

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 8th Street, Marysville and 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.

APRIL 12, 2016

- I. **9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS SPECIAL MEETING**
- II. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Griego
- III. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- IV. **COST ACCOUNTING HEARINGS: If a party to a hearing before the Yuba County Board of Supervisors seeks to challenge in court a decision of the Board, pursuant to Yuba County Ordinance Code §1.16.070 and California Code of Civil Procedure §1094.6, any application for judicial review of such decision must be filed in the appropriate court not later than the 90th day following the date on which the Board decision was made.**
 - A. (116-0316) Hold 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) (Continued from April 12, 2016)
 - B. (113-0316) Hold 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)(Continued from April 12, 2016)
 - C. (148-0416) Hold 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 \$6,398.60 and the recording of a lien regarding 1086 Murphy Road, Olivehurst, CA 95961, Roberto Martinez Sanchez. (Roll call vote) (Ten minutes)
 - D. (149-0416) Hold 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 \$9,439.94 and the recording of a lien regarding 6482 Marysville Road, Browns Valley, CA 95918, Dustin Parsons. (Roll call vote) (Ten minutes)
 - E. (150-0416) Hold 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 \$15,871.28 and the recording of a lien regarding 9248 Spring Valley Road, Marysville, CA 95901, Charles M. and Maurine L. Harrold.. (Roll call vote) (Ten minutes)
 - F. (151-0416) Hold 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 \$18,015.46, and the recording of a lien regarding 15314 Burch Lane, Brownsville, CA 95919, Angela D. Stroming, Austin T. Stroming and William B. Stonecipher. (Roll call vote) (Ten minutes)
 - G. (152-0416) Hold 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 \$87,742.78 and the recording of a lien regarding 8228 Betty Lane, Brownsville, CA 95919, Nqoua Yang. (Roll call vote) (Ten minutes)
 - H. (153-0416) Hold 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 \$105,441.41 and the recording of a lien regarding 1791 East Eleventh Avenue, Olivehurst, CA 95961, owned by Diane Stanaland. (Roll call vote) (Ten minutes)

- I. [\(154-0416\) Hold 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 \\$462,954.42 and the recording of a lien regarding 9943 Camper Lane, Brownsville, CA 95919, Rufus M. and AE Sun Monts. \(Roll call vote\) \(Ten minutes\)](#)

V. **CLOSED SESSION**

- A. Pending litigation pursuant to Government Code 54956.9(d)(1) - Marez vs. State of California et. al.

VI. **ADJOURN**

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 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



116-0316
(116-0316) Hold ... - 1 of 12

CODE ENFORCEMENT
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ENVIRONMENTAL HEALTH • CUPA
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PUBLIC WORKS • SURVEYOR
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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 90th 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 30th 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
	Total Staff Hours at \$147.00 per Hour	2.25	\$ 330.75
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
		Total	\$14,492.18

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

(116-0316) Hold ... - 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) Hold ... - 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**

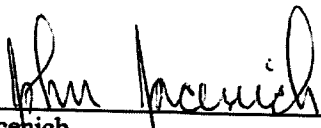
☐ **PERSONAL SERVICE**

☒ **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) Hold ... - 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
	Total Staff Hours at \$147.00 per Hour	2.25	\$ 330.75
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
		Total	\$12,442.53

Remit payment & make payable to: CDSA

Attention: Accounts Receivable

Phone: (530)749-5455

Address: 915 8th 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 8th Street, Suite 123

Marysville, California 95901

www.co.yuba.ca.us



113-0316

(113-0316) Hold ... - 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)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	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 90th 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 30th 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:

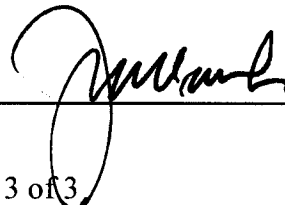
ABSENT:

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
	Total Staff Hours at \$147.00 per Hour	7.25	\$ 1,065.75
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
		Total	\$ 8,271.28

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

(113-0316) Hold ... - 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 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 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.

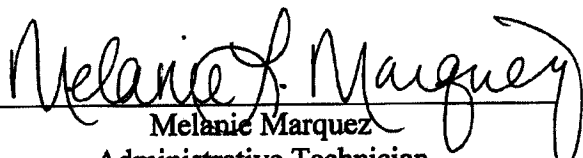
At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

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) Hold ... - 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 \$ 3,300⁰⁰ 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 CONTENTS 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) Hold ... - 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 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



(148-0416) Hold ... - 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: April 12, 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 1086 Murphy Rd, 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 17, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by the property owner Roberto Martinez Sanchez. A Notice and Order to Abate Public Nuisance [Order] was personally served to the property owner of record, Roberto Martinez Sanchez. 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 – 14 plants
2. Cultivating outdoors and not within an approved accessory structure

On August 17, 2015, Code Enforcement Officer Chris Monaco verified that the marijuana had been removed, and stopped the Administrative Penalty from accruing.

On August 18, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to Roberto Sanchez Martinez. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

Roberto Martinez Sanchez failed to exercise his right to a hearing to contest the determination of a public nuisance, nor did he exercise the right to appeal the amount of Administrative Penalty imposed. The Demand for Payment sent to Roberto Martinez Sanchez 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 \$6,398.60.

Roberto Martinez Sanchez 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 determination 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.	MMJ15-0041
)		
Plaintiff,	)	RE:	1086 Murphy Rd
	)		Olivehurst, CA 95961
vs.)		
	)	APN:	013-360-007
ROBERTO MARTINEZ)		
SANCHEZ)		
)		
Defendant.)		

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

FINDINGS OF FACT

1. Assessor's Parcel #013-360-007 is located at 1086 Murphy Road, Olivehurst, CA 95961, and is owned by Roberto Martinez Sanchez.
2. On August 17, 2015, the property owner and cultivator, Roberto Martinez Sanchez, 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 14 marijuana plants.
3. On August 17, 2015, Code Enforcement Officer Chris Monaco verified that the marijuana had been removed, and stopped the Administrative Penalty from accruing.
4. Roberto Martinez Sanchez did not exercise his right to a hearing to contest the determination of a public nuisance, nor did he 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 April 12, 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, Roberto Martinez Sanchez was () was not () present.
7. Roberto Martinez Sanchez 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 \$6,398.60 are accurate and reasonable.

CONCLUSIONS OF LAW

1. Roberto Martinez Sanchez was properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 1086 Murphy Road, Olivehurst, CA, APN 013-360-007, 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. Roberto Martinez Sanchez 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 013-360-007 were properly incurred in the amount of \$6,398.60 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 \$6,398.60 shall become a special tax assessment against the property located at 1086 Murphy Road, Olivehurst, CA, APN 013-360-007.
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 90th 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 30th 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:

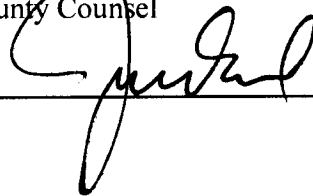
ABSENT:

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: April 12, 2016

Case #: MMJ15-0041

APN: 013-360-007

Owner: Roberto Martinez Sanchez

Situs: 1086 Murphy Road, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
6/5/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
6/5/2015	Research Property Status*	1.0	147.00
6/11/2015	Initial Inspection*	1.0	147.00
6/19/2015	Inspection, Two (2) Officers*	2.0	294.00
8/17/2015	Reinspection*	1.0	147.00
	Total Staff Hours at \$147.00 per Hour	5.5	\$ 808.50
8/17/2015	Notice and Order to Abate Public Nuisance*	FEE	1,470.00
8/17/2015	Administrative Penalty, One Day @ \$1,700.00 Per Day*	PENALTY	1,700.00
10/19/2015	Notice of Non-Compliance	FEE	147.00
10/19/2015	CDSA Processing Fee, One Document	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
4/12/2016	Release of Abatement Lien	FEE	147.00
4/12/2016	Notice of Compliance	FEE	147.00
4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recordation Fee, Two Documents	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	264.60
		Total	\$ 6,398.60

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616

(148-0416) Hold ... - 7 of 12



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

Roberto Martinez Sanchez
1086 Murphy 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 8th Street, Marysville, California, in the Board of Supervisors Chambers, on April 12, 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 1086 Murphy Road, Olivehurst, CA 95961, APN 013-360-007, 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.

