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BOARD OF SUPERVISORS' MEETING (February 13, 2024)

FILE NUMBER:

CDEF2022-051

PROPERTY OWNER:

Chavez Francisco Javier Jr

TYPE OF APPLICATION:

Recovery of Administrative Penalties

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County of Lassen

Department of Planning and Building Services

-
- Planning
 - Building
 - Environmental Health
 - Code Enforcement
 - Surveyor
 - Surface Mining
-

February 13, 2024

Maurice L. Anderson, Director

707 Nevada Street, Suite 5
Susanville, CA 96130-3912

Main Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

TO: Board of Supervisors
Agenda Date: February 13, 2024

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

SUBJECT: Hearing to consider recovery of Administrative Penalties and Hearing on Accounting for the abatement of a public nuisance located at 535-285 Pintail Rd., Termo, Ca. 96132 (A.P.N 031-180-014); as provided in Title 1, Chapter 1.18.170(i) and 1.18.150 of Lassen County Code. This property is owned by Chavez Francisco Javier Jr. The associated code enforcement file number CDEF2022-051. The administrative penalty is due to the owner's failure to abate the public nuisance, in accordance with the Notice and Order to Correct Violations and the Decision of the Hearing Officer.

Recommendation

1. Receive the Enforcing Officer's Report; and
2. Conduct a hearing and hearing on accounting; and
3. Adopt, modify, or discharge the administrative penalties; and
4. Adopt a resolution ordering recordation of a lien against real property described herein, on which a public nuisance was identified in violation of Chapter 1.18 of the Lassen County Code, in order to recover administrative penalties as established by the Lassen County Hearing Officer; and
5. If unpaid after ninety (90) days, amend said lien for the full cost of abatement.

Summary

The purpose of this hearing is to determine whether or not the Board of Supervisors should order staff to record a lien against real property located in Lassen County, in order to recover administrative penalties established through enforcement of the Lassen County Public Nuisance Ordinance. As stipulated under Section §1.18.090(c) of County Code, the decision of the Hearing Officer, with regard to the existence a public nuisance, is final. The property described herein (Exhibit A of Draft Resolution), is owned by Chavez Francisco Javier Jr. and was found to be in violation of Lassen County Code Chapter 1.18 as outlined in the Decision of Hearing Officer dated August 17, 2022.

In this case the identified nuisance was not abated as ordered by the Enforcing Officer and an Administrative Hearing was held on August 17, 2022. The Hearing Officer determined that the nuisance did exist as posted, and that the property owner failed to abate as ordered. In addition to affirming the Enforcing Officers Report, the Hearing Officer ordered Administrative penalties to the property owner in the amount of \$33,000.00. The decision of the Administrative Hearing Officer is attached with this Board letter. Interest has accrued on the unpaid fines bringing the total administrative penalty to \$34,184.38.

Additionally, the abatement was not completed by the property owner as ordered. As a result, On October 21, 2022, PBSD signed Pee Wee Enterprises into contract to execute the abatement. The abatement was completed in full on or about November 1, 2022.

As stated above, the abatement has now been completed in full and this hearing also serves as the “Hearing on Accounting” pursuant to Lassen County Code Section 1.18.150 to confirm the actual cost of abatement incurred by the county.

Financial Impact

The proposed resolution orders the recordation of a lien for \$34,184.38 to recover the administrative penalty and if unpaid after ninety (90) days, amend the lien for \$48,499.25 to recover full costs incurred by Lassen County.

In summary, this total is broken down as follows:

- \$10,000.00 paid to Pee Wee Enterprises for abatement
- \$3,262.76 paid to C&S Waste for dumpsters and transportation.
- \$307.26 paid to Lassen Regional Solid Waste Management Authority for dump fees.
- \$744.85 in additional administrative and physical costs (Staff time, mileage, etc.) are reflected in Exhibit C of the resolution.
- \$34,184.38, would be the lien to reflect administrative penalties and interest, (as ordered by the Hearing Officer). The physical costs detailed above would be added to the total lien amount and the original lien would be amended to \$48,499.25, if unpaid after 90 days.

