95961

Date	Reason for Charge	Hours	Total
8/19/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
8/25/2015	Research Property Status*	0.25	36.75
8/25/2015	Inspection*	0.25	36.75
9/24/2015	Received Additional Complaint*	0.25	36.75
10/1/2015	Received Additional Complaint*	0.25	36.75
10/6/2015	Warrant Prep for Inspection*	3.0	441.00
10/6/2015	Inspection, Two (2) Officers*	1.0	147.00
10/7/2015	Inspection, Verify Compliance*	0.25	36.75
10/7/2015	Return of Warrant*	1.0	147.00
10/19/2015	Demand for Payment & Cover Letter *	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>7.25</b>	<b>\$ 1,065.75</b>
10/6/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
10/6/2015	Administrative Penalty, One Day @ \$3,300.00 Per Day*	PENALTY	3,300.00
10/19/2015	Notice of Non-Compliance*	FEE	147.00
10/19/2015	CDSA Processing Fee, Recording*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	280.03
		<b>Total</b>	<b>\$ 8,271.28</b>

\*Charges are reflected on unpaid Demand for Payment



# The County Of Yuba

(113-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

HRM Ranches, LLC  
3400 E. Eight Mile Road  
Stockton, CA 95212

John Pitman Jr.  
Sandra Sharp & Earlene Sharp  
3362 Warehouse Road  
Olivehurst, CA 95961

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 3362 Warehouse Rd, Arboga, CA 95961, APN 014-300-018, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

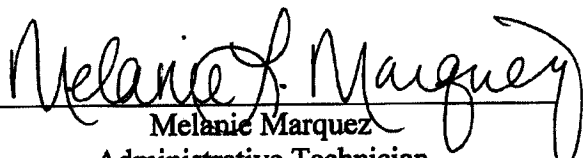
At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013-3020-0000-6317-9079 & -9086

Enclosure: Attachment A, Cost Accounting

BY:   
Melanie Marquez  
Administrative Technician  
Code Enforcement Division

Attachment B



# The County Of Yuba

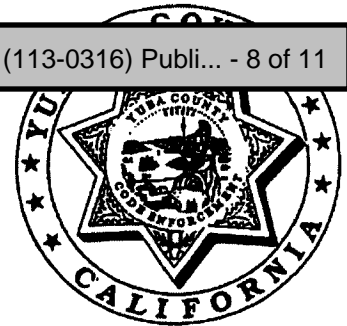
(113-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ 15-0253

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
SANDRA SHARP EARLENE SHARP JOHN PITMAN JR 3368 WAREHOUSE RD ARBOGA, CA 95961	HRM RANCHES, LLC 3400 E EIGHT MILE RD STOCKTON, CA 95212
VIOLATION ADDRESS: 3362 WAREHOUSE RD. #A, ARBOGA, CA 95961 & 3368 WAREHOUSE RD, ARBOGA CA 95961	
APN: 014-300-018	

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

- ☒ Yuba County Ordinance Code § 7.40.400(A) ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- ☒ Outdoor cultivation 7.40.300A
  - ☐ Cultivation w/in dwelling 7.40.300B
  - ☒ Cultivation of more than 12 plants 7.40.300C . NUMBER OF PLANTS: 30
  - ☐ Water source/discharges 7.40.300D
  - ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
  - ☐ Active Code case 7.40.300F
  - ☐ Lack of dwelling 7.40.310
  - ☐ Permitted accessory structure 7.40.320A1
  - ☐ Accessory structure w/in setback 7.40.320A2
  - ☐ Use of extension cord(s) 7.40.320A3
  - ☐ Lack of mechanical filtration system 7.40.320A4
  - ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
  - ☒ Lack of registration 7.40.340

☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*

☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*

# of plants: 30

☐ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
- ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
- ☐
- ☐
- ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$ 3,300<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

**If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing, within 10 calendar days of the date of this Notice, solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.**

**If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County**

abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☒ POSTED PROPERTY

PERSONAL SERVICE

☒ CERTIFIED MAIL 7013 3020 0000 6317 8799

DATED: OCTOBER 6, 2015

Tracie R. Clark

Tracie R. Clark  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING #692

CC: SANDRA & EARIENE SHARP  
JOHN PITMAN JR.  
3362 WAREHOUSE RD  
ARBOREA, CA 95961

HRM PROPERTIES  
3400 E. EIGHT MILE RD  
STOCKTON, CA 95212



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billing** (113-0316) Publi... - 11 of 11

DATE	INVOICE #
10/7/2015	692

BILL TO:  
HRM Ranches, LLC  
3400 E Eight Mile Rd  
Stockton, CA 95212

**CASE INFORMATION**

Number: MMJ15-0253  
Officer: T. Clark  
APN: 014-300-018  
3362 Warehouse Road, Arboga  
Cert# 7013 3020 0000 6317 8799

TERMS	DUE DATE
Net 30	11/6/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
8/19/2015	Received Complaint, Opened Case	147.00	0.5	73.50
8/25/2015	Inspection	147.00	0.25	36.75
8/25/2015	Research Property Status	147.00	0.25	36.75
9/24/2015	Received Additional Complaint	147.00	0.25	36.75
10/1/2015	Received Additional Complaint	147.00	0.25	36.75
10/6/2015	Warrant Prep for Inspection	147.00	3	441.00
10/6/2015	Inspection Two (2) Officers	147.00	1	147.00
10/6/2015	Notice & Order to Abate	1,470.00		1,470.00
10/6/2015	Admin Penalty 1 Day (10/6/2015)	3,300.00		3,300.00
10/6/2015	CDSA Support Fees (6%)	136.71		136.71
 *Please Note: Administrative Penalty continues to accrue at a rate of \$3,300.00 per day.				

**Total \$5,715.21**

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

5 - 30 DAYS PAST DUE = 25%  
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
 915 8<sup>th</sup> Street, Suite 123  
 Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



(111-0316) Publi... - 1 of 12

**CODE ENFORCEMENT**  
 749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
 749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
 749-5460 • Fax 749-5464

**PLANNING**  
 749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
 749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
 749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
 Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 5835 Garden Avenue, West Linda, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On June 16, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by Osvaldo Navarro. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, Guillermo Navarro and his son, Osvaldo Navarro. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 31 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County

On June 16, 2015, the Order was personally served to Osvaldo Navarro, and on June 17, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owner, Guillermo Navarro, at the address on file. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On June 16, 2015, Code Enforcement Officer Chris Monaco verified that the marijuana had been removed. The Administrative Penalty was imposed for that day only.

Neither Guillermo Navarro, nor Osvaldo Navarro exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Guillermo Navarro and Osvaldo Navarro for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$7,241.58.

Guillermo Navarro and Osvaldo Navarro have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts



COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0069
	)		
Plaintiff,	)	RE:	5835 Garden Avenue
	)		West Linda, CA 95961
vs.	)		
	)	APN:	020-132-009
	)		
GUILLERMO NAVARRO	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 020-132-009 is located at 5835 Garden Avenue, West Linda, CA 95961, and is owned by Guillermo Navarro.
2. On June 16, 2015, the property owner, Guillermo Navarro, and the cultivator, Osvaldo Navarro, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 31 marijuana plants.
3. On June 16, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and observed that the marijuana had been removed.
4. Neither Guillermo Navarro, nor Osvaldo Navarro, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.

6. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, Guillermo Navarro was ( ) was not ( ) present.
  - (c) Osvaldo Navarro was ( ) was not ( ) present.
7. Guillermo Navarro and Osvaldo Navarro were properly served with written notice of this Cost Accounting Hearing.
8. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$7,241.58 are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Guillermo Navarro was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 5835 Garden Avenue, West Linda, CA, APN 020-132-009, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Guillermo Navarro was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 020-132-009 were properly incurred in the amount of \$7,241.58 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$7,241.58 shall become a special tax assessment against the property located at 5835 Garden Avenue, West Linda, CA, APN 020-132-009.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.

4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0069

APN: 020-132-009

Owner: Guillermo Navarro

Violator: Osvaldo Navarro

Situs: 5835 Garden Avenue, West Linda, CA 95961

Date	Reason for Charge	Type	Total
6/16/2015	Notice and Order to Abate*	FEE	\$ 1,470.00
6/16/2015	Administrative Penalty, 1 day, June 16, 2015*	PENALTY	3,400.00
7/23/2015	Notice of Non-Compliance	FEE	147.00
7/23/2015	CDSA Processing Fee, One Document	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fees (6%)	FEE	216.08
		<b>Total</b>	<b>\$ 7,241.58</b>

\*Charges reflected on unpaid Demand for Payment



# The County Of Yuba

(111-0316) Publi... - 7 of 12

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Guillermo Navarro  
Osvaldo Navarro  
3766 Garden Hwy  
Nicolaus, CA 95659

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 5835 Garden Avenue, West Linda, CA, APN 020-132-009, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

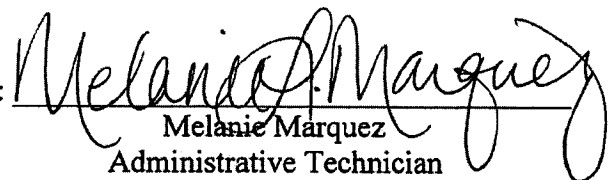
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013 3020 0000 6317 9031

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

(111-0316) Publi... - 8 of 12

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15-0269

CULTIVATOR(S):	ADDRESS	PROPERTY OWNER(S):	ADDRESS
GUILLEMO NAVARRO	3146 GARDEN HWY, NICHOLAS, CA 95654	GUILLEMO NAVARRO	3146 GARDEN HWY, NICHOLAS, CA 95654
ESVALDO NAVARRO	3146 GARDEN HWY, NICHOLAS, CA 95654		

**VIOLATION ADDRESS:** 5835 GARDEL AVE, WEST LINDA, CA 95941  
**APN:** 220-132-029-000

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ Yuba County Ordinance Code § 7.40.400(A) ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☐ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS:
- ☐ Water source/discharges 7.40.300D
- ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☐ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☐ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☐ Lack of registration 7.40.340

☒ Yuba County Ordinance Code § 7.40.340 *The cultivation of marijuana without first registering the cultivation and paying the required fee.*

☐ Yuba County Ordinance Code § 7.40.400(B) *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ Yuba County Ordinance Code § 7.40.400(E) *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 31

☐ Yuba County Ordinance Code § 7.40.400(G) *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
- ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
- ☐
- ☐
- ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property pursuant to the following:

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$3400.00 per day pursuant to Yuba County Code § 7.40.550 **have begun to accrue** and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County

abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

BY PERSONAL SERVICE / Cert #: 7013-1090-0000-2901-1448

DATED: 6/16/15

  
Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, Demand for Payment

cc: Osvaldo Navarro  
3766 Garden Hwy  
Nicolaus, CA 95659





# The County Of Yuba

(111-0316) Publi... - 11 of 12

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

June 17, 2015

Guillermo Navarro  
3766 Garden Hwy  
Nicolaus, CA 95659

**RE: 5835 Garden Avenue, West Linda, CA 95961**  
**APN: 020-132-009**

Dear Property Owner,

This letter serves to inform you that the violations described in the official Notice and Order to Abate (MMJ15-0069) dated June 17, 2015, have been corrected and that the property is no longer considered to be a public nuisance. The enclosed Demand for Payment is an accounting of the administrative costs and penalties, in the amount of \$4,958.20, incurred to date by the County in abating those violations. Such costs and penalties are your responsibility and shall be paid within 30 calendar days (see "Due Date" printed on Demand). If payment is not received by the due date, the matter will be scheduled for a public Cost Accounting Hearing before the Yuba County Board of Supervisors.

Therefore, please be advised that if you fail to make a timely payment, a hearing will be scheduled. Additional administrative costs will be incurred to bring this matter before the Board. You will be given advanced, written notice of the hearing. Should a hearing become necessary, it may result in the recordation of an abatement lien and a tax assessment being placed against the property.