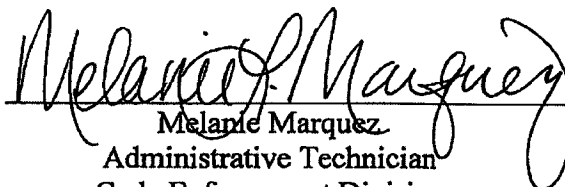
At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

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 23, 2016

Certified Mail # 7013 3020 0000 6317 9178

Enclosure: Attachment A, Cost Accounting

BY: 
Melanie Marquez
Administrative Technician
Code Enforcement Division



The County Of Yuba

(148-0416) Hold ... - 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

MMJ15-0041

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
ROBERTO MARTINEZ SANCHEZ	ROBERTO MARTINEZ SANCHEZ
1086 MURPHY RD OLIVEHURST, CA 95961	1086 MURPHY RD, OLIVEHURST, CA 95961

VIOLATION ADDRESS: 1086 MURPHY RD, OLIVEHURST, CA

APN: 013-360-007

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: 14**

☐ 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: 14

☐ **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 \$ 1,700.00 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** 7011 0110 0002 5084 9078

DATED: AUGUST 17, 2015



Chris Monaco
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40

CC:



The County Of Yuba

(148-0416) Hold ... - 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

August 18, 2015

Roberto Martinez Sanchez
1086 Murphy Road
Olivehurst, CA 95961

RE: 1086 Murphy Road, Olivehurst, CA 95961
APN: 013-360-007

Dear Property Owner,

This letter serves to inform you that the violations described in the official Notice and Order to Abate (MMJ15-0041) dated August 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 \$4,115.21, 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 (Billing # 655)
Notice and Order to Abate Public Nuisance (MMJ15-0041)

**YUBA COUNTY CODE ENFORCEMENT
DEMAND FOR PAYMENT
Billing # 655**

Date: August 18, 2015 Due Date: September 17, 2015

Case #: MMJ15-0041 APN: 013-360-007

Owner: Roberto Martinez Sanchez
Situs: 1086 Murphy Road, Olivehurst, CA 95961

Certified #: 7011 0110 0002 5084 9078

Date	Reason for Charge	Hours	Total
6/5/2015	Received Complaint, Opened Case	0.5	\$ 73.50
6/5/2015	Research Property Status	1.0	147.00
6/11/2015	Initial Inspection	1.0	147.00
6/19/2015	Inspection, Two (2) Officers	2.0	294.00
8/17/2015	Reinspection	1.0	147.00
	Total Staff Hours at \$147.00 per Hour	5.5	\$ 808.50
8/17/2015	Notice and Order to Abate Public Nuisance	FEE	1,470.00
8/17/2015	Administrative Penalty, One Day @ \$1,700.00 Per Day	PENALTY	1,700.00
8/17/2015	CDSA Support Fee (6%)	FEE	136.71
		Total	\$ 4,115.21

Remit payment & make payable to: CDSA
Attention: Accounts Receivable
Phone: (530)749-5455 Address: 915 8th 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 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



(149-0416) Hold ... - 1 of 14

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: April 12, 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 6482 Marysville Road, Browns 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 25, 2015, pursuant to a Civil Inspection Warrant, authorized and signed by the Honorable Judge Benjamin Wirtschafter, an inspection of the subject property exposed the illegal cultivation of marijuana by Dustin Parsons. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the property owner, Dustin Parsons. 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 – 26 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Use of extension cord(s) in lieu of permanent wiring
5. Constructing a building/structure without required construction permits
6. Emplacement and occupancy of a recreational vehicle as a place of human habitation

On September 25, 2015, Dustin Parsons was served with the Order by posting the property, and on September 29, 2015, a duplicate order was mailed by First Class and Certified with Return Receipt to Dustin Parsons at his Marysville, CA address. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On September 28, 2015, Code Enforcement Officer Chris Monaco performed a compliance inspection and verified that the marijuana had been removed. The Administrative Penalty was stopped September 25, 2015 based on information provided by Dustin Parsons.

Dustin Parsons 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 \$9,439.94.

Dustin Parsons 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 determination 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.	MMJ15-0133
)		
Plaintiff,	)	RE:	6482 Marysville Road
	)		Browns Valley, CA
vs.)		
	)	APN:	044-270-022
)		
DUSTIN PARSONS)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 044-270-022 is located at 6482 Marysville Road, Browns Valley, CA, and is owned by Dustin Parsons.
2. On September 25, 2015, the property owner, Dustin Parsons 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 26 marijuana plants.
3. On September 28, 2015, a compliance inspection by Officer Monaco who confirmed that all of the marijuana had been removed.
4. Dustin Parsons 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 April 12, 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, Dustin Parsons was () was not () present.
7. Dustin Parsons 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 \$9,439.94, are accurate and reasonable.

CONCLUSIONS OF LAW

1. Dustin Parsons was properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 6482 Marysville Road, Browns Valley, CA, APN 044-270-022, 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. Dustin Parsons 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 044-270-022 were properly incurred in the amount of \$9,439.94 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 \$9,439.94 shall become a special tax assessment against the property located at 6482 Marysville Road, Browns Valley, CA, APN 044-270-022.
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 90th 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 30th 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:

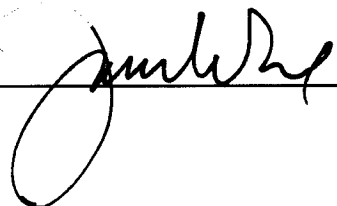
ABSENT:

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: April 12, 2016

Case #: MMJ15-0133

APN: 044-270-022

Owner: Dustin Parsons

Situs: 6482 Marysville Road, Browns Valley, CA 95918

Date	Reason for Charge	Hours	Total
6/29/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
6/29/2015	Research Property Status*	0.5	73.50
6/30/2015	Attempted Inspection, Four (4) Officers*	2.0	294.00
6/30/2015	Inspection Request Mailed*	0.5	73.50
9/23/2015	Warrant Prep for Inspection*	3.0	441.00
9/25/2015	Phone Call*	0.25	36.75
9/25/2015	Inspection, Two (2) Officers*	4.0	588.00
9/28/2015	Inspection*	1.5	220.50
9/29/2015	Demand for Payment & Cover Letter*	0.5	73.50
9/30/2015	Return of Warrant	2.0	294.00
	Total Staff Hours at \$147.00 per Hour	14.75	\$ 2,168.25
9/25/2015	Notice and Order to Abate Public Nuisance*	FEE	1,470.00
9/25/2015	Administrative Penalty, One Day @ \$3,300.00 Per Day*	PENALTY	3,300.00
3/1/2016	Notice of Non-Compliance	FEE	147.00
3/1/2016	CDSA Processing Fee, One Document	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
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4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recordation Fee, Two Documents	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	346.19
		Total	\$ 9,439.94

*Fees are reflected on unpaid Demand for Payment



The County Of Yuba

(149-0416) Hold ... - 7 of 14

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



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

Dustin Parsons
1629 Yuba Street
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 April 12, 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 6482 Marysville Road, Browns Valley, CA 95918, APN 044-270-022, 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.