MLA: coe

RESOLUTION NO. _____**RESOLUTION ORDERING RECORDATION OF AN ADMINISTRATIVE PENALTY
LIEN PURSUANT TO LASSEN COUNTY CODE 1.18.170(i) AND CONFIRMING
ABATEMENT COST PURSUANT TO 1.18.150(d)**

WHEREAS, Assessor's Parcel Number 031-180-014, described in Exhibit A, is owned by Javier Francisco Chavez Jr; and

WHEREAS, on August 17, 2022, the Administrative Hearing Officer rendered a Decision ordering the abatement of a public nuisance pursuant Lassen County Code Chapter 1.18 and ordered a civil penalty against the property; and

WHEREAS, on February 13, 2024 the Board of Supervisors conducted a noticed hearing whereat evidence was presented and consideration was made regarding administrative civil penalties and physical cost of abatement, attached as Exhibit B.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. That notice of the hearing has been given as required by the Lassen County Code.
3. That the information provided in the Board packet for this hearing is true and correct.
4. That it is found and ordered that the administrative civil penalty sum of \$33,000.00 combined with interest at \$34,184.38, shall be assessed against real property as described in Exhibit A, also known as Assessor's Parcel Number 031-180-014. The Lassen County Board of Supervisors hereby orders that this amount be placed as a lien against the respective parcel of land in accordance with Lassen County Code subsection 1.18.170(i), and if unpaid after 90 days, amend the lien for the full cost of abatement incurred by Lassen County.

RESOLUTION NO. _____

Javier Francisco Chavez Jr

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 13th day of February 2024, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

CHAIRMAN of the Board of Supervisors,
County of Lassen, State of California

ATTEST:

JULIE BUSTAMANTE
Clerk of the Board

BY _____

MICHELE J. YDERRAGA, Deputy Clerk of the Board

MICHELE J. YDERRAGA, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 13th day of February 2024.

Deputy Clerk of the County of Lassen Board of Supervisors

EXHIBIT "A"
LEGAL DESCRIPTION

All that certain real property situated in a portion of Section 21, Township 36 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Lot 872, as shown on that certain map entitled "Moon Valley Ranch Unit No. 4", filed January 28, 1971 in the Office of the Lassen County Recorder in Book 8 of Maps at Page 8.



Don E. Willis

Current A.P.N.: 031-180-014

Interest Charge on Administrative fee

Owner: Chavez Francisco Javier Jr

Property Address: 535-285 Pintail Rd. Terro, Ca 96132

Print Date: 01/30/2024

EXHIBIT B

APN: 031-180-014

Case Number: CDEF2022-051

Hearing Decision

Administrative and Physical Costs of Abatement

Owner: Javier Francisco Chavez

Property Address: 535-285 Pintail Rd Terro.

APN: 031-180-014

Case Number: CDEF2022-051

EXHIBIT C

Print Date: 01/30/2024

Labor Date	Employee Name	Work Performed	Time/mileage	Rate	Total
06/23/2022	Michael Prettyman	SATELLITE IMAGERY	0.50	27.63	13.82
07/21/2022	Michael Prettyman	POSTING & NOTICE TO ABATE-PENALTY-ADMIN ORDER	2.50	31.94	79.85
07/21/2022	Chris Martin	POSTING & NOTICE TO ABATE-PENALTY-ADMIN ORDER	2.50	34.45	86.13
07/21/2022	Matthew May	NOTICE TO ABATE-PENALTY-ADMIN ORDER	0.25	61.11	15.28
07/21/2022	Maurice Anderson	NOTICE TO ABATE-PENALTY-ADMIN ORDER	0.25	85.68	21.42
07/21/2022	Brooke Suarez	NOTICE TO ABATE-PENALTY-ADMIN ORDER	0.25	43.66	10.92
07/21/2022	Mileage rate	POSTING NOTICE TO ABATE	60.00	0.66	39.30
08/01/2022	Michael Prettyman	FIELD INSPECTION #2	2.50	31.94	79.85
08/01/2022	Chris Martin	FIELD INSPECTION #2	2.50	34.45	86.13
08/09/2023	Mileage rate	FIELD INSPECTION #2	60.00	0.66	39.60
08/15/2022	Michael Prettyman	FIELD INSPECTION #3	2.50	31.94	79.85
08/15/2022	Chris Martin	FIELD INSPECTION #3	2.50	34.45	86.13
08/15/2022	Mileage rate	FIELD INSPECTION #3	60.00	0.66	39.60
08/18/2022	Michael Prettyman	NOTICE OF HEARING OFFICER DECISION	0.50	31.94	15.97
08/18/2022	Chris Martin	NOTICE OF HEARING OFFICER DECISION	0.50	34.45	17.23
08/18/2022	Matthew May	NOTICE OF HEARING OFFICER DECISION	0.25	61.11	15.28
08/18/2022	Maurice Anderson	NOTICE OF HEARING OFFICER DECISION	0.25	85.68	21.42
08/18/2022	Brooke Suarez	NOTICE OF HEARING OFFICER DECISION	0.25	43.66	10.92
08/17/2022	Administrative Hearing	Administrative penalty set forth in Notice to Abate \$1,000/day for 33 days	1.00	34,184.38	34,184.38
06/19/2023	C&S Waste	DUMPSTERS AND TRANSPORT	1.00	3,262.76	3,262.76
06/19/2023	LRSWMA	DUMP FEES	1.00	307.26	307.26
06/19/2023	Pee Wee Enterprises	CONTRACTED ABATEMENT	1.00	10,000.00	10,000.00
Total					48,499.25



LASSEN COUNTY
NOTICE TO ABATE – NOTICE OF PROPOSED PENALTY
NOTICE OF ADMINISTRATIVE ORDER TO SHOW CAUSE

Property Owner Name and Last Known Address:

Occupant: Unknown

Chavez Francisco Javier Jr.