Should you have any questions regarding this notice, please contact Officer Chris Monaco at 530-749-5455.

Sincerely,

Melanie Marquez  
Office Specialist  
County of Yuba, CDSA  
Code Enforcement Division

Encl: Demand for Payment #629

**YUBA COUNTY CODE ENFORCEMENT  
DEMAND FOR PAYMENT**

**Billing # 629**

Date: June 17, 2015

Due Date: July 17, 2015

Case #: MMJ15-0069

APN: 020-132-009

Owner: Guillermo Navarro  
Situs: 5835 Garden Avenue  
West Linda, CA 95961

Certified #: 7013 1090 0000 2901 1448

Date	Reason for Charge	Hours	Total
6/16/2015	Notice and Order to Abate	FEE	\$ 1,470.00
6/16/2015	Administrative Penalty, 1 day, June 16, 2015	FEE	3,400.00
6/17/2015	CDSA Support Fees (6%)	FEE	88.20
		<b>Total</b>	<b>\$ 4,958.20</b>

Remit payment & make payable to: CDSA

Attention: Accounts Receivable

Phone: (530)749-5455 Address: 915 8<sup>th</sup> Street, Suite 123, Marysville CA 95901

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



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**CODE ENFORCEMENT**  
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749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 12748 Lone Tree Way, Loma Rica, CA 95901 and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On September 28, 2015, Code Enforcement staff accompanied the Yuba County Sheriff's Department in executing a Search Warrant. The warrant exposed the illegal cultivation of 99 marijuana plants by Cheryl Suda. A Notice and Order to Abate Public Nuisance [Order] was issued to the owners of the property, The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano. The Cultivator, Cheryl L. Suda was arrested and the 99 marijuana plants were removed from the property and destroyed by the Yuba County Sheriff's Office. The Order alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating an excessive amount of marijuana – 99 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Constructing a building/structure without required construction permits
5. Creating a harborage of vector and vermin by accumulating and storing junk, trash and debris

On September 28, 2015, the Order was posted at the property, and on October 1, 2015, a duplicate Order was mailed, both First Class and by Certified with Return Receipt to The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

Neither The Estate of Margaret Suda, C/O Cheryl Suda nor Sandra L Picciano exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$14,492.18.

The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0316
	)		
Plaintiff,	)	RE:	12748 Lone Tree Way
	)		Loma Rica, CA
vs.	)		
	)	APN:	040-120-023
THE ESTATE OF	)		
MARGARET SUDA, C/O	)		
CHERYL SUDA,	)		
SANDRA L PICCIANO	)		
	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 040-120-023 is located at 12748 Lone Tree Way, Loma Rica, CA 95901, and is owned by The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano.
2. On September 28, 2015, the property owners, The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano, were served with a Notice and Order to Abate Public Nuisance for the cultivation of 99 marijuana plants. The 99 marijuana plants were removed from the property and destroyed by the Yuba County Sheriff's Office.
3. The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano did not exercise their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.

4. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
5. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Supervisor.
  - (b) The owner: The estate of Margaret Suda, C/O Cheryl Suda was ( ) was not ( ) present.
  - (c) The owner: Sandra L Picciano was ( ) was not ( ) present.
6. The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano were properly served with written notice of this Cost Accounting Hearing.
7. Jeremy Strang, Supervising Code Enforcement Officer, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$14,492.18 are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano were properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for the property located at 12748 Lone Tree Way, Loma Rica, CA 95901, APN 040-120-023, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. The Estate of Margaret Suda, C/O Cheryl Suda and Sandra L Picciano were unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 040-120-023 were properly incurred in the amount of \$14,492.18 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$14,492.18 shall become a special tax assessment against the property located at 12748 Lone Tree Way, Loma Rica, CA 95901, APN 040-120-023.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the

enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).

- 3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
- 4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
- 5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
- 6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

\_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

  
\_\_\_\_\_

## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0316

APN: 040-120-023

Owners: The Estate of Margaret Suda, C/O Cheryl Suda  
and Sandra L. Picciano

Situs: 12748 Lone Tree Way, Loma Rica, CA 95901

Date	Reason for Charge	Hours	Total
9/17/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
9/22/2015	Research Property Status*	0.25	36.75
9/28/2015	Inspection*	1.5	220.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>2.25</b>	<b>\$ 330.75</b>
9/28/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
9/28/2015	Administrative Penalty, One Day @ \$10,300.00 Per Day*	PENALTY	10,300.00
10/1/2015	Notice of Non-Compliance*	FEE	147.00
10/1/2015	CDSA Processing Fee, One Document*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	235.93
		<b>Total</b>	<b>\$14,492.18</b>

\*Charges are reflected on unpaid Demand for Payment





# The County Of Yuba

(116-0316) Publi... - 7 of 12

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

The Estate of Margaret Suda  
C/O Cheryl Suda  
12748 'A' Lone Tree Way  
Marysville, CA 95901

Sandra L. Picciano  
12748 'B' Lone Tree Way  
Marysville, CA 95901

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8th Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 12748 Lone Tree Way, Loma Rica, CA 95901, APN 040-120-023, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013-3020-0000-6317-9093 & -9109

Enclosure: Attachment A, Cost Accounting

BY:

*Melanie J. Marquez*  
Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

(116-0316) Publi... - 8 of 12

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJIS-0316

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
Cheryl L. Suda 12748 Lone Tree Way #A Loma Rica, CA 95901	Margaret Suda 12748 Lone Tree Way #A Marysville, CA 95901-8712

**VIOLATION ADDRESS:** 12748 Lone Tree Way #A Loma Rica, CA 95901

**APN:** 040-120-023 / 040-120-023 / 040-120-023-510

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☒ Cultivation of more than 12 plants 7.40.300C      **NUMBER OF PLANTS:** 99
- ☐ Water source/discharges 7.40.300D
- ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☐ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☒ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☒ Lack of registration 7.40.340

- ☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
- ☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
- ☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 99
- ☒ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*
- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
  - ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
  - ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
  - ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
  - ☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
  - ☐
  - ☐
  - ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$10,300.00 per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative

Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☒ **POSTED PROPERTY**

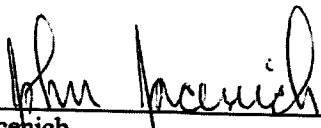
☐ **PERSONAL SERVICE**

☒ **CERTIFIED MAIL**

**DATED:** 9/28/15

Estate of  
Margaret Suda, % Cheryl Suda  
12748 Lone Tree Way #A  
Loma Rica, CA 95901

cert#: 7013 3020 0000 6317 8621

  
John Jacepich  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40 , DEMAND FOR PAYMENT (BILLING#680

CC: SANDRA L PICCIANO  
12748 LONE TREE WAY  
MARYSVILLE, CA 95901

cert# 7013 3020 0000 6317 8638



# The County Of Yuba

(116-0316) Publi... - 11 of 12

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

October 1, 2015

Estate of Margaret Suda  
C/O Cheryl Suda  
12748 Lone Tree Way # A  
Marysville, CA 95901

Sandra L Picciano  
12748 Lone Tree Way  
Marysville, CA 95901

**RE: 12748 Lone Tree Way, Loma Rica, CA 95901**  
**APN: 040-120-023**

Dear Parties of Interest,

This letter serves to inform you that the violations described in the official Notice and Order to Abate (MMJ15-0316) dated September 28, 2015, have been corrected and that the property is no longer considered to be a public nuisance. The enclosed Demand for Payment is an accounting of the administrative costs and penalties, in the amount of \$12,442.53, incurred to date by the County in abating those violations. Such costs and penalties are your responsibility and shall be paid within 30 calendar days (see "Due Date" printed on Demand). If payment is not received by the due date, the matter will be scheduled for a public Cost Accounting Hearing before the Yuba County Board of Supervisors.

Therefore, please be advised that if you fail to make a timely payment, a hearing will be scheduled. Additional administrative costs will be incurred to bring this matter before the Board. You will be given advanced, written notice of the hearing. Should a hearing become necessary, it may result in the recordation of an abatement lien and a tax assessment being placed against the property.

Should you have any questions regarding this notice, please contact Officer John Jacenich at 530-749-5455.

Sincerely,

Melanie Marquez  
Office Specialist  
County of Yuba, CDSA  
Code Enforcement Division

Encl: Demand for Payment (Billing # 680)  
Notice and Order to Abate Public Nuisance (MMJ15-0316)

Attachment C

**YUBA COUNTY CODE ENFORCEMENT  
DEMAND FOR PAYMENT**

**Billing # 680**

Date: October 1, 2015 Due Date: October 31, 2015

Case #: MMJ15-0316 APN: 040-120-023

Owner: The Estate of Margaret Suda, C/O Cheryl Suda  
Picciano, Sandra L

Situs: 12748 Lone Tree Way, Loma Rica, CA 95901

Certified #: 7013-3020-0000-6317-8621 & 8638

Date	Reason for Charge	Hours	Total
9/17/2015	Received Complaint, Opened Case	0.5	\$ 73.50
9/22/2015	Research Property Status	0.25	36.75
9/28/2015	Inspection	1.5	220.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>2.25</b>	<b>\$ 330.75</b>
9/28/2015	Notice & Order to Abate Public Nuisance	FEE	1,470.00
9/28/2015	Administrative Penalty, One Day @ \$10,300.00 Per Day	FEE	10,300.00
10/1/2015	Notice of Non-Compliance	FEE	147.00
10/1/2015	CDSA Processing Fee, One Document	FEE	73.50
10/1/2015	CDSA Support Fee (6%)	FEE	121.28
		<b>Total</b>	<b>\$12,442.53</b>

Remit payment & make payable to: CDSA

Attention: Accounts Receivable

Phone: (530)749-5455

Address: 915 8<sup>th</sup> Street, Suite 123, Marysville CA 95901

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



118-0316

(118-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 19909 Barton Hill Road, Strawberry Valley, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On September 30, 2015, pursuant to a Civil Inspection Warrant, authorized and signed by the Honorable Judge Debra L. Givens, an inspection of the subject property exposed the illegal cultivation of marijuana by Ryan Cornwall. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner, Ryan Cornwall. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 41 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Lack of a legally established dwelling on the parcel
5. Use of extension cord(s) in lieu of permanent wiring
6. Encampment and occupancy of a recreational vehicle as a place of human habitation
7. Construction/erection of a building/structure without first obtaining a building permit

On September 30, 2015, the Order was posted to the property and on October 2, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owner, Ryan Cornwall, at 6061 Gossett Way, Marysville, CA and 4925 Papaya Drive,

Fair Oaks, CA. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On October 15, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and verified that the marijuana had been removed. The Administrative Penalty was stopped October 9, 2015 based on information provided by the Law Offices of Charnel James.

Ryan Cornwall did not exercise his right to a hearing to contest the determination of a public nuisance, nor did he exercise his right to appeal the amount of Administrative Penalty imposed. The Demand for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$53,166.06.

Ryan Cornwall has been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts



COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0289
	)		
Plaintiff,	)	RE:	19909 Barton Hill Road
	)		Strawberry Valley, CA
vs.	)		
	)	APN:	054-081-002
	)		
RYAN CORNWALL	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 054-081-002 is located at 19909 Barton Hill Road, Strawberry Valley, CA 95981, and is owned by Ryan Cornwall.
2. On September 30, 2015, the property owner, Ryan Cornwall was properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 41 marijuana plants.
3. On October 15, 2015, a compliance inspection by Officer Monaco who confirmed that all of the marijuana had been removed.
4. Ryan Cornwall did not exercise his right to a hearing to contest the determination of a public nuisance, nor did he exercise his right to appeal the amount of Administrative Penalty imposed.
5. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.

6. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner/cultivator, Ryan Cornwall was ( ) was not ( ) present.
7. Ryan Cornwall was properly served with written notice of this Cost Accounting Hearing.
8. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$53,166.06, are accurate and reasonable.