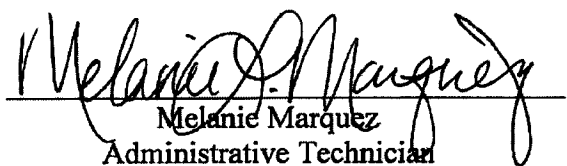
At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

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 23, 2016

Certified Mail # 7013 3020 0000 6317 9260

Enclosure: Attachment A, Cost Accounting

BY: 
Melanie Marquez
Administrative Technician
Code Enforcement Division



The County Of Yuba

(149-0416) Hold ... - 8 of 14

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

MMJ15-0133

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
DUSTIN PARSONS 16482 MARYSVILLE RD. BROWNS VALLEY, CA 95918	DUSTIN PARSONS 16482 YUBA ST MARYSVILLE, CA 95901

*CULTIVATORS CONTINUED
ON BACK PAGE

VIOLATION ADDRESS: 6482 MARYSVILLE RD, BROWNS VALLEY, CA

APN:

044-270-022

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: 26
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 - ☐ 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.*

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

of plants: 26

☒ 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 \$3,300.⁰⁰ 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.

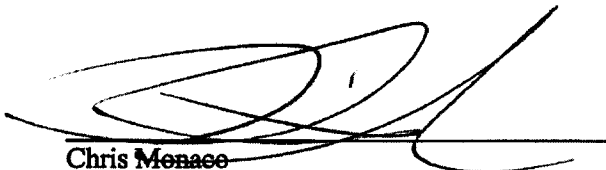
IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE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

☒ POSTED PROPERTY

☒ PERSONAL SERVICE KENNETH SCHLES

☒ CERTIFIED MAIL 7013 3020 0000 6318 0822

DATED: SEPTEMBER 25, 2015



Chris Menace
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, Demand for Payment (Billing #678)

CC: DUSTIN LEVI PARSONS
1627 YUBA ST
MARYSVILLE, CA 95901

CULTIVATORS (see list)
6482 Marysville Rd
Browns Valley, CA 95918

CULTIVATORS CONTINUED:

MEGAN MARIE TENALSO
MICHELLE PARSONS
AMANDA LAMBERSON
KENNETH SCHIES
VICHJE A. PARSONS
DEBORAH ANN MITCHELL
RIAN KELLEY WOODS



The County Of Yuba

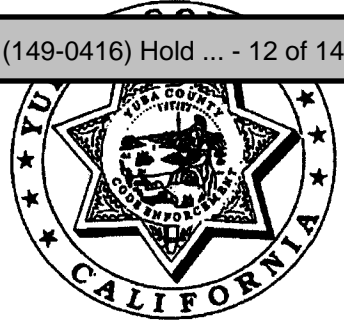
Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616

(149-0416) Hold ... - 12 of 14



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

September 29, 2015

Dustin Parsons
1629 Yuba Street
Marysville, CA 95901

RE: 6482 Marysville Road, Browns Valley, CA 95918
APN: 044-270-022

Dear Property Owner,

This letter serves to inform you that the violations described in the official Notice and Order to Abate (MMJ15-0133) dated September 25, 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 \$6,844.91, 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 (Billing #678)
Notice & Order to Abate Public Nuisance (MMJ15-0133)

**YUBA COUNTY CODE ENFORCEMENT
DEMAND FOR PAYMENT
Billing # 678**

Date: September 29, 2015 Due Date: October 29, 2015

Case #: MMJ15-0133 APN: 044-270-022

Owner: Dustin Parsons
Situs: 6482 Marysville Road, Browns Valley, CA 95918

Certified #: 7013 3020 0000 6318 0822

Date	Reason for Charge	Hours	Total
6/29/2015	Received Complaint, Opened Case	0.5	\$ 73.50
6/29/2015	Research Property Status	0.5	73.50
6/30/2015	Attempted Inspection, Four (4) Officers	2.0	294.00
6/30/2015	Inspection Request Mailed	0.5	73.50
9/23/2015	Warrant Prep for Inspection	3.0	441.00
9/25/2015	Phone Call	0.25	36.75
9/25/2015	Inspection, Two (2) Officers	4.0	588.00
9/28/2015	Inspection	1.5	220.50
9/29/2015	Demand for Payment & Cover Letter	0.5	73.50
	Total Staff Hours at \$147.00 per Hour	12.75	\$ 1,874.25
9/25/2015	Notice and Order to Abate Public Nuisance	FEE	1,470.00
9/25/2015	Administrative Penalty, One Day @ \$3,300.00 Per Day	PENALTY	3,300.00
9/29/2015	CDSA Support Fee (6%)	FEE	200.66
		Total	\$ 6,844.91

Remit payment & make payable to: CDSA

Attention: Accounts Receivable

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

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



150-0416
(150-0416) Hold ... - 1 of 14

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: April 12, 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 9248 Spring Valley Road, Marysville, 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 8, 2015, Code Enforcement staff accompanied the Yuba County Sheriff's Department in executing a Search Warrant. The inspection exposed the illegal cultivation of 102 marijuana plants by Maurine L. Harrold and Maria Flores. The Search Warrant listed marijuana, among other things, as an item to be seized, and therefore the Yuba County Sheriff's Office seized the marijuana. A Notice and Order to Abate Public Nuisance [Order] was issued to the property owner of record, Charles M. & Maurine L. Harrold and to the cultivator, Maria Flores and alleged violations of the Yuba County Ordinance Code consisting of:

1. Cultivating of an excessive amount of marijuana – 102 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
6. Emplacement and occupancy of a recreational vehicle as a place for human habitation.
7. Using extension cords in lieu of permanent wiring

On September 8, 2015, the Order was personally served to the property owner Maurine L. Harrold and to the cultivator, Maria Flores, and on September 11, 2015, a duplicate Order was mailed, both First Class and by Certified with Return Receipt to Charles M. & Maurine L. Harrold and to Maria Flores. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

Neither Charles M. & Maurine L. Harrold, nor Maria Flores 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 Charles M. & Maurine L. Harrold and Maria Flores 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 \$15,871.28.

Charles H. & Maurine L. Harrold and Marie Flores were 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 determination 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.	MMJ15-0288
)		
Plaintiff,	)	RE:	9248 Spring Valley Road
	)		Marysville, CA 95901
vs.)		
	)	APN:	005-230-054
CHARLES M. & MAURINE)		
L. HARROLD)		
)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 005-230-054 is located at 9248 Spring Valley Road, Marysville, CA 95901, and is owned by Charles M. & Maurine L. Harrold.
2. On September 8, 2015, the property owners Charles M. & Maurine L. Harrold, and the cultivator, Maria Flores, 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 102 marijuana plants.
3. On September 8, 2015, 102 marijuana plants were seized by the Yuba County Sheriff's Office pursuant to a criminal Search Warrant.
4. Neither Charles M. & Maurine L. Harrold, nor Maria Flores 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 April 12, 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 owners, Charles M. & Maurine L. Harrold was () was not () present.
 - (c) Maria Flores was () was not () present.
7. Charles M. & Maurine L. Harrold, and Maria Flores were properly served with written notice of this Cost Accounting Hearing.
8. 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 \$15,871.28 are accurate and reasonable.