9081 Reading Ave

Westminster, Ca 92683

Site Address:

Assessor's Parcel Number: 031-180-014

535285 Pintail

Termo, Ca 96132

Enforcing Officer: C. Martin

Inspection Date: 6-23-2022

TO OWNER AND RESIDENT: YOU ARE HEREBY NOTIFIED that conditions exist on the above premises, which constitute a PUBLIC NUISANCE under Title 1.18 of the Lassen County Code. Such condition(s) violate(s) the following specific provision(s) of the Lassen County Code: Buildings and construction in violation of the provisions of Title 12 of the Lassen County Code (work without permits when permits are required) public nuisance pursuant to 1.18.020 (a) and (c) of the Lassen County Code and marijuana cultivation in violation of the provisions of Title 19.

You are required to abate the above violation(s) within **Twelve (12) CALENDAR DAYS** of this notice by: 8-1-2022. To abate the nuisance, you must take the following action: Remove all structures and buildings constructed without first obtaining permits, or, obtain building permits necessary for lawful construction (inspection will be required). Remove all marijuana cultivation in violation of the provisions of Title 19.

You may present yourself before a hearing officer to show good cause why this nuisance should not be abated by the enforcing officer. The date, time, and location of this hearing are listed below. You will be given an opportunity at this hearing to present testimony or other evidence why the conditions on the listed property do not constitute a nuisance and should not be abated. There is no fee for this hearing if the nuisance is abated by the date on the notice or a \$500 fee for this hearing should you fail to comply and are found in violation of Lassen County Code Chapter 1.18.

If you do not abate the nuisance yourself, or show good cause to the hearing officer why it should not be abated, the enforcing officer may come on your property and abate the nuisance him or herself. All abatement costs, including administrative costs, may be made a special assessment added to the tax roll and become a lien on this real property, or be placed on the unsecured tax roll (see back side for more information).

Also, if you do not abate this nuisance by the date set forth above, you will be charged an administrative penalty of \$1000.00 PER DAY beginning on 7-21-2022 and continuing until the nuisance is abated and the abatement is confirmed by an enforcement officer (see back side for more information).

YOU are responsible for reporting to the County that you have abated this nuisance. To do so, YOU must contact the Enforcement Officer at 530-251-8269 to report having corrected the problem.

HEARING DATE: August 17, 2022

TIME: At or After 1:00 P.M.

ADDRESS: 707 Nevada St. Susanville, CA 96130 – Board Chambers

Attestation of Enforcing Officer

(S/PLA/Building/CODE/000MASTER DOCS/NoticeToAbate-ProposedPenalty-AdminOrderPg1/Rev. 9/15/2017)

7/21/2022

Date of Notice

PROCEDURE FOR ALLEGED VIOLATION
OF LASSEN COUNTY'S PUBLIC NUISANCE ORDINANCE

You have been notified of activity on land that you are associated with that allegedly constitutes a violation of Lassen County Code. You have two choices. You can either correct the problem by abating the nuisance by the date ordered (see front of notice) or you can challenge the order to abate and order proposing administrative penalties. If you voluntarily abate the nuisance by the date ordered on the front of this notice, you must still notify the enforcing officer of this fact and have them come and confirm that you have done so. The enforcing officer is available by phone at 530.251.8269.

If you choose to challenge the order to abate and order for proposed administrative penalties you must attend the administrative hearing at the date, time, and location identified on the front of this notice. If you do not show up, you lose your right to challenge the order to abate and any proposed penalties. Also, if you do not show up at that hearing, you will have failed to exhaust your administrative remedies and any order of the hearing officer will become final for all purposes.

At the administrative hearing, the alleged violator may present evidence to the hearing officer to show good cause why:

- (i) The identified public nuisance should not be abated;
- (ii) The proposed amount of administrative penalty set forth in this notice should not be imposed, in whole or in part; and
- (iii) The means of abatement set forth in this notice are not proper.