### CONCLUSIONS OF LAW

1. Ryan Cornwall was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 19909 Barton Hill Road, Strawberry Valley, CA, APN 054-081-002, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Ryan Cornwall was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisors that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 054-081-002 were properly incurred in the amount of \$53,166.06 and the property and its owner shall bear the costs of same.

### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$53,166.06 shall become a special tax assessment against the property located at 19909 Barton Hill Road, Strawberry Valley, CA, APN 054-081-002.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.

5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

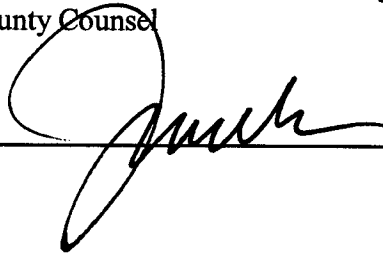
ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0289

APN: 054-081-002

Owner: Ryan James Cornwall

Situs: 19909 Barton Hill Road, Strawberry Valley

Date	Reason for Charge	Hours	Total
9/2/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
9/2/2015	Research Property Status*	0.5	73.50
9/11/2015	Inspection, Two (2) Officers*	2.0	294.00
9/30/2015	Warrant Prep for Inspection*	3.0	441.00
9/30/2015	Inspection, Two (2) Officers*	2.0	294.00
10/28/2015	Demand for Payment & Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>8.5</b>	<b>\$ 1,249.50</b>
9/30/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
10/9/2015	Administrative Penalty, Ten Days @ \$4,800.00 Per Day* (Accrued Daily, September 30 - October 9, 2015)	PENALTY	48,000.00
10/27/2015	Notice of Non-Compliance*	FEE	147.00
10/27/2015	CDSA Processing Fee, One Document*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	291.06
		<b>Total</b>	<b>\$53,166.06</b>

\*These charges are reflected on unpaid Demand for Payment



# The County Of Yuba

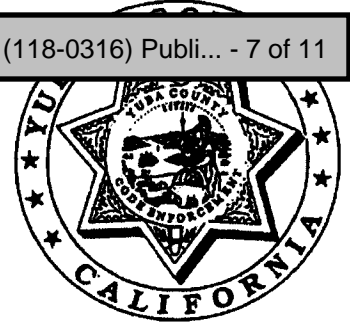
(118-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Ryan James Cornwall  
6061 Gossett Way #8  
Marysville, CA 95901

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 19909 Barton Hill Rd, Strawberry Valley, CA 95981, APN 054-081-002, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

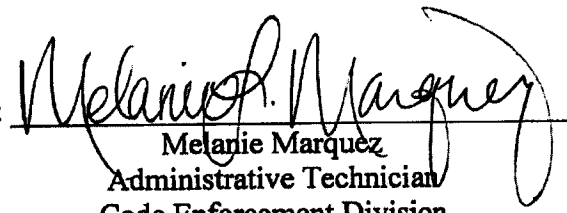
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013 3020 0000 6317 9130

Enclosure: Attachment A, Cost Accounting

BY:

  
Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

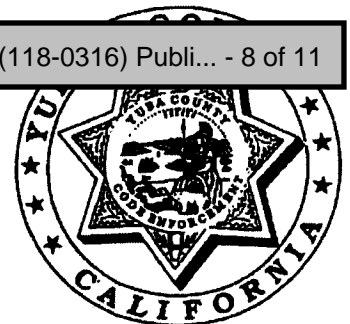
(118-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJIS-0289

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
RYAN JAMES CORNWALL 4925 PAPAYA DR ASB OAKS, CA 95628	RYAN JAMES CORNWALL 19909 BARTON HILL RD STRAWBERRY VALLEY, CA 95978

VIOLATION ADDRESS: 19909 BARTON HILL RD, STRAWBERRY VALLEY, CA

APN: 054.081.002

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

- ☒ Yuba County Ordinance Code § 7.40.400(A) ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- ☒ Outdoor cultivation 7.40.300A
  - ☐ Cultivation w/in dwelling 7.40.300B
  - ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 41
  - ☐ Water source/discharges 7.40.300D
  - ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
  - ☐ Active Code case 7.40.300F
  - ☒ Lack of dwelling 7.40.310
  - ☐ Permitted accessory structure 7.40.320A1
  - ☐ Accessory structure w/in setback 7.40.320A2
  - ☒ Use of extension cord(s) 7.40.320A3
  - ☐ Lack of mechanical filtration system 7.40.320A4
  - ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
  - ☒ Lack of registration 7.40.340

☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*

☒ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 41

☒ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
- ☒ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- ☒ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
- ☐
- ☐
- ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$4,800.<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing, within 10 calendar days of the date of this Notice, solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County

abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ POSTED PROPERTY

☒ PERSONAL SERVICE MARK BIRCH

☒ CERTIFIED MAIL 7013 3020 0000 6317 8645

Ryan J. Cornwall  
6061 Gossett Way #8  
Marysville, CA 9590

DATED: SEPTEMBER 30, 2015



Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING STATEMENT #681

CC: RYAN JAMES CORNWALL  
4925 PAPAYA DR  
FAIR OAKS, CA 95628

OCCUPANTS  
1909 BARTON HILL RD  
STRAWBERRY VALLEY, CA 95981





**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billing**

(118-0316) Publi... - 11 of 11

DATE	INVOICE #
10/2/2015	681

**BILL TO:**

Ryan James Cornwall  
6061 Gossett Way #8  
Marysville, CA 95901

**CASE INFORMATION**

Number: MMJ15-0289  
Officer: C. Monaco  
APN: 054-081-002  
19909 Barton Hill Rd, Strawberry Valley  
7013 3020 0000 6317 8645

TERMS	DUE DATE
Net 30	11/1/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
9/2/2015	Received Complaint, Opened Case	147.00	0.5	73.50
9/2/2015	Research Property Status	147.00	0.5	73.50
9/11/2015	Inspection Two (2) Officers	147.00	2	294.00
9/30/2015	Warrant Prep for Inspection	147.00	3	441.00
9/30/2015	Inspection Two (2) Officers	147.00	2	294.00
9/30/2015	Notice & Order to Abate	1,470.00		1,470.00
9/30/2015	Admin Penalty 1 Day (9/30/2015)	4,800.00		4,800.00
10/2/2015	CDSA Support Fees (6%)	158.76		158.76
*Please Note: Administrative Penalty continues to accrue at a rate of \$4,800.00 per day.				

**FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:**

**Total \$7,604.76**

5 - 30 DAYS PAST DUE = 25%

31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



120-0316  
(120-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 1108 Murphy Road, Olivehurst, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On June 18, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana. Identified cultivators were: the property owners, Lay and Tieng Khammoughkhounne who reside at the subject property; and Khamphone Onehara with a Sacramento address.

On June 18, 2015, a Notice and Order to Abate Public Nuisance ["Order" - attached hereto and marked as Attachment C] was personally served to the property owners, Lay and Tieng Khammoughkhounne.

On June 19, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owners at their address, and to Khamphone Onehara at his/her Sacramento address.

The Order, which includes appeal procedures, required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 95 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County

On June 29, 2015, Code Enforcement performed a compliance inspection, confirmed that the marijuana had been removed, and stopped the Administrative Penalty from accruing at that time.

Neither Lay and/or Tieng Khammoukhoun, nor Khamphone Onehara exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Lay and Tieng Khammoukhoun, and Khamphone Onehara for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$102,698.60.

Lay and Tieng Khammoukhoun, and Khamphone Onehara have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0052
	)		
Plaintiff,	)	RE:	1108 Murphy Road
	)		Olivehurst, CA
vs.	)		
	)	APN:	013-360-045
LAY AND TIENG	)		
KHAMMOUGKHOUNE	)		
	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 013-360-045 is located at 1108 Murphy Road, Olivehurst, CA 95961, and is owned by Lay and Tieng Khammoukhoun.
2. On June 18, 2015, the property owners, Lay and Tieng Khammoukhoun, and Khamphone Onehara, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 95 marijuana plants.
3. On June 29, 2015, the marijuana plants were confirmed removed from the property by Officer Monaco.
4. Neither Lay and/or Tieng Khammoukhoun, nor Khamphone Onehara exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. Neither the property owners, Lay and Tieng Khammoukhoun, nor Khamphone Onehara, took reasonable action to abate the public nuisance as ordered.

6. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
7. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as: Attachment A (Cost Accounting); Attachment B (Notice of Hearing); and Attachment C (Notice and Order to Abate Public Nuisance), along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owners, Lay and Tieng Khammoukhoun were ( ) were not ( ) present.
  - (c) Khamphone Onehara was ( ) was not ( ) present.
8. The property owners, Lay and Tieng Khammoukhoun, and Khamphone Onehara, were properly served with written notice of this Cost Accounting Hearing.
9. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$102,698.60, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Lay and Tieng Khammoukhoun were properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for their property located at 1108 Murphy Road, Olivehurst, CA, APN 013-360-045, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Lay and Tieng Khammoukhoun were unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 013-360-045 were properly incurred in the amount of \$102,698.60 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$102,698.60 shall become a special tax assessment against the property located at 1108 Murphy Road, Olivehurst, CA, APN 013-360-045.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).

3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0052

APN: 013-360-045

Owner: Lay & Tieng Khammoughkhoun

Violator: Khamphone Onedara

Situs: 1108 Murphy Road, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
6/11/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
6/15/2015	Research Property Status*	1.0	147.00
6/18/2015	Inspection Two (2) Officers, 2 Hrs each*	4.0	588.00
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>5.5</b>	<b>\$ 808.50</b>
6/18/2015	Notice and Order to Abate Public Nuisance*	FEE	1,470.00
6/28/2015	Administrative Penalty, 10 Days @ \$ 9,800.00 Per Day*	PENALTY	98,000.00
7/23/2015	Notice of Non-Compliance	FEE	147.00
7/23/2015	CDSA Processing Fee, One Document	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fees (6%)	FEE	264.60
		<b>Total</b>	<b>\$102,698.60</b>

\*Charges are reflected on the unpaid Demand for Payment



# The County Of Yuba

(120-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Lay & Tieng Khammoughkhoun  
1108 Murphy Road  
Olivehurst, CA 95961

Khamphone Onedara  
2105 Verano Street  
Sacramento, CA 95838

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 1108 Murphy Road, Olivehurst, CA 95916, APN 013-360-045, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

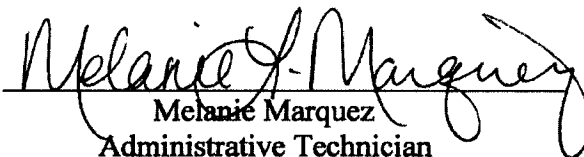
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013 3020 0000 6317 9017 & 9024

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez  
Administrative Technician  
Code Enforcement Division

Attachment B





# The County Of Yuba

(120-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15-0052

CULTIVATOR(S):	ADDRESS	PROPERTY OWNER(S):	ADDRESS
KHAMPHONE NEDARA	2105 VERANO ST SACRAMENTO, CA 95838	LAY AND TIENG KHAMMOUGKHONE	1108 MURPHY RD OLIVEHURST, CA 95961

**VIOLATION ADDRESS:** 1108 MURPHY RD, OLIVEHURST, CA 95961

**APN:** 013-360-045-000

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

☒ Outdoor cultivation 7.40.300A

☐ Cultivation w/in dwelling 7.40.300B

☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 95

☐ Water source/discharges 7.40.300D

☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E

☐ Active Code case 7.40.300F

☐ Lack of dwelling 7.40.310

☐ Permitted accessory structure 7.40.320A1

☐ Accessory structure w/in setback 7.40.320A2

☐ Use of extension cord(s) 7.40.320A3

☐ Lack of mechanical filtration system 7.40.320A4

☐ Lack of adequate fence around accessory structure (height; security) 7.40.330

☒ Lack of registration 7.40.340

- ☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
- ☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
- ☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
 # of plants: 95
- ☐ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*
- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
  - ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
  - ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
  - ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
  - ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
  - ☐ \_\_\_\_\_
  - ☐ \_\_\_\_\_
  - ☐ \_\_\_\_\_

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property pursuant to the following:

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$9,800.00 per day pursuant to Yuba County Code § 7.40.550 **have begun to accrue** and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

**If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.**

**If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County**

abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

BY PERSONAL SERVICE / CERT #: 7001-1140-0000-5334-2289

DATED: 6/18/15



Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING STATEMENT # 631

CC: LAY KHAMMOUG KHOUNE  
TIENG KHAMMOUGHOUNE  
1108 MURPHY RD  
OLIVEHURST, CA 95601

KHAMPHONE ONEDARA  
2105 VERANO ST  
SACRAMENTO, CA 95838



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billing**

(120-0316) Publi... - 11 of 11

DATE	INVOICE #
6/19/2015	631

**BILL TO:**

Lay & Tieng Khammoughkhoun  
1108 Murphy Road  
Olivehurst, CA 95961

**CASE INFORMATION**

Number: MMJ15-0052  
Officer: C. Monaco  
APN: 013-360-045  
1108 Murphy Road  
Cert: 7001-1140-0000-5334-2289

TERMS	DUE DATE
Net 30	7/19/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
6/18/2015	Notice & Order to Abate	1,470.00		1,470.00
6/18/2015	Admin Penalty 1 Day (6/18/2015)	9,800.00		9,800.00
6/19/2015	CDSA Support Fees (6%)	88.20		88.20
 *Please note: Administrative penalties continue to accrue at a rate of \$9,800.00 per day.				

**FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:**

**Total \$11,358.20**

5 - 30 DAYS PAST DUE = 25%

31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

Attachment C

749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA  
749-5450 • Fax 749-5454HOUSING AND COMMUNITY SERVICES  
749-5460 • Fax 749-5464PLANNING  
749-5470 • Fax 749-5434PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 10128 La Porte Road, Challenge, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On September 11, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by Thouang Syvonsgsa. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owners of record, Syphoum & Many Vongkhoun and their tenant, Thouang Syvonsgsa. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 107 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County

The Order, which includes appeal procedures, was personally served to the tenant and cultivator, Thouang Syvonsgsa, on September 11, 2015. On September 15, 2015 a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owners, Syphoum & Many Vongkhoun, at their Sacramento, California address. A copy of the Order is attached hereto and marked as Attachment C.

On September 25, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and verified that the marijuana had been removed. The Administrative Penalty was stopped on September 14, 2015, based on information provided by Thouang Syvonsgsa.

Neither Syphoum & Many Vongkhoun, nor Thouang Syvonsgsa exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Syphoum & Many Vongkhoun and Thouang Syvonsgsa for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$48,698.60.

Syphoum & Many Vongkhoun and Thouang Syvonsgsa have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0292
	)		
Plaintiff,	)	RE:	10128 La Porte Road
	)		Challenge, CA 95929
vs.	)		
	)	APN:	050-161-006
SYPHOUM VONGKHOUNE	)		
& MANY VONGKNOUNE	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendants.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 050-161-006 is located at 10128 La Porte Road, Challenge, CA 95929, and is owned by Syphoum & Many Vongkhouné.
2. On September 11, 2015, the property owners, Syphoum & Many Vongkhouné and their tenant, Thouang Syvonsgsa, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 107 marijuana plants.
3. On September 25, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and observed that the marijuana had been removed.
4. Neither Syphoum & Many Vongkhouné, nor Thouang Syvonsgsa, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. Neither Syphoum & Many Vongkhouné, nor Thouang Syvonsgsa, took reasonable action to abate the public nuisance as ordered.

6. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
7. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owners, Syphoum & Many Vongkhoun were ( ) were not ( ) present.
  - (c) The tenant, Thouang Syvonsgsa was ( ) was not ( ) present.
8. Syphoum & Many Vongkhoun and Thouang Syvonsgsa were properly served with written notice of this Cost Accounting Hearing.
9. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$48,698.60, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Syphoum & Many Vongkhoun were properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for their property located at 10128 La Porte Road, Challenge, CA, APN 050-161-006, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Syphoum & Many Vongkhoun were unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 050-161-006 were properly incurred in the amount of \$48,698.60 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$48,698.60 shall become a special tax assessment against the property located at 10128 La Porte Road, Challenge, CA, APN 050-161-006.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).



3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0292

APN: 050-161-006

Owners: Syphoum & Many Vongkhoun

Violator: Thouang Syvongsa

Situs: 10128 La Porte Rd, Challenge, CA 95929

Date	Reason for Charge	Hours	Total
9/2/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
9/2/2015	Research Property Status*	0.5	73.50
9/11/2015	Inspection, Two (2) Officers*	2.0	294.00
9/18/2015	In-House Visit*	1.0	147.00
9/25/2015	Inspection, Two (2) Officers, Verify Compliance*	1.0	147.00
10/20/2015	Demand for Payment & Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>5.5</b>	<b>\$ 808.50</b>
9/11/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
9/14/2015	Administrative Penalty, Four Days @ \$11,000.00 Per Day (September 11, 2015 - September 14, 2015)*	PENALTY	44,000.00
10/19/2015	Notice of Non-Compliance*	FEE	147.00
10/19/2015	CDSA Processing Fee, Recording*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	264.60
		<b>Total</b>	<b>\$48,698.60</b>

\*Charges are reflected on unpaid Demand for Payment



# The County Of Yuba

(117-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

Syphoum & Many Vongkhoun  
7741 Frost Way  
Sacramento, CA 95828

Thouang Syvongsa  
1120 Las Palmas Avenue  
Sacramento, CA 95815

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 10128 La Porte Road, Challenge, CA 95929, APN 050-161-006, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

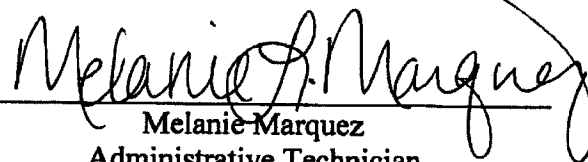
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013-3020-0000-6317-9147 & -9154

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

(117-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15-0292

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
THUANH SYNGSA	SYTHOM AND MARY VONGKHONE
1120 LAS PALMAS AVE SACRAMENTO, CA 95815	7714 FROST WAY SACRAMENTO, CA 95828

VIOLATION ADDRESS: 10128 LA PORTER RD, CHALMERS, CA 95925-9507

APN: 050-161-0210

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ Yuba County Ordinance Code § 7.40.400(A) ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 107
- ☐ Water source/discharges 7.40.300D
- ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☐ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☐ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☒ Lack of registration 7.40.340

☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*

☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 107

☐ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
- ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$11,000.<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 **have begun to accrue** and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative

Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ POSTED PROPERTY

☒ PERSONAL SERVICE

☒ CERTIFIED MAIL 7006 2150 0000 6787 4508

DATED: SEPTEMBER 11, 2015



Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40 , Billing Statement #670

CC: SYPHOUM AND MARY VONKHOUDE  
7714 FROST WAY  
SACRAMENTO, CA 95828

THOUANG SYVONGSA  
1120 LAS PALMAS AVE  
SACRAMENTO, CA 95815



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billin** (117-0316) Publi... - 11 of 11

DATE	INVOICE #
9/14/2015	670

**BILL TO:**

Property Owners:  
Syphoum & Many Vongkhoun  
Tenant/Cultivator:  
Thouang Syvongsa

**CASE INFORMATION**

Number: MMJ15-0292  
Officer: C. Monaco  
APN: 050-161-006  
10128 La Porte Rd, Challenge  
Cert # 7006 2150 0000 6787 4508

TERMS	DUE DATE
Net 30	10/14/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
9/2/2015	Received Complaint, Opened Case	147.00	0.5	73.50
9/2/2015	Research Property Status	147.00	0.5	73.50
9/11/2015	Inspection Two (2) Officers	147.00	2	294.00
9/11/2015	Notice & Order to Abate	1,470.00		1,470.00
9/11/2015	Admin Penalty 1 Day (9/11/2015)	11,000.00		11,000.00
9/11/2015	CDSA Support Fees (6%)	114.66		114.66
	 *Please Note: Administrative Penalty continues to accrue at a rate of \$11,000.00 per day.			

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

**Total \$13,025.66**

5 - 30 DAYS PAST DUE = 25%  
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



119-0316

(119-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 11500 Smith Road, Loma Rica, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On September 8, 2015, pursuant to a Civil Inspection Warrant, authorized and signed by the Honorable Judge Stephen W. Berrier, an inspection of the subject property exposed the illegal cultivation of marijuana by Joshua Shurtz and Stacy Savoca. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, Stacy Savoca and cultivator, Joshua Shurtz. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 39 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Use of extension cords
5. Constructing a building/structure without required construction permits
6. Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles
7. Creating a harborage of vector and vermin by accumulating and storing junk, trash and debris

On September 8, 2015, the Order was posted to the front door of the residence, and on September 9, 2015, a duplicate Order was mailed, both by First Class and Certified with Return



Receipt, to Stacy Savoca and Joshua Shurtz, at the subject property's address. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On September 24, 2015, pursuant to an Inspection and Abatement Warrant authorized and signed by the Honorable Judge Benjamin Wirtschafter, a second inspection of the subject property resulted in the removal and destruction of 39 marijuana plants. Code Enforcement stopped the Administrative Penalty from accruing at that time.

Neither Stacy Savoca, nor Joshua Shurtz exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise their right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Stacy Savoca and Joshua Shurtz for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$87,625.86.

Stacy Savoca and Joshua Shurtz have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts.

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0185
	)		
Plaintiff,	)	RE:	11500 Smith Road
	)		Loma Rica, CA
vs.	)		
	)	APN:	040-270-064
	)		
STACY SAVOCA	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 040-270-064 is located at 11500 Smith Road, Loma Rica, CA 95901, and is owned by Stacy Savoca.
2. September 8, 2015, Stacy Savoca and the cultivator, Joshua Shurtz, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 39 marijuana plants.
3. September 24, 2015, 39 marijuana plants were removed from the property and destroyed by Yuba County Code Enforcement.
4. Neither Stacy Savoca, nor Joshua Shurtz, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. Neither Stacy Savoca, nor Joshua Shurtz, took reasonable action to abate the public nuisance as ordered.

6. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
7. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, Stacy Savoca was ~~X~~ was not ( ) present.
  - (c) The cultivator, Joshua Shurtz was ~~X~~ was not ( ) present.
8. Stacy Savoca and Joshua Shurtz were properly served with written notice of this Cost Accounting Hearing.
9. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$87,625.86 are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Stacy Savoca was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for her property located at 11500 Smith Road, Loma Rica, CA, APN 040-270-064, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Stacy Savoca was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 040-270-064 were properly incurred in the amount of \$87,625.86 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$87,625.86 shall become a special tax assessment against the property located at 11500 Smith Road, Loma Rica, CA, APN 040-270-064.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).