CONCLUSIONS OF LAW

1. Charles M. & Maurine L. Harrold, and Maria Flores were properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for its property located at 9248 Spring Valley Road, Marysville, CA 95901, APN 005-230-054, 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. Charles M. & Maurine L. Harrold, and Maria Flores 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 005-230-054 were properly incurred in the amount of \$15,871.28 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 \$15,871.28 shall become a special tax assessment against the property located at 9248 Spring Valley Road, Marysville, CA 95901, APN 005-230-054.
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 90th 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 30th 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: April 12, 2016

Case #: MMJ15-0288

APN: 005-230-054

Owners: Charles M. & Maurine L. Harrold

Violator: Maria Flores

Situs: 9248 Spring Valley Road, Marysville, CA 95901

Date	Reason for Charge	Hours	Total
9/3/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
9/3/2015	Research Property Status*	0.25	36.75
9/8/2015	Inspection, Three (3) Officers*	6.0	882.00
2/2/2016	Demand for Payment and Cover Letter Prep*	0.5	73.50
	Total Staff Hours at \$147.00 per Hour	7.25	\$ 1,065.75
9/8/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
9/8/2015	Administrative Penalty, One Day @ \$10,900.00*	PENALTY	10,900.00
2/2/2016	Notice of Non-Compliance*	FEE	147.00
2/2/2016	CDSA Processing Fee, Recording Doc*	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
4/12/2016	Release of Abatement Lien	FEE	147.00
4/12/2016	Notice of Compliance	FEE	147.00
4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recordation Fee, Two Documents	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	280.03
		Total	\$15,871.28

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

(150-0416) Hold ... - 7 of 14

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



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

Charles M. & Maurine L. Harrold
9248 Spring Valley 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 8th Street, Marysville, California, in the Board of Supervisors Chambers, on April 12, 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 9248 Spring Valley Road, Browns Valley, CA 95918, APN 005-230-054, 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.

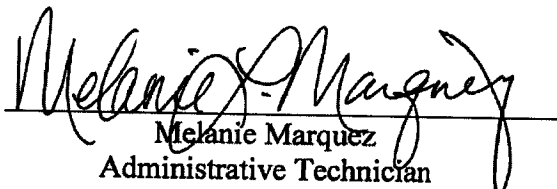
At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

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 24, 2016

Certified Mail # 7013 3020 0000 6317 9307

Enclosure: Attachment A, Cost Accounting

BY: 
Melanie Marquez
Administrative Technician
Code Enforcement Division



The County Of Yuba

(150-0416) Hold ... - 8 of 14

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



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

Maria Flores
9248 Spring Valley 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 8th Street, Marysville, California, in the Board of Supervisors Chambers, on April 12, 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 9248 Spring Valley Road, Browns Valley, CA 95918, APN 005-230-054, 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.

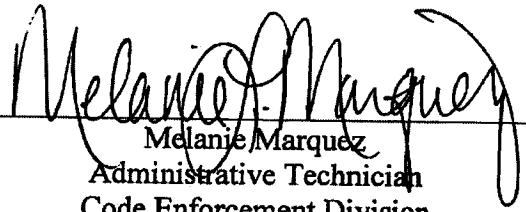
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and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

Dated: March 25, 2016

Certified Mail # 7013 3020 0000 6317 9314

Enclosure: Attachment A, Cost Accounting

BY:


Melanie Marquez
Administrative Technician
Code Enforcement Division



The County Of Yuba

(150-0416) Hold ... - 9 of 14

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

MMJ15-0288

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
Maurine L Harrold 9248 Spring Valley Road Marysville, CA 95901	Charles M & Maurine L Harrold 9248 Spring Valley Road Marysville, CA 95901

Cultivators Continued On Back Page

VIOLATION ADDRESS: 9248 Spring Valley Road, Brown Valley, CA 95918

APN: 005-230-054

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: 102

☐ 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: 102
- ☒ 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
 - ☒ 7.36 (a)(2) Substandard & Dangerous Structures
 - ☒ 7.40.320 A3 Use of Extension Cords
 - ☐

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 \$10,900.00 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**

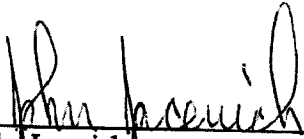
☒ **PERSONAL SERVICE**

☒ **CERTIFIED MAIL**

DATED: 9/8/15

Charles M. & Maurine L. Harrold
9248 Spring Valley Road,
Marysville, CA 95901

Cert#:
7006-2150-0000
- 6787-4492



John Jacenich
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40 , Billing #669

CC:

Cultivators Continued

(150-0416) Hold ... - 12 of 14

Maria Flores

Anita Kelley

Jorge Ramirez

Raphel Ochoa



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

Billing Statement (150-0416) Hold ... - 13 of 14

DATE	INVOICE #
9/10/2015	669

BILL TO:
Charles M & Maurine L Harrold
9248 Spring Valley Road
Marysville, CA 95901

CASE INFORMATION

Number: MMJ15-0288
Officer: J. Jacenich
APN: 005-230-054
9248 Spring Valley Road, Browns Valley
Cert # 7006 2150 0000 6787 4492

			TERMS	DUE DATE
			Net 30	10/10/2015
SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
9/3/2015	Received Complaint, Opened Case	147.00		
9/3/2015	Research Property Status	147.00	0.5	73.50
9/8/2015	Inspection Three (3) Officers	147.00	0.25	36.75
9/8/2015	Notice & Order to Abate	1,470.00	6	882.00
9/8/2015	Admin Penalty 1 Day (9/8/2015)	10,900.00		1,470.00
9/8/2015	CDSA Support Fees (6%)	147.74		10,900.00
				147.74
*Administrative Penalty continues to accrue at a rate of \$400.00 per day.				
			Total	\$13,509.99

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)

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



(151-0416) Hold ... - 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: April 12, 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 45314 Burch Lane, Brownsville, CA 95919 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 May 11, 2015, Code Enforcement staff accompanied by the Yuba County Sheriff's Department performed an inspection of the subject property exposed the illegal cultivation of marijuana by one of the property owner's William B. Stonecipher. Verbal notice requiring the immediate removal of violations was given to Mr. Stonecipher along with a directive to notify staff once the violations were removed.

On June 4, 2015, after not hearing from Mr. Stonecipher, a Notice and Order to Abate Public Nuisance [Order] was issued to the property owners of record, Angela D. Stroming, Austin T. Stroming and William B. Stonecipher. 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 – 60 plants
2. Cultivating marijuana that does not have an occupied, legally established Dwelling
3. Cultivating marijuana without first registering with the County
4. Constructing a building/structure without required construction permits
5. Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone
6. Emplacement and occupancy of a recreational vehicle as a place for human habitation

The Order was posted at the property, and a duplicate Order was mailed, both First Class and by Certified with Return Receipt to Angela D. Stroming, Austin T. Stroming and William B. Stonecipher. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On June 5, 2015, Code Enforcement Officer Jacenich performed a compliance inspection and verified that the 60 marijuana plants had been removed.

Angela D. Stroming, Austin T. Stroming and William B. Stonecipher 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 Angela D. Stroming, Austin T. Stroming and William B. Stonecipher 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 \$18,015.46.