Once the hearing officer renders a decision, that decision will be sent to you at the address you receive your property tax bill. If the hearing officer upheld the order to abate the nuisance or any proposed penalties, you must immediately abate the nuisance and you have 20 days within which to pay any administrative penalties. Payment of administrative penalties shall be made to the Lassen County Tax Collector at 220 S. Lassen St., Susanville, CA 96130.

If you challenge the order to abate the nuisance or any proposed penalties at a hearing and lose your challenge, and you do not abate the nuisance, the enforcing officer may come onto your property without your permission and legally abate the nuisance him or herself. Likewise, if you challenge any proposed administrative penalties and lose that challenge and do not subsequently pay them to Lassen County, those penalties will continue to accrue per day until such time as the nuisance is abated and such abatement is confirmed by an enforcing officer. Moreover, these penalties will become a lien on the real property and can be a cause of forced sale of the real property at some time in the future.

If you have any questions about how this process works or about the Lassen County Code in general, contact Lassen County Planning and Building Services at 530.251.8269 or in person at 707 Nevada St., Susanville, CA 96130.

Case No: CDEF2022-051

DECLARATION OF SERVICE BY FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Room 236, Susanville, California 96130; and;
3. I served the foregoing **NOTICE TO ABATE – NOTICE OF PROPOSED PENALTY – NOTICE OF ADMINISTRATIVE ORDER TO SHOW CAUSE** on the interested parties in said cause by depositing a true copy thereof enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with first class postage fully paid in Susanville, California, on July 21, 2022, addressed as follows:

FRANCISCO JAVIER CHAVEZ JR.
9801 READING AVENUE
TERMO, CA 96132

I declare under penalty of perjury that the foregoing is true and correct.
Executed this July 21, 2022, at Susanville, California 96130.



Brooke Suarez



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director
 707 Nevada Street, Suite 5
 Susanville, CA 96130-3912
 Phone: 530 251-8269
 Fax: 530 251-8373
 email: landuse@co.lassen.ca.us
 website: www.co.lassen.ca.us

NOTICE OF HEARING OFFICER DECISION

CERTIFIED MAIL/RETURN RECEIPT
 7017 1070 0000 7542 4638

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

August 18, 2022

Environmental Health
 Messages: 530 251-8528
 email: EHE@co.lassen.ca.us

Chavez Francisco Javier Jr.
 9081 Reading Ave
 Westminster, CA 92683

RE: Code Enforcement Case No. 2022-051
 535-285 Pintail
 Teramo, Ca 96132
 Assessor's Parcel Number: 031-180-014

Dear Chavez Francisco Javier Jr.:

The intent of this letter is to inform you of the Hearing Officer's decision from the Public Nuisance Ordinance Hearing held on August 17, 2022. Hearing Officer Lynn Cottier determined that a public nuisance did exist on the above-mentioned property and that the voluntary abatement of said nuisance was not completed by August 1, 2022 as ordered in the Notice to Abate issued on July 21, 2022. An administrative penalty has been set for \$1000 per day from July 21, 2022 until the nuisance is abated. The Hearing Officer's Decision is attached.

TITLE 1.18.170 ADMINISTRATIVE CIVIL PENALTIES

1.18.170 (g): *Payment of an administrative penalty specified in the hearing officer's order shall be made to the county within twenty days of service of the order, unless timely appealed to the Superior Court in accordance with Government Code Section 53069.4, subdivision (b)*

1.18.170 (h): *Interest shall accrue on all amounts due under this section, from the effective date of the administrative penalty order, as set forth in this section, to the date paid pursuant to the laws applicable to civil money judgments.*

1.18.170 (i): *In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this section has not been satisfied in full within ninety days and has not been timely appealed to the Superior Court in accordance with Government Code Section*

Chavez Francisco Javier Jr.
August 17, 2022
Page 2 of 2

53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.

Payment of administrative penalties must be made to Lassen County Planning and Building Services Department located at 707 Nevada Street, Suite 5 Susanville, CA. 96130.

Should you have any questions, contact Code Enforcement Officer Michael Prettyman at (530) 251-8269.

Sincerely,


Maurice L. Anderson,
Director

MLA:Cjm
Enclosure: Hearing Officer Decision



Decision of Administrative Hearing Officer
(Lassen County Code Title 1, Chapter: 1.18)

ADMINISTRATIVE HEARING #: 22-051

CDEF: 2022-051

DATE OF HEARING: August 17, 2022

Property Owner Name and Last Known Address: Occupant: Unknown

Chavez Francisco Javier Jr.