3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 29 day of March 2016, by the following vote:

AYES: Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

NOES: None

ABSENT: None

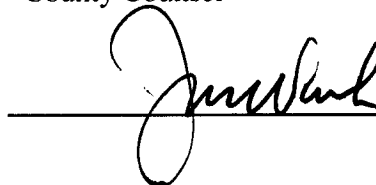
ABSTAIN: None

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

Chairperson of the Board of Supervisors  
County of Yuba, State of California



APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



# YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

(119-0316) Publi... - 6 of 11

Date: March 29, 2016

Case #: MMJ15-0185

APN: 040-270-064

Owner: Stacy Savoca

Violator: Joshua Shurtz

Situs: 11500 Smith Road, Loma Rica, CA 95901

Date	Reason for Charge	Hours	Total
7/17/2015	Received Complaint, Opened Case*	0.25	\$ 36.75
7/21/2015	Research Property Status*	0.25	36.75
7/21/2015	Inspection Request Mailed*	0.25	36.75
7/27/2015	Phone Call*	0.25	36.75
7/30/2015	Phone Call*	0.25	36.75
7/31/2015	Phone Call*	0.25	36.75
8/3/2015	Inspection, Two (2) Officers*	2.0	294.00
8/17/2015	Inspection, Two (2) Officers*	2.0	294.00
8/31/2015	Received Additional Complaint*	0.25	36.75
8/31/2015	Phone Call*	0.25	36.75
9/1/2015	Warrant Prep for Inspection*	3.0	441.00
9/2/2015	Supervisor Case Review*	0.5	73.50
9/2/2015	Research Property Status *	1.0	147.00
9/3/2015	Warrant, Signing by Judge*	1.5	220.50
9/8/2015	Inspection, Three (3) Officers*	3.0	441.00
9/22/2015	Warrant Prep for Abatement*	2.0	294.00
9/24/2015	Abatement Warrant Served, Four (4) Officers*	16.0	2,352.00
9/30/2015	Inspection & Abatement Return Warrant*	1.0	147.00
10/14/2015	Demand for Payment and Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>34.5</b>	<b>\$ 5,071.50</b>
9/8/2015	Notice and Order to Abate Public Nuisance*	FEE	1,470.00
9/21/2015	Notice of Non-Compliance*	FEE	147.00
9/21/2015	CDSA Processing Fee, One Document*	FEE	73.50
9/24/2015	Administrative Penalty, 17 Days @ \$4,600.00 Per Day* (September 8 - 24, 2015, Accrued Daily)	PENALTY	78,200.00
9/24/2015	Marijuana Destruction @ Recology, Ostrom Road*	COST	208.49
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	520.37
		<b>Total</b>	<b>\$ 87,625.86</b>

\*Charges are reflected on unpaid Demand for Payment



# The County Of Yuba

(119-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Stacy Savoca  
Joshua Shurtz  
11500 Smith Road  
Marysville, CA 95901

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 11500 Smith Road, Loma Rica, CA 95901, APN 040-270-064, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

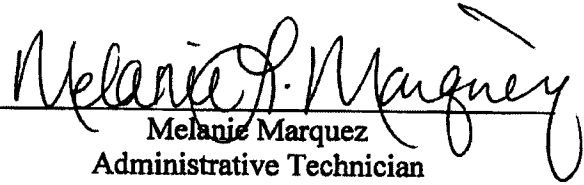
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013 3020 0000 6317 9062

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

(119-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5453

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ 15-0185

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
JOSHUA SHURTZ 11500 SMITH RD MARYSVILLE CA	STACY SAVOCA 11500 SMITH RD MARYSVILLE CA

VIOLATION ADDRESS: 11500 8 SMITH ROAD LOMA RICA CA  
APN: 040-270-064

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

- ☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- ☒ Outdoor cultivation 7.40.300A
  - ☐ Cultivation w/in dwelling 7.40.300B
  - ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 39
  - ☐ Water source/discharges 7.40.300D
  - ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
  - ☐ Active Code case 7.40.300F
  - ☐ Lack of dwelling 7.40.310
  - ☐ Permitted accessory structure 7.40.320A1
  - ☐ Accessory structure w/in setback 7.40.320A2
  - ☒ Use of extension cord(s) 7.40.320A3
  - ☐ Lack of mechanical filtration system 7.40.320A4
  - ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
  - ☒ Lack of registration 7.40.340

- ☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
- ☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
- ☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 39
- ☒ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*
- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
  - ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
  - ☒ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
  - ☒ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
  - ☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
  - ☐
  - ☐
  - ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$4,600.00 per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative



Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**



POSTED PROPERTY



PERSONAL SERVICE



CERTIFIED MAIL 7006 2150 0000 6787 4461

DATED: SEPTEMBER 8, 2015

Tracie Clark

Tracie Clark  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING #667

CC: STACY SAVOCA  
11500 SMITH RD  
MARYSVILLE, CA. 95901

JOSHUA SHURTZ  
11500 SMITH RD  
MARYSVILLE, CA. 95901



**County of Yuba**  
 Code Enforcement Division  
 915 8th Street, Suite 123  
 Marysville, CA 95901  
 Phone: 530.749.5455

**Billing Statement** (119-0316) Publi... - 11 of 11

DATE	INVOICE #
9/9/2015	667

**BILL TO:**  
 Stacy Savoca  
 11500 Smith Road  
 Marysville, CA 95901

**CASE INFORMATION**

Number: MMJ15-0185  
 Officer: T. Clark  
 APN: 040-270-064  
 11500 Smith Road, Loma Rica  
 Cert # 7006 2150 0000 6787 4461

TERMS	DUE DATE
Net 30	10/9/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
7/17/2015	Received Complaint, Opened Case	147.00	0.25	36.75
7/21/2015	Inspection Request Mailed	147.00	0.25	36.75
7/21/2015	Research Property Status	147.00	0.25	36.75
7/27/2015	Phone Call	147.00	0.25	36.75
7/30/2015	Phone Call	147.00	0.25	36.75
7/31/2015	Phone Call	147.00	0.25	36.75
8/3/2015	Inspection Two (2) Officers	147.00	2	294.00
8/17/2015	Inspection Two (2) Officers	147.00	2	294.00
8/31/2015	Received Additional Complaint	147.00	0.25	36.75
8/31/2015	Phone Call	147.00	0.25	36.75
9/1/2015	Warrant Prep for Inspection	147.00	3	441.00
9/2/2015	Supervisor Case Review	147.00	0.5	73.50
9/2/2015	Research Property Status	147.00	1	147.00
9/3/2015	Warrant, Signing by Judge	147.00	1.5	220.50
9/8/2015	Inspection Three (3) Officers	147.00	3	441.00
9/8/2015	Notice & Order to Abate	1,470.00		1,470.00
9/8/2015	Admin Penalty 1 Day (9/8/2015)	4,600.00		4,600.00
9/8/2015	CDSA Support Fees (6%)	220.50		220.50
*Please Note: Administrative Penalty continues to accrue at a rate of \$4,600.00 per day.				
<b>Total</b>				<b>\$8,495.50</b>

**FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:**

5 - 30 DAYS PAST DUE = 25%  
 31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
 REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



121-0316

(121-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 4676 Pacific Avenue, Olivehurst, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On October 6, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by Julio Rodriquez. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, Fahid Ravaid and his tenant, Julio Rodriquez. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 65 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County

The Order, which includes appeal procedures, was personally served to the tenant and cultivator, Julio Rodriguez, and a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owner, Fahid Ravaid, at the subject property's address. A copy of the Order, is attached hereto and marked as Attachment C.

On October 21, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection, verified that the marijuana had been removed, and stopped the Administrative Penalty from accruing at that time.

Neither Fahid Ravaid, nor Julio Rodriquez exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Fahid Ravaid and Julio Rodriquez for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$113,264.86.

Fahid Ravaid and Julio Rodriquez have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0341
	)		
Plaintiff,	)	RE:	4676 Pacific Avenue
	)		Olivehurst, CA
vs.	)		
	)	APN:	013-251-037
FAHID RAVAID	)		
	)		
	)		FINDINGS OF FACT
	)		CONCLUSIONS OF LAW
Defendant.	)		ORDERS OF THE BOARD OF SUPERVISORS

FINDINGS OF FACT

1. Assessor's Parcel # 013-251-037 is located at 4676 Pacific Avenue, Olivehurst, CA 95961, and is owned by Fahid Ravaid.
2. On October 6, 2015, the property owner, Fahid Ravaid and his tenant, Julio Rodriquez, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 65 marijuana plants.
3. On October 21, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and observed that the marijuana had been removed.
4. Neither Fahid Ravaid, nor Julio Rodriquez, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. Neither Fahid Ravaid, nor Julio Rodriquez, took reasonable action to abate the public nuisance as ordered.

6. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
7. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, Fahid Ravaid was ( ) was not ( ) present.
  - (c) The tenant, Julio Rodriquez was ( ) was not ( ) present.
8. Fahid Ravaid and Julio Rodriquez were properly served with written notice of this Cost Accounting Hearing.
9. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$113,264.86, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Fahid Ravaid was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 4676 Pacific Avenue, Olivehurst, CA, APN 013-251-037, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Fahid Ravaid was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 013-251-037 were properly incurred in the amount of \$113,264.86 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$113,264.86 shall become a special tax assessment against the property located at 4676 Pacific Avenue, Olivehurst, CA, APN 013-251-037.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).

3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0341

APN: 013-251-037

Owner: Fahid Ravaid

Violator: Julio Rodriguez

Situs: 4676 Pacific Avenue, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
10/5/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
10/5/2015	Research Property Status*	0.5	73.50
10/6/2015	Inspection*	1.0	147.00
10/9/2015	Phone Call*	0.25	36.75
10/14/2015	In-House Visit / Appeal Submittal*	0.25	36.75
10/21/2015	Inspection, Verify Compliance*	1.0	147.00
11/12/2015	Demand For Payment and Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>4.0</b>	<b>\$ 588.00</b>
10/6/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
10/8/2015	Administrative Penalty, 16 Days @ \$6,800.00 Per Day Accrued Daily, October 6 - 21, 2015	PENALTY	108,800.00
11/12/2015	Notice of Non-Compliance*	FEE	147.00
11/12/2015	CDSA Processing Fee, Recording Doc*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	251.36
		<b>Total</b>	<b>\$113,264.86</b>

\*Charges are reflected on unpaid Demand for Payment





# The County Of Yuba

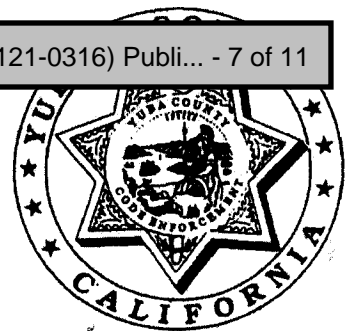
(121-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Fahid Ravaid  
Julio Rodriguez  
4676 Pacific Avenue  
Olivehurst, CA 95961

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 4676 Pacific Avenue, Olivehurst, CA 95961, APN 013-251-037, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

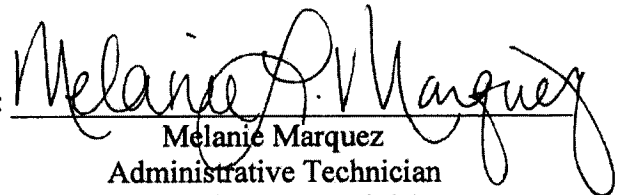
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013 3020 0000 6317 8980

Enclosure: Attachment A, Cost Accounting

BY:

  
Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

(121-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

### NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15-0341

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
JULIO RODRIGUEZ	FAHID KAVAJI
4676 PACIFIC AVENUE OLIVEHURST, CA 95961	4676 PACIFIC AVENUE OLIVEHURST, CA 95961

VIOLATION ADDRESS: 4676 PACIFIC AVE, OLIVEHURST, CA  
APN: 013-251-037

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 65
- ☐ Water source/discharges 7.40.300D
- ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☐ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☐ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☒ Lack of registration 7.40.340

☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*

☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 65

☐ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
- ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$600.<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing, within 10 calendar days of the date of this Notice, solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County

abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.