Angela D. Stroming, Austin T. Stroming and William B. Stonecipher 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 determination 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.	MMJ15-0018
)		
Plaintiff,	)	RE:	15314 Burch Lane
	)		Brownsville, CA 95919
vs.)		
	)	APN:	060-100-002
ANGELA D. STROMING)		
AUSTIN T. STROMING)		
WILLIAM B. STONECHIPHER)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendants.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 060-100-002 is located at 15314 Burch Lane, Brownsville, CA 95919, and is owned by Angela D. Stroming, Austin T. Stroming and William B. Stonecipher.
2. On May 11, 2015, verbal notice of violations of the Yuba County Ordinance Code was given to one of the property owners, William B. Stonecipher.
3. On June 4, 2015, the property owners, Angela D. Stroming, Austin T. Stroming and William B. Stonecipher, were properly served with a Notice and Order to Abate Public Nuisance for the cultivation of 60 marijuana plants.
4. On June 5, 2015, Code Enforcement Officer John Jacenich performed a compliance inspection and verified that the marijuana plants had been removed.
5. Neither Angela D. Stroming, nor Austin T. Stroming nor William B. Stonecipher 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.

6. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
7. A public Cost Accounting Hearing was held on April 12, 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) Angela D. Stroming was () was not () present.
 - (c) Austin T. Stroming was () was not () present.
 - (d) William B. Stonecipher was () was not () present.
8. Angela D. Stroming, Austin T. Stroming and William B. Stonecipher were properly served with written notice of this Cost Accounting Hearing.
9. 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 \$18,015.46 are accurate and reasonable.

CONCLUSIONS OF LAW

1. Angela D. Stroming, Austin T. Stroming and William B. Stonecipher were properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for its property located at 15314 Burch Lane, Brownsville, CA 95919, APN 060-100-002, 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. Angela D. Stroming, Austin T. Stroming and William B. Stonecipher 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 060-100-002 were properly incurred in the amount of \$18,015.46 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 \$18,015.46 shall become a special tax assessment against the property located at 15314 Burch Lane, Brownsville, CA 95919, APN 060-100-002.
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 90th 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 30th 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: April 12, 2016

Case #: MMJ15-0018

APN: 060-100-002

Owners: Angela D. Stroming, Austin T. Stroming, William B. Stonecipher
Situs: 15314 Burch Lane, Brownsville, CA 95919

Date	Reason for Charge	Hours	Total
4/27/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
5/11/2015	Inspection w/ YCSO*	1.0	147.00
5/14/2015	Research*	0.5	73.50
5/19/2015	Research*	0.5	73.50
6/4/2015	Posted Property*	1.0	147.00
6/5/2015	Inspection*	1.0	147.00
6/5/2015	Phone Call*	0.25	36.75
6/19/2015	Phone Call*	0.25	36.75
7/1/2015	In-House Visit*	0.5	73.50
8/28/2015	Phone Call*	0.25	36.75
2/10/2016	Demand for Payment & Cover Letter*	0.5	73.50
	Total Staff Hours at \$147.00 per Hour	6.25	\$ 918.75
6/4/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
6/5/2015	Administrative Penalty, Two Days @ \$6,600.00 Per Day* Accrued Daily (June 4 - 5, 2015)	PENALTY	13,200.00
7/9/2015	Notice of Non-Compliance*	FEE	147.00
7/9/2015	CDSA Processing Fee, Recording Doc*	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
4/12/2016	Release of Abatement Lien	FEE	147.00
4/12/2016	Notice of Compliance	FEE	147.00
4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recordation Fee, Two Documents	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	271.21
		Total	\$18,015.46

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

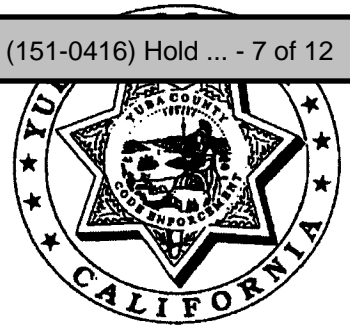
(151-0416) Hold ... - 7 of 12

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



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

Angela D. Stroming
Austin T. Stroming
William B. Stonecipher
15314 Burch Lane
Brownsville, CA 95919

Angela D. Stroming
9749 Singer Circle
Pt. Charlotte, FL 33981

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 April 12, 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 15314 Burch Lane, Brownsville, CA 95919, APN 060-100-002, 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 24, 2016

Certified Mail # 7013 3020 0000 6317 9284 & 9291

Enclosure: Attachment A, Cost Accounting

BY:



Melanie Marquez
Administrative Technician
Code Enforcement Division

Attachment B



The County Of Yuba

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616

(151-0416) Hold ... - 8 of 12



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

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15-0018

ANGELA D. STROMING
AUSTIN T. STROMING
WILLIAM B. STONECIPHER
15314 BURCH LANE
BROWNSVILLE, CA 95919

RE: 15314 BURCH LANE, BROWNSVILLE, CA 95919
APN: 060-100-002-000
LEGAL DESCRIPTION: PRCL 2 REC SRVY BK 11 MPS PG 46

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:

1. **Yuba County Code § 7.40.340** *The cultivation of marijuana without first registering the cultivation and paying the required fee.*
2. **Yuba County 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.*
3. **Yuba County Code § 7.36.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*
4. **Yuba County Code § 7.36.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants, to wit: 60 plants*
5. **Yuba County Code § 7.36.400(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:*
 - A. Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of Yuba County Ordinance Code Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use.

- B. Emplacement and occupancy of a travel trailer as a place of human habitation in violation of Yuba County Ordinance Code, Chapter 10.20.
- C. Construction of a wood-framed building and deck without first obtaining a building permit in violation of Yuba County Ordinance Code, Chapter 10.05

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

1. Remove the marijuana immediately and not later than June 7, 2015
2. Remove the 5th-wheel travel trailer immediately and not later than June 7, 2015
3. Demolish the wood-framed building and deck, and remove the resulting debris immediately and not later than July 3, 2015
4. Remove all personal property and/or junk, trash or debris immediately and not later than July 3, 2015.

YOU ARE HEREBY ADVISED that Administrative Penalties in the amount of **\$6,600.00 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 Enforcing 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.

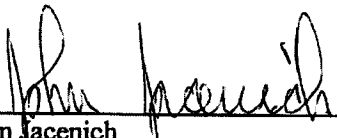
If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall 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 OFFICIAL CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.

CERTIFIED MAIL: 7003 0500 0005 1305 4584

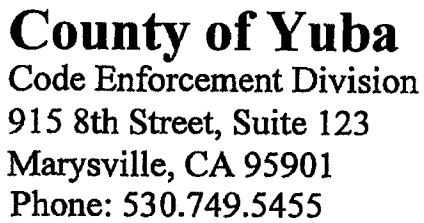
DATED: JUNE 4, 2015



John J. acenich
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40
Billing Invoice #628
Pictures

CC: Post Property
David Edward Chapman, 9789 Smoke Tree Court, Hesperian, CA 92345
David Edward Chapman, 15314 Burch Lane, Brownsville, CA 95919
Angela D. Stroming, 9749 Singer Circle, Pt. Charlottee, FL 33981



DATE	INVOICE #
6/4/2015	628

BILL TO:
Angela D Stroming
Austin T. Stroming
William B. Stonecipher
15314 Burch Lane
Brownsville, CA 95919

Case # MMJ15-0018
Officer: J. Jacenich
APN: 060-100-002
15314 Burch Lane
Cert: 7003 0500 0005 1305 4584

TERMS	DUE DATE
Net 30	7/4/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
4/27/2015	Received Complaint, Opened Case	147.00	0.5	73.50
5/11/2015	Inspection w/ YCSO	147.00	1	147.00
5/14/2015	Research	147.00	0.5	73.50
5/19/2015	Research	147.00	0.5	73.50
6/4/2015	Notice & Order to Abate	1,470.00		1,470.00

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

Total	\$1,837.50
--------------	-------------------

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)**

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



152-0416
(152-0416) Hold ... - 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: April 12, 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 8228 Betty Lane, Brownsville, 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 20, 2015, an inspection of the subject property exposed the illegal cultivation of marijuana by cultivators Xou Neng Yang, Pang Lee, and Chao Yang; all of whom claim to be relatives of the property owner. A Notice and Order to Abate Public Nuisance (Order) was issued on the subject property to the property owner, Nqoua Yang, and to the cultivators, Xou Neng Yang, Pang Lee and Chao Yang. 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 – 99 plants
2. Cultivating outdoors and not within an approved accessory structure
3. Cultivating marijuana without first registering with the County
4. Cultivating marijuana on a parcel without an occupied, legally established dwelling
5. Conducting activities on a site without first establishing a primary use
6. Construction of a structure without first obtaining a building permit

On July 20, 2015, the Order was personally served to Xou Neng Yang and Pang Lee, and on July 22, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owner Nqoua Yang at his Saint Paul, Minnesota address as well as to the cultivators

at the Betty Land address. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On July 27, 2015, based on information provided by Yuba County Sheriff's Office the Administrative Penalty was stopped.