9081 Reading Ave
Westminster, CA 92683

Site Address: Assessor's Parcel Number: **031-180-014**

535-285 Pintail

Termo, Ca 96132

Hearing Officer: Date of Administrative Hearing:
Lynn M. Cottier August 17, 2022

WHEREAS, the enforcing officer scheduled an Administrative Hearing on **DATE: 8-17-2022**, giving the owner(s) and/or occupant(s) of the Premises an opportunity to present evidence and elicit testimony regarding (i) whether the conditions existing on the Premises constitute a nuisance and/or whether there is any good cause why those conditions should not be abated, and (ii) whether the proposed amount of administrative penalty set forth in the Notice shall be imposed, modified, or disapproved, in whole or in part.

The owner(s) and/or occupant(s) and/or representatives/legal counsel appeared:

N/A

Failure of an owner or occupant to appear and present evidence at the hearing constitutes a failure to exhaust their administrative remedies. (Lassen County Code (LCC) Title 1, Chapter 1.18.100(c))

NOW, THEREFORE, as the Hearing Officer for the County of Lassen and based upon the record before me, issue the following findings and declarations:

The enforcing officer DID DID NOT properly serve the notice of Order to Show Cause on the owners and/or occupants pursuant to LCC Title 1, Chapter 1.18.060 – 1.18.080.

I HEREBY FIND that the alleged violation(s) DID DID NOT exist on the Premises and the owner/ occupants failed to abate the nuisance based upon the following evidence presented at this hearing and/or continuance of hearing:

The Staff Report, attached hereto and incorporated herein, as well as the marked exhibits A-1 through D-2

Statements from the enforcing officer Chris Martin attesting that:

The information contained in the Staff Report is true and accurate; and

Other: _____; and

Photograph(s) of the violation(s) taken and submitted as evidence at this Hearing by:

Enforcing Officer: and

Included in marked exhibits

Other: _____; and

Other evidence submitted at this Hearing by:

Enforcing Officer: and

Other: _____; and

I HEREBY FIND, based on the foregoing evidence presented at this Hearing, the alleged violation(s):

Continued to exist unabated on the Premises; and

Were abated by the county Planning and Building Services Department.

Other: _____; and

I HEREBY FIND that the proposed administrative penalty set forth in the Notice is:

Imposed in the amount stated in the Notice. ~~\$1,000 day until
abated, beginning
7/21/22.~~

Modified to be: _____

Disapproved.

Other: _____

Based on the above findings, I hereby find the violation(s) alleged in the Notice are factually true and constitute a public nuisance under Lassen County Code Title 1, Chapter 1.18, as set forth in the Notice; and

The unpermitted structures on the Premises is subject to abatement in accordance with Lassen County Code Title 1, Chapter 1.18, and the means of abatement set forth in the Notice are proper.

NOW, THEREFORE, as the Hearing Officer for the County of Lassen and based upon the record before me, issue the following orders:

The Notice issued by the enforcing officer on 7-21-2022 is hereby affirmed in full; and

A public nuisance on the Premises shall be abated by the owner(s) and/or occupant(s) of the Premises, in the manner set forth in the Notice, within FIVE (5) CALENDAR DAYS of service of this Decision (LCC Title 1, Chapter 1.18.120); and

If the owner(s) and/or occupant(s) of the premises fail to abate the nuisance as ordered by the Hearing Officer, and/or the nuisance continues to exist, the Enforcing Officer shall abate, or cause to be abated said nuisance and shall keep an itemized account of the costs incurred by the County to abate the nuisance. The owner(s) and/or occupants shall be liable for all cost in accordance with Lassen County Code Title 1, Chapter 1.18.120. If unpaid, said cost will be charged against the premises in accordance with the provisions of Lassen County Code Title 1, Chapter 1.18.110.

The amount of administrative penalty, as set forth above, shall be final and conclusive. Payment of the administrative penalty specified in this Decision shall be made in the manner set forth in Lassen County Code Title 1, Chapter 1.18.170(g) in accordance with Government Code Section 53069.4, Subsection (b).

ATTENTION!

If the amount of administrative penalty is imposed or modified, you are required to pay that amount within **TWENTY (20) CALENDAR DAYS** after service of this Decision.

If the administrative penalty is not satisfied **IN FULL** within **NINETY (90) DAYS** and/or has not been challenged by a timely writ of mandate or appeal, the Board of Supervisors may authorize recordation of a Notice of Administrative Penalty Lien against the Premises. (Government Code section 53069.4)

ATTENTION!

If the Enforcing Officer is required to abate the nuisance, you are required to pay the cost of abatement, including cost of administration, within **NINETY (90) CALENDAR DAYS** after service of this Decision.

If the cost of abatement, including cost of administration, is not satisfied in full within **NINETY (90) DAYS** and/or has not been challenged by a timely writ of mandate, the Board of Supervisors may specially assess the costs on the County tax roll and authorize recordation of a Notice of Abatement Lien against the Premises. (Government Code section 25845).