**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ POSTED PROPERTY

☒ PERSONAL SERVICE / JULIO RODRIGUEZ

☒ CERTIFIED MAIL 7013 3020 0000 6377 8751

DATED: OCTOBER 6, 2015

  
Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING STATEMENT \*688

cc: FAHJD RAVARD  
4676 PACIFIC AVE  
OLIVEHURST, CA 95161

JULIO RODRIGUEZ  
4676 PACIFIC AVE  
OLIVEHURST, CA 95161 Page 3 of 3



**County of Yuba**  
 Code Enforcement Division  
 915 8th Street, Suite 123  
 Marysville, CA 95901  
 Phone: 530.749.5455

**Billing Statement** (121-0316) Publi... - 11 of 11

DATE	INVOICE #
10/6/2015	688

**BILL TO:**  
 Property Owner:  
 Fahid Ravaid  
 Tenant/Cultivator:  
 Julio Rodriguez

**CASE INFORMATION**

Number: MMJ15-0341  
 Officer: T. Clark  
 APN: 013-251-037  
 4676 Pacific Avenue, Olivehurst  
 Cert#: 7013 3020 0000 6317 8751

			TERMS	DUE DATE
			Net 30	11/5/2015
SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
10/5/2015	Received Complaint, Opened Case	147.00		
10/5/2015	Research Property Status	147.00	0.5	73.50
10/6/2015	Inspection	147.00	0.5	73.50
10/6/2015	Notice & Order to Abate	1,470.00	1	147.00
10/6/2015	Admin Penalty 1 Day (10/6/2015)	6,800.00		1,470.00
10/6/2015	CDSA Support Fees (6%)	105.84		6,800.00
				105.84
*Please note: Administrative Penalty continues to accrue at a rate of \$6,800.00 per day.				
			<b>Total</b>	<b>\$8,669.84</b>

**FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
 WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:**

5 - 30 DAYS PAST DUE = 25%  
 31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
 REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
 915 8<sup>th</sup> Street, Suite 123  
 Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



(112-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
 749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
 749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
 749-5460 • Fax 749-5464

**PLANNING**  
 749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
 749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
 749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
 Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 7460 White Fir Lane, Smartsville, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On September 2, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by Glen Hoover. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, Joann E. Gonzales and to the cultivator, Glen Hoover. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of marijuana in violation of Chapter 7.40 of the Yuba County Ordinance Code – 11 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Accumulating and storing of inoperable vehicles
5. Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris

On September 2, 2015, the Order was posted on the property and on September 3, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to both Joann E. Gonzales at her Smartsville address, and to Glen Hoover at the subject address. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On September 3, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection, verified that the marijuana had been removed, and stopped a portion of the Administrative Penalty from accruing. On September 8, 2015, the remaining violations had been corrected and the remaining portion of the Administrative Penalty was stopped at that time.

Neither Joann E. Gonzales, nor Glen Hoover exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Joann E. Gonzales and Glen Hoover for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$7,632.32.

Joann E. Gonzales and Glen Hoover have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0270
	)		
Plaintiff,	)	RE:	7460 White Fir Lane
	)		Smartsville, CA 95977
vs.	)		
	)	APN:	019-060-032
	)		
JOANN E. GONZALES	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 019-060-032 is located at 7460 White Fir Lane, Smartsville, CA 95977, and is owned by Joann E. Gonzales.
2. On September 2, 2015, the property owner, Joann E. Gonzales, and the cultivator, Glen Hoover, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 11 marijuana plants.
3. On September 3, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and observed that the marijuana had been removed, but outstanding violations remained.
4. On September 8, 2015, Code Enforcement Officer Chris Monaco verified the remaining violations had been removed.
5. Neither Joann E. Gonzales, nor Glen Hoover, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.



6. Neither Joann E. Gonzales, nor Glen Hoover, took reasonable action to abate the public nuisance as ordered.
7. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
8. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, Joann E. Gonzales was ( ) was not ( ) present.
  - (c) Glen Hoover was ( ) was not ( ) present.
9. The Joann E. Gonzales and Glen Hoover were properly served with written notice of this Cost Accounting Hearing.
10. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$7,632.32, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Joann E. Gonzales was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 7460 White Fir Lane, Smartsville, CA, APN 019-060-032, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Joann E. Gonzales was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 019-060-032 were properly incurred in the amount of \$7,632.32 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$7,632.32 shall become a special tax assessment against the property located at 7460 White Fir Lane, Smartsville, CA, APN 019-060-032.

2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

# **YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING**

Date: March 29, 2016

Case #: MMJ15-0270

APN: 019-060-032

Owner: Joann E Gonzales

Violator: Glen Hoover

Situs: 7460 White Fir Lane, Smartville, CA 95977

Date	Reason for Charge	Hours	Total
8/27/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
8/27/2015	Research Property Status*	1.0	147.00
8/27/2015	Inspection, Two (2) Officers*	2.0	294.00
9/2/2015	Phone Call*	0.25	36.75
9/3/2015	Phone Call*	0.25	36.75
9/3/2015	Inspection, Two (2) Officers*	2.0	294.00
9/11/2015	Phone Call*	0.5	73.50
10/6/2015	Demand for Payment & Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>7.0</b>	<b>\$ 1,029.00</b>
9/2/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
9/2/2015	Administrative Penalty, One Day @ \$1,500.00 Per Day*	PENALTY	1,500.00
9/8/2015	Administrative Penalty, Accrued Daily @ \$200.00 Per Day (September 3, 2015-September 8, 2015)*	PENALTY	1,200.00
10/6/2015	Notice of Non-Compliance*	FEE	147.00
10/6/2015	CDSA Processing Fee, One Document*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	277.82
		<b>Total</b>	<b>\$ 7,632.32</b>

\*These charges are reflected on unpaid Demand for Payment



# The County Of Yuba

(112-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

Joann E. Gonzales  
P O Box 24  
Smartsville, CA 95977

Glen Hoover  
7460 White Fir Lane  
Smartsville, CA 95977

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 7460 White Fir Lane, Smartsville, CA 95977, APN 019-060-032, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

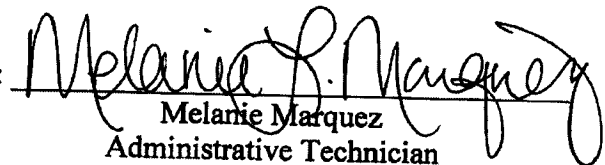
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013-3020-0000-6317-9048 & -9055

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

(112-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJIS-0270

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
GLEN HOOVER	JOANNE GONZALES
7460 WHITE FIR LANE MARYSVILLE, CA 95977	P.O. BOX 24 MARYSVILLE, CA 95977

VIOLATION ADDRESS: 7460 WHITE FIR LN, MARYSVILLE, CA  
APN: 019-0160-032

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ Yuba County Ordinance Code § 7.40.400(A) ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

☒ Outdoor cultivation 7.40.300A

☐ Cultivation w/in dwelling 7.40.300B

☐ Cultivation of more than 12 plants 7.40.300C

NUMBER OF PLANTS: 11

☐ Water source/discharges 7.40.300D

☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E

☐ Active Code case 7.40.300F

☐ Lack of dwelling 7.40.310

☐ Permitted accessory structure 7.40.320A1

☐ Accessory structure w/in setback 7.40.320A2

☐ Use of extension cord(s) 7.40.320A3

☐ Lack of mechanical filtration system 7.40.320A4

☐ Lack of adequate fence around accessory structure (height; security) 7.40.330

☒ Lack of registration 7.40.340

- ☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
- ☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
- ☐ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 11
- ☐ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*
- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
  - ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
  - ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
  - ☒ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
  - ☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
  - ☐
  - ☐
  - ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$1,500.<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative

Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☒ POSTED PROPERTY

☐ PERSONAL SERVICE

☒ CERTIFIED MAIL 7011-0110-0002-5084-9238 \$ 9245

DATED: SEPTEMBER 2, 2015



Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, Billing # 663

CC: JOANN E GONZALES  
P.O. BOX 24  
SMARTSVILLE, CA 95977-0024



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billing Statement** (112-0316) Publi... - 11 of 11

DATE	INVOICE #
9/2/2015	663

**BILL TO:**  
Joann E Gonzales  
P.O. Box 24  
Smartsville, CA 95977

**CASE INFORMATION**

Number: MMJ15-0270  
Officer: C. Monaco  
APN: 019-060-032  
7460 White Fir Lane, Smartsville  
Cert: 7011 0110 0002 5084 9238 & 9245

			TERMS	DUE DATE
			Net 30	10/2/2015
SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
8/27/2015	Received Complaint, Opened Case	147.00	0.5	73.50
8/27/2015	Research Property Status	147.00	1	147.00
8/27/2015	Inspection Two (2) Officers	147.00	2	294.00
9/2/2015	Notice & Order to Abate	1,470.00		1,470.00
9/2/2015	Admin Penalty 1 Day (9/2/2015)	1,500.00		1,500.00
9/2/2015	CDSA Support Fees (6%)	119.07		119.07
*Please note: Administrative Penalty continues to accrue at a rate of \$1,500.00 per day.				
			<b>Total</b>	<b>\$3,603.57</b>

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

5 - 30 DAYS PAST DUE = 25%

31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)



# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



122-0316  
(122-0316) Publi... - 1 of 11

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 4755 Pacific Avenue, Olivehurst, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On August 19, 2015, pursuant to a Civil Inspection Warrant, authorized and signed by the Honorable Judge Debra L. Givens, an inspection of the subject property exposed the illegal cultivation of marijuana by Christopher Daryl Gomes and Ava Hammett. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, Christopher Darryl Gomes and his tenant, Ava Hammett. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 140 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Constructing a building/structure without required construction permits
5. Creating a harborage of vector and vermin by accumulating and storing junk, trash and debris

On August 19, 2015, the Order was personally served to the tenant and co-cultivator, Ava Hammett, and on August 20, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owner, Christopher Darryl Gomes, at the subject

property's address. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On August 31, 2015, a Criminal Search Warrant, authored and executed by the Yuba County Sheriff's Office, resulted in the removal and destruction of 149 marijuana plants – an additional 9 plants more than were observed during the August 19<sup>th</sup> inspection. Code Enforcement stopped the Administrative Penalty from accruing at that time.

Neither the property owner, nor the tenant exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to the property owner and his tenant for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$202,712.62.

Christopher Darryl Gomes and Ava Hammett have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0220
	)		
Plaintiff,	)	RE:	4755 Pacific Avenue
	)		Olivehurst, CA
vs.	)		
	)	APN:	013-202-002
CHRISTOPHER DARRYL	)		
GOMES	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 013-202-002 is located at 4755 Pacific Avenue, Olivehurst, CA 95961, and is owned by Christopher Darryl Gomes.
2. On August 19, 2015, the property owner, Christopher Darryl Gomes and his tenant, Ava Hammett, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 140 marijuana plants.
3. On August 31, 2015, 149 marijuana plants were removed from the property and destroyed by the Yuba County Sheriff's Office.
4. Neither the property owner, Christopher Darryl Gomes, nor his tenant, Ava Hammett, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.
5. Neither the property owner, Christopher Darryl Gomes, nor his tenant, Ava Hammett, took reasonable action to abate the public nuisance as ordered.

6. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
7. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, Christopher Darryl Gomes was ( ) was not ~~(X)~~ present.
  - (c) The Tenant, Ava Hammett was ( ) was not ~~(X)~~ present.
8. The property owner Christopher Darryl Gomes, and his tenant, Ava Hammett, were properly served with written notice of this Cost Accounting Hearing.
9. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$202,712.62, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. Christopher Darryl Gomes was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 4755 Pacific Avenue, Olivehurst, CA, APN 013-202-002, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. Christopher Darryl Gomes was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 013-202-002 were properly incurred in the amount of \$202,712.62 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$202,712.62 shall become a special tax assessment against the property located at 4755 Pacific Avenue, Olivehurst, CA, APN 013-202-002.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the

enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).