Neither Nqoua Yang, Xou Neng Yang, Pang Lee, nor Chao Yang 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 Nqoua Yang, Xou Neng Yang, Pang Lee and Chao Yang 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 \$87,742.78.

Nqoua Yang, Xou Neng Yang, Pang Lee and Chao Yang 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 determination 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.	MMJ15-0014
)		
Plaintiff,	)	RE:	8228 Betty Lane
	)		Brownsville, CA 95919
vs.)		
	)	APN:	050-070-017
NQOUA YANG)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendants.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 050-070-017 is located at 8228 Betty Lane, Brownsville, CA 95919, and is owned by Nqoua Yang.
2. On July 20, 2015, the cultivators, Xou Neng Yang and Pang Lee were personally served with a Notice and Order to Abate Public Nuisance.
3. On July 22, 2015, the property owner, Nqoua Yang and the cultivators, Xou Neng Yang, Pang Lee, and Chao Yang, 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 99 marijuana plants.
4. On July 27, 2015, the Administrative Penalty was stopped based on information provided by Yuba County Sheriff Department, confirming that the marijuana had been removed.
5. Neither Nqoua Yang, Xou Neng Yang, Pang Lee nor Chao Yang, 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.

6. Neither Nqoua Yang, Xou Neng Yang, Pang Lee nor Chao Yang, took immediate 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 April 12, 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) Nqoua Yang was () was not () present.
 - (c) Xou Neng Yang was () was not () present.
 - (d) Pang Lee was () was not () present.
 - (e) Chao Yang was () was not () present.
9. Nqoua Yang, Xou Neng Yang, Pang Lee and Chao Yang 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 \$87,742.78 are accurate and reasonable.

CONCLUSIONS OF LAW

1. Nqoua Yang was properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for his property located at 8228 Betty Lane, Brownsville, CA, APN 050-070-017, 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. Nqoua Yang 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 050-070-017 were properly incurred in the amount of \$87,742.78 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 \$87,742.78 shall become a special tax assessment against the property located at 8228 Betty Lane, Brownsville, CA, APN 050-070-017.
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 90th 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 30th 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: April 12, 2016

Case #: MMJ15-0014

APN: 050-070-017

Owner: Nqoua Yang

Violators: Xou Neng Yang, Pang Lee and Chao Yang

Situs: 8228 Betty Lane, Brownsville, CA 95919

Date	Reason for Charge	Hours	Total
4/22/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
4/29/2015	Received Additional Complaint*	0.25	36.75
5/13/2015	Inspection Request Mailed*	0.5	73.50
7/17/2015	Inspection w/YCSO*	1.0	147.00
7/20/2015	Inspection w/YCSO*	1.0	147.00
7/21/2015	Research Property Status*	0.5	73.50
8/4/2015	Phone Call*	0.25	36.75
12/28/2015	Demand for Payment and Cover Letter*	0.5	73.50
	Total Staff Hours at \$147.00 per Hour	4.5	\$ 661.50
7/20/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
7/27/2015	Administrative Penalty, Eight Days @ \$10,400.00 Per Day, Accrued Daily (July 20, 2015 - July 27, 2015)*	PENALTY	83,200.00
9/11/2015	Notice of Non-Compliance*	FEE	147.00
9/11/2015	CDSA Processing Fee, Recording Doc*	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
4/12/2016	Release of Abatement Lien	FEE	147.00
4/12/2016	Notice of Compliance	FEE	147.00
4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recording Fee, One Document	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	255.78
		Total	\$87,742.78

* Charges are reflected on unpaid Demand for Payment



The County Of Yuba

(152-0416) Hold ... - 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

Nqoua Yang
334 Front Avenue
Saint Paul, MN 55117

Xou Neng Yang & Pang Lee
Chao Yang
8228 Betty Lane
Brownsville, CA 95919

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 April 12, 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 8228 Betty Lane, Brownsville, CA 95919, APN 050-070-017, 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.

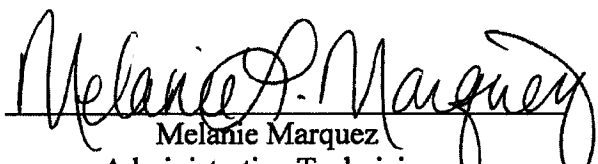
At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

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 23, 2016

Certified Mail # 7013 3020 0000 6317 9208 & 9215

Enclosure: Attachment A, Cost Accounting

BY: 
Melanie Marquez
Administrative Technician
Code Enforcement Division

Attachment B



The County Of Yuba

(152-0416) Hold ... - 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-0014

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
Xou Neng Yang Yang Lee Chao Yang 8228 Betty Lane, Brownsville, CA 95919	Ngoua Yang 334 Front Ave, Saint Paul, MN 55117-5213

VIOLATION ADDRESS: 8228 Betty Lane, Brownsville, CA 95919
APN: 050-070-017

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 \$10,400.00 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.

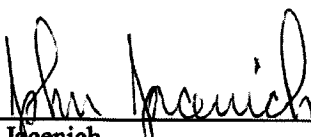
IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE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

☐ POSTED PROPERTY

☒ PERSONAL SERVICE

☒ CERTIFIED MAIL 7013 3020 0000 6318 1072

DATED: 7/20/15


 John Jancenich
 Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING STATEMENT #649

CC: Ngoua Yang, 334 Front Ave. Saint Paul, MN 55117-5213



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

Billing Statement (152-0416) Hold ... - 11 of 12

DATE	INVOICE #
7/22/2015	649

BILL TO:
Nqoua Yang
334 Front Ave
Saint Paul, MN 55117

CASE INFORMATION

Number: MMJ15-0014
Officer: J. Jacenich
APN: 050-070-017
8228 Betty Lane, Brownsville
Cert # 7013 3020 0000 6318 1072

TERMS	DUE DATE
Net 30	8/21/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
4/22/2015	Received Complaint, Opened Case	147.00	0.5	73.50
4/29/2015	Received Additional Complaint	147.00	0.25	36.75
5/13/2015	Inspection Request Mailed	147.00	0.5	73.50
7/17/2015	Inspection w/ YCSO	147.00	1	147.00
7/20/2015	Inspection w/ YCSO	147.00	1	147.00
7/20/2015	Notice & Order to Abate	1,470.00		1,470.00
7/20/2015	Admin Penalty 1 Day (7/20/2015)	10,400.00		10,400.00
7/21/2015	Research	147.00	0.5	73.50
7/21/2015	CDSA Support Fees (6%)	121.28		121.28
*Release Note: Administrative Penalty continues to accrue at a rate of \$10,400.00 per day.				
Total				\$12,542.53

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)

Attachment C

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



(153-0416) Hold ... - 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: April 12, 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 1791 E. Eleventh 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 September 4, 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 Michael and Samantha Valine. A Notice and Order to Abate Public Nuisance [Order] was issued on the subject property to the cultivators, Michael and Samantha Valine and property owner, Diane Stanaland. 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 – 63 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

On September 4, 2015, the Order was personally served to the cultivators, Michael and Samantha Valine, and on September 9, 2015, a duplicate order was mailed by First Class and Certified with Return Receipt, to the property owner, Diane Stanaland in Marysville, CA. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On September 18, 2015, pursuant to an Inspection and Abatement Warrant authorized and signed by Honorable Stephen W. Berrier, a second inspection of the subject property resulted in the removal and destruction of 63 marijuana plants. Code Enforcement stopped the Administrative Penalties from accruing at that time.