8-17-22

Date of Decision



Lynn M. Cottier
Lassen County Administrative Hearing Officer

CDEF2022-051
7017 1070 0000 7542 4638

DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT AND FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitle cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130 and;
3. I served the foregoing **NOTICE OF HEARING OFFICER DECISION** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California on Thursday, August 18, 2022, addressed as follows:

FRANCISCO JAVIER CHAVEZ JR.
9081 READING AVENUE
WESTMINSTER, CA 92683

I declare under penalty of perjury that the foregoing is true and correct. Executed on Thursday, August 18, 2022, at Susanville, California, 96130.



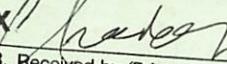
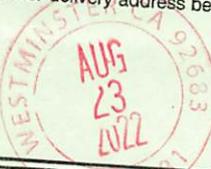
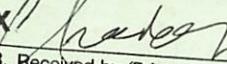
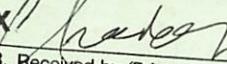
Brooke Suarez

4638
7542 0000 1070 7017

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ <input type="text"/>	
<input type="checkbox"/> Return Receipt (electronic) \$ <input type="text"/>	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ <input type="text"/>	
<input type="checkbox"/> Adult Signature Required \$ <input type="text"/>	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ <input type="text"/>	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or P.O. Francisco Javier Chavez Jr.	
City, State, ZIP+4® 9081 Reading Avenue	
Westminster, CA 92683	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION																	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 																	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Francisco Javier Chavez Jr. 9081 Reading Avenue Westminster, CA 92683 </div> <div style="display: flex; align-items: center;">  <p>9590 9402 4063 8079 6496 44</p> </div> <p>2. Article Number (Transfer from service label)</p> <p>7017 1070 0000 7542 4638</p>																	
<p>COMPLETE THIS SECTION ON DELIVERY</p> <table border="0"> <tr> <td>A. Signature</td> <td><input checked="" type="checkbox"/> Agent</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Addressee</td> </tr> <tr> <td>B. Received by (Printed Name)</td> <td>C. Date of Delivery</td> </tr> <tr> <td colspan="2"> <input checked="" type="checkbox"/> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: </td> </tr> </table> <p style="text-align: center;">  USPS AUG 23 2012 </p>		A. Signature	<input checked="" type="checkbox"/> Agent		<input type="checkbox"/> Addressee	B. Received by (Printed Name)	C. Date of Delivery	<input checked="" type="checkbox"/> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:									
A. Signature	<input checked="" type="checkbox"/> Agent																
	<input type="checkbox"/> Addressee																
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<input checked="" type="checkbox"/> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:																	
<p>3. Service Type</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, July 2015 PSN 7530-02-000-9053

COFF2022-051

Domestic Return Receipt



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director
 707 Nevada Street, Suite 5
 Susanville, CA 96130-3912
 Phone: 530 251-8269
 Fax: 530 251-8373
 email: landuse@co.lassen.ca.us
 website: www.co.lassen.ca.us

October 19, 2022

Chavez Francisco Javier Jr.
 9081 Reading Ave
 Westminster, CA 92683

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

RE: Code Enforcement Case No. 2022-051
 535-285 Pintail
 Termo, Ca 96132
 Assessor's Parcel Number: 031-180-014

Environmental Health
 Messages: 530 251-8528
 email: EHE@co.lassen.ca.us

Dear Chavez Francisco Javier Jr.:

The intent of this letter is to inform you of the Hearing Officer's decision from the Public Nuisance Ordinance Hearing held on August 17, 2022. Hearing Officer Lynn Cottier determined that a public nuisance did exist on the above-mentioned property and that the voluntary abatement of said nuisance was not completed by August 1, 2022 as ordered in the Notice to Abate issued on July 21, 2022.

The administrative penalty of \$1000 per day is set for thirty-three (33) days from July 21, 2022 thru August 22, 2022. Payment of the administrative penalty is due in the amount of \$33,000. Furthermore, any and all physical costs incurred by Lassen County to conduct the abatement of said nuisance shall be imposed in addition to the administrative penalty.

TITLE 1.18.170 ADMINISTRATIVE CIVIL PENALTIES

1.18.170 (g): *Payment of an administrative penalty specified in the hearing officer's order shall be made to the county within twenty days of service of the order, unless timely appealed to the Superior Court in accordance with Government Code Section 53069.4, subdivision (b)*

1.18.170 (h): *Interest shall accrue on all amounts due under this section, from the effective date of the administrative penalty order, as set forth in this section, to the date paid pursuant to the laws applicable to civil money judgments.*

1.18.170 (i): *In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this section has not been satisfied in full within ninety days and has not been timely appealed to the Superior Court in accordance with Government Code Section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.*

Chavez Francisco Javier Jr.