3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 29 day of March 2016, by the following vote:

AYES: Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

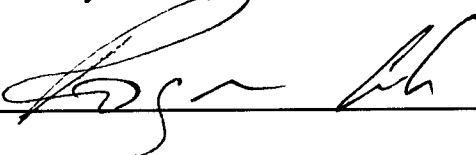
NOES: None

ABSENT: None


ABSTAIN: None

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

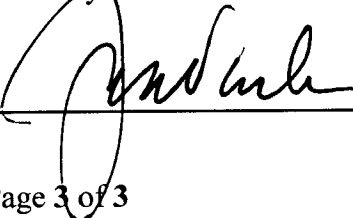


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APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



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## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0220

APN: 013-202-002

Owner: Christopher Darryl Gomes

Violator: Ava Hammett

Situs: 4755 Pacific Avenue, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
8/4/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
8/4/2015	Research Property Status*	0.5	73.50
8/4/2015	Inspection*	0.5	73.50
8/5/2015	Inspection, Two (2) Officers*	1.0	147.00
8/5/2015	Inspection*	0.5	73.50
8/12/2015	Warrant Prep for Inspection*	4.0	588.00
8/14/2015	Warrant, Signing by Judge*	1.0	147.00
8/19/2015	Warrant Executed with YCSO*	3.0	441.00
8/28/2015	Return of Warrant*	1.0	147.00
8/31/2015	Reinspection with YCSO, Two (2) Officers*	4.0	588.00
10/22/2015	Demand for Payment and Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>16.5</b>	<b>\$ 2,425.50</b>
8/19/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
8/31/2015	Administrative Penalty, 13 Days @ \$15,100.00 Per Day* (Accrued Daily: August 19th - 31st, 2015)	PENALTY	196,300.00
8/31/2015	Notice of Non-Compliance*	FEE	147.00
8/31/2015	CDSA Processing Fee, One Document*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	361.62
		<b>Total</b>	<b>\$202,712.62</b>

\*Charges are reflected on unpaid Demand for Payment



# The County Of Yuba

(122-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

Christopher Darryl Gomes  
Ava Hammett  
4755 Pacific Avenue  
Olivehurst, CA 95961

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 4755 Pacific Avenue, Olivehurst, CA 95961, APN 013-202-002, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7012 3050 0001 8932 9985

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT OFFICER FOR THE  
COUNTY OF YUBA

BY: Tracie Clark  
Tracie Clark



# The County Of Yuba

(122-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5453

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ 15-0220

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
AVA HAMMETT CHRISTOPHER GOMES 4755 PACIFIC AVE OLIVEHURST, CA 95961	CHRISTOPHER GOMES 4755 PACIFIC AVE OLIVEHURST, CA 95961

VIOLATION ADDRESS: 4755 PACIFIC AVENUE OLIVEHURST CA 95961  
APN: 013-202-002

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

- ☒ Yuba County Ordinance Code § 7.40.400(A) ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- ☒ Outdoor cultivation 7.40.300A
  - ☐ Cultivation w/in dwelling 7.40.300B
  - ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 140
  - ☒ Water source/discharges 7.40.300D
  - ☒ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
  - ☐ Active Code case 7.40.300F
  - ☐ Lack of dwelling 7.40.310
  - ☒ Permitted accessory structure 7.40.320A1
  - ☒ Accessory structure w/in setback 7.40.320A2
  - ☒ Use of extension cord(s) 7.40.320A3
  - ☒ Lack of mechanical filtration system 7.40.320A4
  - ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
  - ☒ Lack of registration 7.40.340



- ☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
- ☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
- ☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 140
- ☒ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*
- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
  - ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
  - ☒ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
  - ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
  - ☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
  - ☐
  - ☐
  - ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$15,100.<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative

Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ POSTED PROPERTY

☒ PERSONAL SERVICE *AVA HAMMETT*

☒ CERTIFIED MAIL 7011 0110 0002 5084 9160

DATED: *AUGUST 19, 2015*

*Tracie Clark*  
Tracie Clark  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING # 659

CC: *CHRISTOPHER GOMES*  
*4755 PACIFIC AVE*  
*OLIVEHURST, CA 95961*

*AVA HAMMETT / CHRISTOPHER GOMES*  
*4755 PACIFIC AVE, OLIVEHURST, CA 95961*



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Bill** (122-0316) Publi... - 11 of 11

DATE	INVOICE #
8/20/2015	659

BILL TO:  
Christopher Darryl Gomes  
4755 Pacific Avenue  
Olivehurst, CA 95961

**CASE INFORMATION**

Number: MMJ15-0220  
Officer: T. Clark  
APN: 013-202-002  
4755 Pacific Avenue, Olivehurst  
Cert #: 7011 0110 0002 5084 9160

TERMS	DUE DATE
Net 30	9/19/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
8/4/2015	Received Complaint, Opened Case	147.00	0.5	73.50
8/4/2015	Initial Inspection	147.00	0.5	73.50
8/4/2015	Research Property Status	147.00	0.5	73.50
8/5/2015	Inspection Two (2) Officers	147.00	1	147.00
8/5/2015	Inspection	147.00	0.5	73.50
8/12/2015	Warrant Prep for Inspection	147.00	4	588.00
8/14/2015	Warrant, Signing by Judge	147.00	1	147.00
8/19/2015	Warrant Served with YCSO	147.00	3	441.00
8/19/2015	Notice & Order to Abate	1,470.00		1,470.00
8/19/2015	Admin Penalty 1 Day (8/19/2015)	15,100.00		15,100.00
8/19/2015	CDSA Support Fees (6%)	185.22		185.22
*Please Note: Administrative Penalty continues to accrue at a rate of \$15,100.00 per day.				

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

<b>Total</b>	<b>\$18,372.22</b>
--------------	--------------------

5 - 30 DAYS PAST DUE = 25%  
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

Attachment C

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



(115-0316) Publi... - 1 of 11

749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA  
749-5450 • Fax 749-5454

HOUSING AND COMMUNITY SERVICES  
749-5460 • Fax 749-5464

PLANNING  
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 1093 Grand Avenue, Olivehurst, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On October 1, 2015, pursuant to a Civil Inspection Warrant, authorized and signed by the Honorable Judge Stephen W. Berrier, an inspection of the subject property exposed the illegal cultivation of marijuana by Adam Hatcher. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property tenant, Adam Hatcher and David Silva. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 59 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Maintaining a cultivation environment; marijuana cultivation shall not adversely affect the environment or public health, safety, or general welfare by creating dust, odor, smoke or noxious gasses by the use or storage of hazardous materials
5. Use of extension cord(s) in lieu of permanent wiring
6. Constructing a building/structure without required construction permits
7. Creating a harborage of vector and vermin by accumulating and storing junk, trash and debris

On October 1, 2015, the Order was personally served to the tenant and cultivator, Adam Hatcher, and on October 2, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owner, David Silva, at 822 Valle Vista Avenue, Vallejo, CA. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On October 6, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and verified that the marijuana had been removed. The Administrative Penalty was stopped October 1, 2015 based on information provided by Adam Hatcher.

Neither David Silva, nor Adam Hatcher exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise their right to appeal the amount of Administrative Penalty imposed. The Demand for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$12,077.70.

David Silva and Adam Hatcher have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0196
	)		
Plaintiff,	)	RE:	1093 Grand Avenue
	)		West Linda, CA
vs.	)		
	)	APN:	020-270-009
	)		
DAVID SILVA	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 020-270-009 is located at 1093 Grand Avenue, West Linda, CA 95961, and is owned by David Silva.
2. On October 1, 2015, David Silva and cultivator, Adam Hatcher were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 59 marijuana plants.
3. On October 6, 2015, a compliance inspection by Officer Monaco who confirmed that all of the marijuana had been removed.
4. Neither David Silva, nor Adam Hatcher, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise their right to appeal the amount of Administrative Penalty imposed.
5. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.

6. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, David Silva was ( ) was not ☒ present.
  - (c) The tenant, Adam Hatcher was ( ) was not ☒ present.
7. David Silva and Adam Hatcher were properly served with written notice of this Cost Accounting Hearing.
8. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$12,077.70, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. David Silva was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 1093 Grand Avenue, West Linda, CA, APN 020-270-009, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. David Silva was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 020-270-009 were properly incurred in the amount of \$12,077.70 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$12,077.70 shall become a special tax assessment against the property located at 1093 Grand Avenue, West Linda, CA, APN 020-270-009.
2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.

4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 29 day of March 2016, by the following vote:

AYES: Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

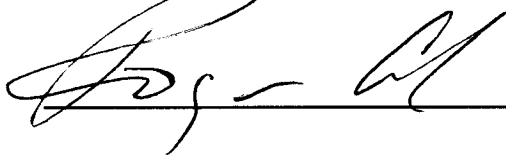

NOES: None

ABSENT: None


ABSTAIN: None

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

  
\_\_\_\_\_



## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0196

APN: 020-270-009

Owner: David Silva

Violator: Adam Hatcher

Situs: 1093 Grand Avenue, West Linda, CA 95961

Date	Reason for Charge	Hours	Total
6/26/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
6/22/2015	Research Property Status*	0.5	73.50
7/22/2015	Inspection Attempted*	0.5	73.50
7/22/2015	Inspection Request Mailed*	0.5	73.50
7/27/2015	Inspection Attempted*	0.5	73.50
7/31/2015	Inspection Attempted, Denied Access*	1.0	147.00
7/31/2015	Inspection Request Mailed*	0.5	73.50
8/17/2015	Inspection Request Mailed*	0.5	73.50
9/30/2015	Warrant Prep for Inspection*	3.0	441.00
10/1/2015	Inspection, Two (2) Officers*	2.0	294.00
10/6/2015	Inspection, Verify Compliance*	0.5	73.50
10/8/2015	Demand for Payment & Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>10.5</b>	<b>\$ 1,543.50</b>
10/1/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
10/1/2015	Administrative Penalty, One Day @ \$6,600.00 Per Day*	PENALTY	6,600.00
10/8/2015	Notice of Non-Compliance*	FEE	147.00
10/8/2015	CDSA Processing Fee, One Document*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	308.70
		<b>Total</b>	<b>\$12,077.70</b>

\*Charges reflected on unpaid Demand for Payment



# The County Of Yuba

(115-0316) Publi... - 7 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

David Silva  
822 Valle Vista Avenue  
Vallejo, CA 94590

Adam Hatcher  
1093 Grand Avenue  
Olivehurst, CA 95961

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 1093 Grand Avenue, Olivehurst, CA 95961, APN 020-270-009, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013-3020-0000-6317-9116 & -9123

Enclosure: Attachment A, Cost Accounting

BY: Melanie J. Marquez  
Melanie Marquez  
Administrative Technician  
Code Enforcement Division

Attachment B



# The County Of Yuba

(115-0316) Publi... - 8 of 11

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ 15.09u

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
ADAM HATCHEL	DAVID SILVA
1093 GRAND AVE WEST LINDA, CA 95901	822 VALLE VISTA AVE VALEJO, CA 94590

**VIOLATION ADDRESS:** 1093 GRAND AVE, W. LINDA, CA  
**APN:** 020.270.009

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 59
- ☐ Water source/discharges 7.40.300D
- ☒ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☐ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☒ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☒ Lack of registration 7.40.340

☒ Yuba County Ordinance Code § 7.40.340 *The cultivation of marijuana without first registering the cultivation and paying the required fee.*

☐ Yuba County Ordinance Code § 7.40.400(B) *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ Yuba County Ordinance Code § 7.40.400(E) *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 59

☒ Yuba County Ordinance Code § 7.40.400(G) *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use

☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20

☒ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05

☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35

☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36

☐

☐

☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$1,600.00 <sup>per day</sup> pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing, within 10 calendar days of the date of this Notice, solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County

abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ POSTED PROPERTY

☒ PERSONAL SERVICE ADAM HATCHER

☒ CERTIFIED MAIL 7013 3020 0000 6317 8706

DATED: OCTOBER 1, 2015



Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING STATEMENT (\*685)

cc: DAVID SILVA  
822 VALLE VISTA AVE  
VALLEJO, CA 94590.3543

ADAM HATCHER  
1093 GRAND AVE  
LI. LINDA, CA 95661



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billing Statement** (115-0316) Publi... - 11 of 11

DATE	INVOICE #
10/2/2015	685

**BILL TO:**  
**Property Owner:**  
David Silva  
**Tenant/Cultivator:**  
Adam Hatcher

**CASE INFORMATION**

Number: MMJ15-0196  
Officer: C. Monaco  
APN: 020-270-009  
1093 Grand Ave, West Linda  
Cert # 7013 3020 0000 6317 8706

TERMS	DUE DATE
Net 30	11/1/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
6/26/2015	Received Complaint, Opened Case	147.00	0.5	73.50
6/22/2015	Research Property Status	147.00	0.5	73.50
7/22/2015	Inspection Attempted	147.00	0.5	73.50
7/22/2015	Inspection Request Mailed	147.00	0.5	73.50
7/27/2015	Inspection Attempted	147.00	0.5	73.50
7/31/2015	Inspection Attempted; Denied	147.00	1	147.00
7/31/2015	Inspection Request Mailed	147.00	0.5	73.50
8/17/2015	Inspection Request Mailed	147.00	0.5	73.50
9/30/2015	Warrant Prep for Inspection	147.00	3	441.00
10/1/2015	Inspection Two (2) Officers	147.00	2	294.00
10/1/2015	Notice & Order to Abate	1,470.00		1,470.00
10/1/2015	Admin Penalty 1 Day (10/1/2015)	6,600.00		6,600.00
10/2/2015	CDSA Support Fees (6%)	171.99		171.99
*Please Note: Administrative Penalty continues to accrue at a rate of \$6,600.00 per day.				

**FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:**

**Total \$9,638.49**

5 - 30 DAYS PAST DUE = 25%  
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

Attachment C

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



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749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA  
749-5450 • Fax 749-5454

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FINANCE AND ADMINISTRATION  
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**DATE:** March 29, 2016  
**TO:** Yuba County Board of Supervisors  
**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
**SUBJECT:** Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 1490 Dodson Avenue, Linda, CA and to Authorize a Special Tax Assessment and Abatement Lien

**RECOMMENDATION:** I hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the costs exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that an Abatement Lien be recorded with the County Recorder

**BACKGROUND:** On July 13, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by Joseph Wayne Teasley. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner of record, The Estate of Lee E. Jacobs and the cultivator, Joseph Wayne Teasley. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 8 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris
5. Accumulation and storage of abandoned wrecked or dismantled vehicles

The Order, which includes appeal procedures, was personally served to Joseph Wayne Teasley, and a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to The Estate of Lee E. Jacobs at the address on file. A copy of the Order, is attached hereto and marked as Attachment C.

On July 17, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection, verified that the marijuana had been removed, and stopped a portion of the Administrative Penalty from accruing. On July 24, 2015, a second compliance was performed, which verified the remaining violations had been corrected and the remaining portion of the Administrative Penalty was stopped at that time.

Neither The Estate of Lee E. Jacobs, nor Joseph Wayne Teasley exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to The Estate of Lee E. Jacobs and Joseph Wayne Teasley for enforcement costs and penalties remains unpaid. Attached hereto and marked as Attachment A is the current accounting of those enforcement costs and penalties, the total now being \$10,342.78.

The Estate of Lee E. Jacobs and Joseph Wayne Teasley have been given written notice of this Accounting Hearing, a copy of which is attached hereto and marked as Attachment B.

**DISCUSSION:** The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. The questions before the Board of Supervisors are expressly limited to:

1. Are the enforcement costs and penalties listed in Attachment A, accurate and reasonable?
2. Should the enforcement costs and penalties become a special property tax assessment?
3. Should an Abatement Lien be recorded?

**COMMITTEE ACTION:** None Required

**FISCAL IMPACT:** Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts



COST ACCOUNTING HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0151
	)		
Plaintiff,	)	RE:	1490 Dodson Avenue
	)		Linda, CA 95901
vs.	)		
	)	APN:	021-270-038
THE ESTATE OF LEE E.	)		
JACOBS	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 021-270-038 is located at 1490 Dodson Avenue, Linda, CA 95901, and is owned by The Estate of Lee E. Jacobs.
2. On July 13, 2015, the property owner, The Estate of Lee E. Jacobs, and the cultivator, Joseph Wayne Teasley, were properly served with a Notice and Order to Abate Public Nuisance. The Notice and Order to Abate Public Nuisance required the immediate removal of 8 marijuana plants.
3. On July 17, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and observed that the marijuana had been removed, but outstanding violations remained.
4. On July 24, 2015, Code Enforcement Officer Chris Monaco performed a second compliance inspection and verified the remaining violations had been removed.
5. Neither The Estate of Lee E. Jacobs, nor Joseph Wayne Teasley, exercised their right to a hearing to contest the determination of a public nuisance, nor did they exercise the right to appeal the amount of Administrative Penalty imposed.

6. Neither The Estate of Lee E. Jacobs, nor Joseph Wayne Teasley, took reasonable action to abate the public nuisance as ordered.
7. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
8. A public Cost Accounting Hearing was held on March 29, 2016, to determine if the enforcement costs and Administrative Penalty imposed are accurate and reasonable.
  - (a) A two-page memorandum that included three attachments, marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) along with a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
  - (b) The owner, The Estate of Lee E. Jacobs was ( ) was not ~~(X)~~ present.
  - (c) Joseph Wayne Teasley was ( ) was not ~~(X)~~ present.
9. The Estate of Lee E. Jacobs and Joseph Wayne Teasley were properly served with written notice of this Cost Accounting Hearing.
10. Jeremy Strang, Code Enforcement Division Manager, sustained the burden of proof showing that the enforcement costs and penalties exhibited in Attachment A in the amount of \$10,342.78, are accurate and reasonable.

#### CONCLUSIONS OF LAW

1. The Estate of Lee E. Jacobs was properly notified to appear before the Board of Supervisors on March 29, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 1490 Dodson Avenue, Linda, CA, APN 021-270-038, are not accurate and reasonable, and should not become a special tax assessment against the property and why a Notice of Abatement Lien should not be recorded.
2. The Estate of Lee E. Jacobs was unable to discredit the testimony and evidence presented in order to persuade the Board of Supervisor that the enforcement costs and penalties were not accurate and reasonable, and therefore the enforcement costs and penalties regarding APN 021-270-038 were properly incurred in the amount of \$10,342.78 and the property and its owner shall bear the costs of same.

#### ORDERS

1. It is hereby ordered that the enforcement costs and penalties to date incurred by the County of Yuba in the amount of \$10,342.78 shall become a special tax assessment against the property located at 1490 Dodson Avenue, Linda, CA, APN 021-270-038.

2. It is hereby ordered that the enforcement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of the enforcement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 29 day of March 2016, by the following vote:

AYES: Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

NOES: None

ABSENT: None

ABSTAIN: None

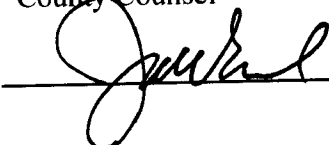
ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

  
\_\_\_\_\_

Chairperson of the Board of Supervisors  
County of Yuba, State of California

  
\_\_\_\_\_

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

  
\_\_\_\_\_

## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: March 29, 2016

Case #: MMJ15-0151

APN: 021-270-038

Owner: The Estate of Lee E Jacobs

Violator: Joseph Teasley

Situs: 1490 Dodson Avenue, Linda, CA 95901

Date	Reason for Charge	Hours	Total
7/7/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
7/10/2015	Research Property Status*	1.0	147.00
7/10/2015	Initial Inspection*	0.5	73.50
7/13/2015	Inspection*	2.0	294.00
8/13/2015	Demand For Payment and Cover Letter*	0.5	73.50
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>4.5</b>	<b>\$ 661.50</b>
7/13/2015	Notice and Order to Abate Public Nuisance*	FEE	1,470.00
7/17/2015	Administrative Penalty, 4 Days @ \$1,300.00 Per Day*	PENALTY	5,200.00
7/23/2015	Administrative Penalty, 6 Days @ \$100.00 Per Day*	PENALTY	600.00
7/23/2015	Notice of Non-Compliance*	FEE	147.00
7/23/2015	CDSA Processing Fee, One Document*	FEE	73.50
3/29/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
3/29/2016	Release of Abatement Lien	FEE	147.00
3/29/2016	Notice of Compliance	FEE	147.00
3/29/2016	CDSA Processing Fee, Two Documents	FEE	147.00
3/29/2016	Recordation Fee, Two Documents	COST	24.00
3/29/2016	CDSA Support Fee (6%)	FEE	255.78
		<b>Total</b>	<b>\$10,342.78</b>

\*Fees are reflected on unpaid Demand for Payment



# The County Of Yuba

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Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

The Estate of Lee E. Jacobs  
3951 Newcomb Avenue  
Pahrump, NV 89048

Joseph Wayne Teasley  
1490 Dodson Avenue  
Marysville, CA 95901

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on March 29, 2016, at the hour of 8:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the enforcement costs and penalties for the property located at 1490 Dodson Avenue, Linda, APN 021-270-038, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

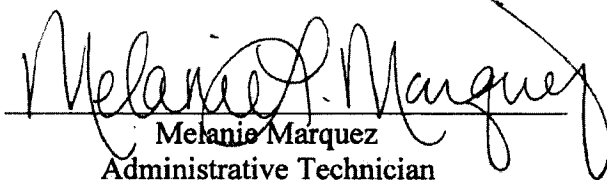
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

Dated: March 8, 2016

Certified Mail # 7013 3020 0000 6317 8997 & 9000

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez  
Administrative Technician  
Code Enforcement Division



# The County Of Yuba

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Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



915 8th Street, Suite 123, Marysville, California 95901

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15.0151

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
JOSEPH WAYNE TEASLEY	LEE E JACOBS
1490 DODSON AVE MARYSVILLE, CA 95901	3951 NEWCOMB AVE RAHRAMP, NV 89048-8131

**VIOLATION ADDRESS:** 1490 DODSON AVE, MARYSVILLE, CA 95901

**APN:** 021-270-038

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☐ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS:
- ☐ Water source/discharges 7.40.300D
- ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☐ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☐ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☒ Lack of registration 7.40.340

- ☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
- ☐ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
- ☐ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: \_\_\_\_\_
- ☒ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*
- ☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
  - ☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
  - ☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
  - ☒ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
  - ☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
  - ☐ \_\_\_\_\_
  - ☐ \_\_\_\_\_
  - ☐ \_\_\_\_\_

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$ 1,300.<sup>00</sup> per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative

Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ POSTED PROPERTY

☒ PERSONAL SERVICE

☒ CERTIFIED MAIL 7013 3020 0000 6318 0938

DATED: JULY 13, 2015



Chris Monaco  
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40 , BILLING STATEMENT # 640

CC: LEE E JACOBS  
3951 NEWCOMB AVE  
PAHRUMP, NV 89048-8131  
ANGIE BENAVIDEZ  
1490 DODSON AVE  
MARYSVILLE, CA 95901





**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

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**Billing Statement**

DATE	INVOICE #
7/13/2015	640

**BILL TO:**  
The Estate of Lee E Jacobs  
3951 Newcomb Avenue  
Pahrump NV 89048

**CASE INFORMATION**

Number: MMJ15-0151  
Officer: C. Monaco  
APN: 021-270-038  
1490 Dodson Ave  
Cert # 7013 3020 0000 6318 0938

			TERMS	DUE DATE
			Net 30	8/12/2015
SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
7/7/2015	Received Complaint, Opened Case	147.00	0.5	73.50
7/10/2015	Research Property Status	147.00	1	147.00
7/10/2015	Initial Inspection	147.00	0.5	73.50
7/13/2015	Inspection	147.00	2	294.00
7/13/2015	Notice & Order to Abate	1,470.00		1,470.00
7/13/2015	Admin Penalty 1 Day (7/13/2015)	1,300.00		1,300.00
7/13/2015	CDSA Support Fees (6%)	123.48		123.48
 *Please Note: Administrative Penalty continues to accrue at a rate of \$1,300.00 per day.				
			<b>Total</b>	<b>\$3,481.48</b>

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

5 - 30 DAYS PAST DUE = 25%  
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)