Neither Diane Stanaland, nor Michael and Samantha Valine 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 \$105,441.40.

Diane Stanaland and Michael and Samantha Valine 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 determination 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.	MMJ15-0258
)		
Plaintiff,	)	RE:	1791 E. Eleventh Avenue
	)		Olivehurst, CA
vs.)		
	)	APN:	013-281-026
)		
DIANE STANALAND)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 013-281-026 is located at 1791 E. Eleventh Avenue, Olivehurst, CA 95961, and is owned by Diane Stanaland.
2. On September 4, 2015, cultivators Michael and Samantha Valine 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 63 marijuana plants.
3. On September 9, 2015, property owner, Diane Stanaland was properly served with a Notice and Order to Abate Public Nuisance.
4. Neither Diane Stanaland, nor Michael and Samantha Valine, took action to abate the public nuisance as ordered.
5. September 18, 2015, pursuant to an Inspection and Abatement Warrant, 63 marijuana plants were removed from the property and destroyed by Yuba County Code Enforcement.

6. Neither Diane Stanaland, nor Michael and Samantha Valine, 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.
7. The Demand for Payment for enforcement costs and penalties incurred remains unpaid.
8. A public Cost Accounting Hearing was held on April 12, 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, Diane Stanaland was () was not () present.
 - (c) The cultivator, Michael Valine was () was not () present.
 - (d) The cultivator, Samantha Valine was () was not () present.
9. Diane Stanaland, and Michael and Samantha Valine 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 \$105,441.40, are accurate and reasonable.

CONCLUSIONS OF LAW

1. Diane Stanaland was properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for her property located at 1791 E. Eleventh Avenue, Olivehurst, CA 95961, APN 013-281-026, 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. Diane Stanaland 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 013-281-026 were properly incurred in the amount of \$105,441.40 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 \$105,441.40 shall become a special tax assessment against the property located at 1791 E. Eleventh Avenue, Olivehurst, CA 95961, APN 013-281-026.
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 90th 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 30th 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: April 12, 2016

Case #: MMJ15-0258

APN: 013-281-026

Owner: Diane Stanaland

Violators: Michael & Samantha Valine

Situs: 1791 E. Eleventh Avenue, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
8/19/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
8/19/2015	Research Property Status*	2.0	294.00
9/4/2015	Inspection, Three (3) Officers*	1.5	220.50
9/11/2015	Email Correspondence*	0.5	73.50
9/11/2015	Phone Call *	0.5	73.50
9/11/2015	Fax Correspondence*	0.25	36.75
9/17/2015	Research Property Status*	0.5	73.50
9/18/2015	Warrant Prep for Inspection*	3.0	441.00
9/18/2015	Inspection, Six (6) Officers, Abatement Completed*	6.0	882.00
9/24/2015	Demand for Payment & Cover Letter*	0.5	73.50
	Total Staff Hours at \$147.00 per Hour	15.25	\$ 2,241.75
9/4/2015	Notice and Order to Abate Public Nuisance*	FEE	1,470.00
9/18/2015	Marijuana Destruction @ Recology, Ostrom Road*	COST	223.56
9/18/2015	Administrative Penalty, 15 Days @ \$6,600.00 Per Day* (September 4 - 18, 2015, Accrued Daily)	PENALTY	99,000.00
9/24/2015	Notice of Non-Compliance*	FEE	147.00
9/24/2015	CDSA Processing Fee, One Document*	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
4/12/2016	Release of Abatement Lien	FEE	147.00
4/12/2016	Notice of Compliance	FEE	147.00
4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recordation Fee, Two Documents	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	350.59
		Total	\$105,441.40

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

(153-0416) Hold ... - 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

Diane Stanaland
9710 State Hwy 70
Marysville, CA 95901

Michael & Samantha Valine
1791 E. Eleventh Ave
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 8th Street, Marysville, California, in the Board of Supervisors Chambers, on April 12, 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 1791 E. Eleventh Ave, Olivehurst, CA, APN 013-281-026, 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.

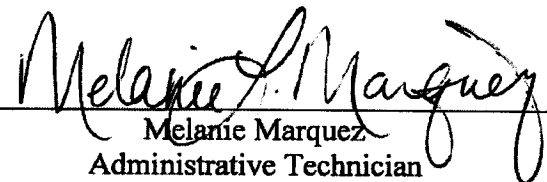
You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the enforcement costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and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

Dated: March 23, 2016

Certified Mail # 7013 3020 0000 6317 9246 & 9253

Enclosure: Attachment A, Cost Accounting

BY:


Melanie Marquez
Administrative Technician
Code Enforcement Division

Attachment B



The County Of Yuba

(153-0416) Hold ... - 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

MMJ16-0258

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
MICHAEL VALTIE SAMANTHA VALTIE 1791 ELEVENTH AVE OLIVEHURST, CA 95961	DIANE STAWALAND 4710 STATE HWY 70 MARYSVILLE, CA 95901

VIOLATION ADDRESS: 1791 ELEVENTH AVE, OLIVEHURST, CA

APN: 013-281-021

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:** 13

☐ 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: 63

☒ **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 \$1,000.⁰⁰ 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 7011 0110 0002 5084 9269

DATED: SEPTEMBER 4, 2015



Chris Monaco
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING #665

cc: DIANE STANLAND
9710 HWY 70
MARISSVILLE, CA 95901

MICHAEL & SAMANTHA VALINE
1791 E Eleventh Ave
OLIVEHURST, CA 95961



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

Billi (153-0416) Hold ... - 11 of 12

DATE	INVOICE #
9/9/2015	665

BILL TO:
Diane Stanaland
9710 State Hwy 70
Marysville, CA 95901

CASE INFORMATION

Number: MMJ15-0258
Officer: C. Monaco
APN: 013-281-026
1791 E Eleventh Ave, Marysville
Cert # 7011 0110 002 5084 9269

TERMS	DUE DATE
Net 30	10/9/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
8/19/2015	Received Complaint, Opened Case	147.00	0.5	73.50
8/19/2015	Research Property Status	147.00	2	294.00
9/4/2015	Inspection Three (3) Officers	147.00	1.5	220.50
9/4/2015	Notice & Order to Abate	1,470.00		1,470.00
9/4/2015	Admin Penalty 1 Day (9/4/2015)	6,600.00		6,600.00
9/4/2015	CDSA Support Fees (6%)	123.48		123.48
	 *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 \$8,781.48

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

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



154-0416
(154-0416) Hold ... - 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: April 12, 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 9943 Camper Lane, Brownsville, CA 95919 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 27, 2015, Code Enforcement staff accompanied the Yuba County Sheriff's Department in executing a criminal Search Warrant. The warrant exposed the illegal cultivation of 505 marijuana plants by the property owners Rufus M. & AE Sun Monts. A Notice and Order to Abate Public Nuisance [Order] was issued to the property owners of record, Rufus M. & AE Sun Monts. The Order required the immediate removal of marijuana plants, and alleged violations of the Yuba County Ordinance Code consist of:

1. Cultivating of an excessive amount of marijuana – 505 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

On July 27, 2015, Rufus M. & AE Sun Monts were properly served with the Order by posting the property, and on July 29, 2015, a duplicate Order was mailed, both by First Class and Certified with Return Receipt, to the property owners, Rufus M. & AE Sun Monts. A copy of the Order, which includes appeal procedures, is attached hereto and marked as Attachment C.