October 19, 2022

Page 2 of 2

Payment of administrative penalties must be made to Lassen County Planning and Building Services Department located at 707 Nevada Street, Suite 5 Susanville, CA. 96130.

Should you have any questions, contact Code Enforcement Officer Michael Prettyman at (530) 251-8269.

Sincerely,



MAURICE L. ANDERSON

Maurice L. Anderson,
Director

MLA:mgp

Case No: CDEF2022-051

DECLARATION OF SERVICE BY FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Room 236, Susanville, California 96130; and;
3. I served the foregoing **LETTER OF HEARING OFFICER'S DECISION** on the interested parties in said cause by depositing a true copy thereof enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with first class postage fully paid in Susanville, California, on October 20, 2022, addressed as follows:

CHAVEZ, FRANCISCO JAVIER JR
9081 READING AVE
WESTMINSTER, CA 92683

I declare under penalty of perjury that the foregoing is true and correct.
Executed this October 20, 2022, at Susanville, California 96130.



Brooke Suarez



PEE WEE ENTERPRISES
701-315 RICHMOND ROAD
SUSANVILLE, CA 96130
PHONE 257-4644

C-2

Invoice

DATE

INVOICE #

6/26/23 23062602

BILL TO:

RECEIVED

Lassen County
Attn: Matt May

JUN 26 2023

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

P.O. NUMBER	TERMS	PROJECT
-------------	-------	---------

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Demo work as estimated on 9/14/2022 Job Site Termo Junipter Ridge Site #1 As directed by Code Enforcement Staff.		\$10,000.00

2023-051

Payment due upon receipt 1 1/2% will be added to
past due accounts plus any and all collection costs.

Thank you for your business.

TOTAL \$10,000.00



**Lassen Regional Solid Waste
Management Authority**

170 Russell Ave. Suite X
Susanville, CA 96130
Phone #: (530)252-1273

INVOICE

Send To: Lassen County Planning & Building Dept. Remit To: 170 Russell Ave. Suite X
707 Nevada Street Suite 5 Susanville, CA 96130
Susanville, CA. 96130 Phone #: (530)252-1273

Account:	0071	Statement Date:	Dec 7,2022
		Previous Balance:	\$307.26
		Current Charges:	\$0.00
		Payments:	\$0.00
		Adjustments:	\$0.00
		Current Balance:	\$307.26

Date	Type	Rec #	Description	Amount
			Previous Balance	\$307.26
			No activity this period	
			Current Balance	\$307.26

PLEASE PAY FROM THIS INVOICE: \$307.26

Make check payable to LRSWMA. Please include invoice number(s) on check.

Thank you for your business!

CDEF 2022-051

A handwritten signature consisting of a stylized 'P' and a wavy line extending from its right side.

C&S Waste Solutions of Lassen County

P.O. Box 278780
 Susanville, CA 96127
 Phone: 530-252-1200
 Fax: 530-252-1255



Email: wendy.delrosa@wasteconnections.com

Invoice No. 174659412U037

INVOICE

Customer Acct. #

Name	Lassen County (termo greenhouse clean up)		
Address	707 Nevada St		
City	CA	96130	
Phone			

Misc.

11/28/2022

Qty			Previous Balance		\$	(157.35)
3.50	10/28/2022	Mileage Fee - RO	893243		\$60.00	\$ 210.00
2.00	10/28/2022	Haul 30 Yd - RO	893243		\$307.04	\$ 614.08
1.00	10/28/2022	Mileage Fee - RO	893243	Lockwood	\$900.00	\$ 900.00
1.00	10/28/2022	Fuel & Material Surcharge			\$24.75	\$ 24.75
1.00	10/28/2022	Disposal Fee 8.61 Tons			\$283.44	\$ 283.44
3.50	11/4/2022	Mileage Fee	894786		\$60.00	\$ 210.00
1.00	11/4/2022	Mileage Fee	894786	Lockwood	\$900.00	\$ 900.00
1.00	11/4/2022	Disposal Fee 8.44 Tons			\$277.84	\$ 277.84

We appreciate your continued business with us!

Payment

Comments

Name

CC #

Expires

Tax Rate(s)

Subtotal \$ 3,262.76
 Shipping

TOTAL \$ 3,262.76

Office Use Only

Please make payments payable to "C&S Waste Solutions of Lassen County" and note Invoice number on check.
 Payments due on receipt.