On August 27, 2015, a compliance inspection by Officers Jacenich and Monaco confirmed that all of the marijuana plants had been removed. However, the Administrative Penalty was stopped on August 4, 2015 based on information provided by the property owner, Rufus M. Monts.

Rufus M. & AE Sun Monts 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 Rufus M. & AE Sun Monts 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 \$462,954.42.

Rufus M. & AE Sun Monts were 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 determination 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.	MMJ15-0028
)		
Plaintiff,	)	RE:	9943 Camper Lane
	)		Brownsville, CA 95919
vs.)		
	)	APN:	060-240-002
RUFUS M. & AE SUN)		
MONTs)		
)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 060-240-002 is located at 9943 Camper Lane, Brownsville, CA 95919, and is owned by Rufus M. & AE Sun Monts.
2. On July 27, 2015, the property owners Rufus M. & AE Sun Monts, 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 505 marijuana plants.
3. On August 4, 2015 the Administrative Penalty was stopped based on information provided the property owner Rufus M. Monts, and on August 27, 2015, a compliance inspection by Officer Jacenich and Monaco confirmed that all of the marijuana plants had been removed.
4. Rufus M. & AE Sun Monts 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.
5. Rufus M. & AE Sun Monts did not take 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 April 12, 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 owners, Rufus M. & AE Sun Monts were () were not () present.
8. Rufus M. & AE Sun Monts were properly served with written notice of this Cost Accounting Hearing.
9. 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 \$462,954.42 are accurate and reasonable.

CONCLUSIONS OF LAW

1. Rufus M. & AE Sun Monts were properly notified to appear before the Board of Supervisors on April 12, 2016 at 8:30 a.m. to show cause, if any, why the enforcement costs and penalties for their property located at 9943 Camper Lane, Brownsville, CA 95919, APN 060-240-002, 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. Rufus M. & AE Sun Monts 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 060-240-002 were properly incurred in the amount of \$462,954.42 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 \$462,954.42 shall become a special tax assessment against the property located at 9943 Camper Lane, Brownsville, CA 95919, APN 060-240-002.
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 90th 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 30th 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: April 12, 2016

Case #: MMJ15-0028

APN: 060-240-002

Owners: Rufus M. & AE Sun Monts

Situs: 9943 Camper Lane, Brownsville, CA 95919

Date	Reason for Charge	Hours	Total
5/4/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
5/7/2015	Phone Call*	0.25	36.75
5/8/2015	Received Additional Complaint*	0.25	36.75
6/24/2015	Inspection Request Mailed*	0.5	73.50
7/16/2015	Phone Call*	0.25	36.75
7/17/2015	Inspection with YCSO*	1.0	147.00
7/27/2015	Inspection, Multi-Departments, YCSO Warrant*	2.0	294.00
8/4/2015	Phone Call*	0.25	36.75
8/27/2015	Inspection, Verify Compliance*	1.0	147.00
8/28/2015	Phone Call*	0.25	36.75
9/16/2015	Phone Call*	0.25	36.75
	Total Staff Hours at \$147.00 per Hour	6.5	\$ 955.50
7/27/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
8/4/2015	Administrative Penalty, Nine Days @ \$50,900.00 Per Day, Accrued Daily (July 27, 2015 - August 4, 2015)*	PENALTY	458,100.00
8/28/2015	Notice of Non-Compliance*	FEE	147.00
8/28/2015	CDSA Processing Fee, Recording Doc*	FEE	73.50
4/12/2016	Cost Accounting Hearing Before BOS	FEE	1,470.00
4/12/2016	Release of Abatement Lien	FEE	147.00
4/12/2016	Notice of Compliance	FEE	147.00
4/12/2016	CDSA Processing Fee, Two Documents	FEE	147.00
4/12/2016	Recordation Fee, Two Documents	COST	24.00
4/12/2016	CDSA Support Fee (6%)	FEE	273.42
		Total	\$462,954.42

*Charges are reflected on unpaid Demand for Payment



The County Of Yuba

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616

(154-0416) Hold ... - 7 of 12



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

Rufus M. Monts
P O Box 441
Oregon House, CA 95962

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 April 12, 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 9943 Camper Lane, Brownsville, CA 95919, APN 060-240-002, 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 23, 2016

Certified Mail # 7013 3020 0000 6317 9277

Enclosure: Attachment A, Cost Accounting

BY: Melanie Marquez
Melanie Marquez
Administrative Technician
Code Enforcement Division



The County Of Yuba

(154-0416) Hold ... - 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-0028

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
Terra Canna Collective 345 Franklin Street San Francisco, CA 94102	Rufus & AE Sun Mounts P.O. Box 441, Oregon House, CA 95962 - 0441

See Back Page Continued

VIOLATION ADDRESS: 9943 Camper Lane, Brownsville, CA 95919

APN: 060-140-002

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:** 505
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 - ☒ 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

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of plants: 505
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- ☐ 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 \$50,400.00 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.

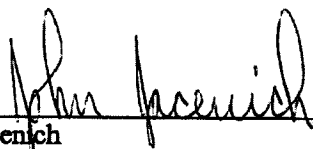
IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE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

☒ POSTED PROPERTY

☐ PERSONAL SERVICE

☒ CERTIFIED MAIL 7013 3020 0000 6318 1102 \$1119

DATED: 7/27/15


 John Jacenich
 Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, Billing #652

cc: Rufus & KE Sun Mounts, P.O. Box 441, Oregon House, CA 95962
 Ben Gaddy, 7900 Vonnac Rd, Dublin, CA 94568
 Caitlin Mae Hill, 2635 Durango Lane, San Ramon, CA 94583



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

Billing

(154-0416) Hold ... - 11 of 12

DATE	INVOICE #
7/29/2015	652

BILL TO:

Rufus M. & AE Sun Monts
P O Box 441
Oregon House, CA 95962-0441

CASE INFORMATION

Number: MMJ15-0028
Officer: J. Jacenich
APN: 060-240-002
9943 Camper Ln, Brownsville
Cert # 7013 3020 0000 6318 1102 & 1119

TERMS	DUE DATE
Net 30	8/28/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
5/4/2015	Received Complaint, Opened Case	147.00	0.5	73.50
5/7/2015	Phone Call with Complainant	147.00	0.25	36.75
5/8/2015	Received Additional Complaint	147.00	0.25	36.75
6/24/2015	Inspection Request Mailed	147.00	0.5	73.50
7/16/2015	Phone Call with Complainant	147.00	0.25	36.75
7/17/2015	Inspection w/ YCSO	147.00	1	147.00
7/27/2015	Inspection Multi-Depts, Warrant	147.00	2	294.00
7/27/2015	Notice & Order to Abate	1,470.00		1,470.00
7/27/2015	Admin Penalty 1 Day (7/27/2015)	50,900.00		50,900.00
7/27/2015	CDSA Support Fees (6%)	130.10		130.10

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

Total \$53,198.35

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)

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