CDEF 2022-051 Chancz

12/14/2022



County of Lassen

Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Main Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

NOTICE OF HEARING

January 30, 2024

Chavez Francisco Javier JR
9081 Reading Ave
Westminster, Ca 92683

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: CDEF2022-051
535-285 Pintail Rd.
Termo, Ca. 96132

NOTICE OF HEARING LASSEN COUNTY BOARD OF SUPERVISORS

The Lassen County Board of Supervisors will hold a hearing in consideration of the following item:

Property Owner: Javier Francisco Chavez Jr

File Number: CDEF2022-051

Project: Hearing to consider recovery of Administrative Penalties and Hearing on Accounting pursuant to Title 1, Chapter 1.18.170(i) and 1.18.150 of Lassen County Code.

Location: 535-285 Pintail Rd., Termo, Ca. 96132

A.P.N.: 031-180-014

The Board of Supervisors will hold a hearing on this item at 10:05 AM on Tuesday, February 13, 2024, at the Lassen County Board Chambers, 707 Nevada St., Susanville, CA 96130. You are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130.

Sincerely,


 Two handwritten signatures in blue ink. The first signature on the left is "Maurice L. Anderson" and the second signature on the right is "Director".

Maurice L Anderson,
Director

MLA:coe

Enclosures: Administrative Penalty
Costs of Abatement

NOTE: Anyone wishing to challenge in court an action on the project described above may be limited to raising only those issues raised at the hearing described in this notice or in written correspondence delivered at, or prior to, said hearing.

Interest Charge on Administrative fee

Owner: Chavez Francisco Javier Jr

Property Address: 535-285 Pintail Rd. Terro, Ca 96132

APN: 031-180-014

Case Number: CDEF2022-051

Print Date: 01/30/2024

EXHIBIT B

Administrative and Physical Costs of Abatement

Owner: Javier Francisco Chavez

Property Address: 535-285 Pintail Rd Terro.

APN: 031-180-014

Case Number: CDEF2022-051

EXHIBIT C

Print Date: 01/30/2024

Labor Date	Employee Name	Work Performed	Time/mileage	Rate	Total
06/23/2022	Michael Prettyman	SATELLITE IMAGERY	0.50	27.63	13.82
07/21/2022	Michael Prettyman	POSTING & NOTICE TO ABATE-PENALTY-ADMIN ORDER	2.50	31.94	79.85
07/21/2022	Chris Martin	POSTING & NOTICE TO ABATE-PENALTY-ADMIN ORDER	2.50	34.45	86.13
07/21/2022	Matthew May	NOTICE TO ABATE-PENALTY-ADMIN ORDER	0.25	61.11	15.28
07/21/2022	Maurice Anderson	NOTICE TO ABATE-PENALTY-ADMIN ORDER	0.25	85.68	21.42
07/21/2022	Brooke Suarez	NOTICE TO ABATE-PENALTY-ADMIN ORDER	0.25	43.66	10.92
07/21/2022	Mileage rate	POSTING NOTICE TO ABATE	60.00	0.66	39.30
08/01/2022	Michael Prettyman	FIELD INSPECTION #2	2.50	31.94	79.85
08/01/2022	Chris Martin	FIELD INSPECTION #2	2.50	34.45	86.13
08/09/2023	Mileage rate	FIELD INSPECTION #2	60.00	0.66	39.60
08/15/2022	Michael Prettyman	FIELD INSPECTION #3	2.50	31.94	79.85
08/15/2022	Chris Martin	FIELD INSPECTION #3	2.50	34.45	86.13
08/15/2022	Mileage rate	FIELD INSPECTION #3	60.00	0.66	39.60
08/18/2022	Michael Prettyman	NOTICE OF HEARING OFFICER DECISION	0.50	31.94	15.97
08/18/2022	Chris Martin	NOTICE OF HEARING OFFICER DECISION	0.50	34.45	17.23
08/18/2022	Matthew May	NOTICE OF HEARING OFFICER DECISION	0.25	61.11	15.28
08/18/2022	Maurice Anderson	NOTICE OF HEARING OFFICER DECISION	0.25	85.68	21.42
08/18/2022	Brooke Suarez	NOTICE OF HEARING OFFICER DECISION	0.25	43.66	10.92
08/17/2022	Administrative Hearing	Administrative penalty set forth in Notice to Abate \$1,000/day for 33 days	1.00	34,184.38	34,184.38
06/19/2023	C&S Waste	DUMPSTERS AND TRANSPORT	1.00	3,262.76	3,262.76
06/19/2023	LRSWMA	DUMP FEES	1.00	307.26	307.26
06/19/2023	Pee Wee Enterprises	CONTRACTED ABATEMENT	1.00	10,000.00	10,000.00
			Total		48,499.25

Case No: CDEF2022-051

DECLARATION OF SERVICE BY FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

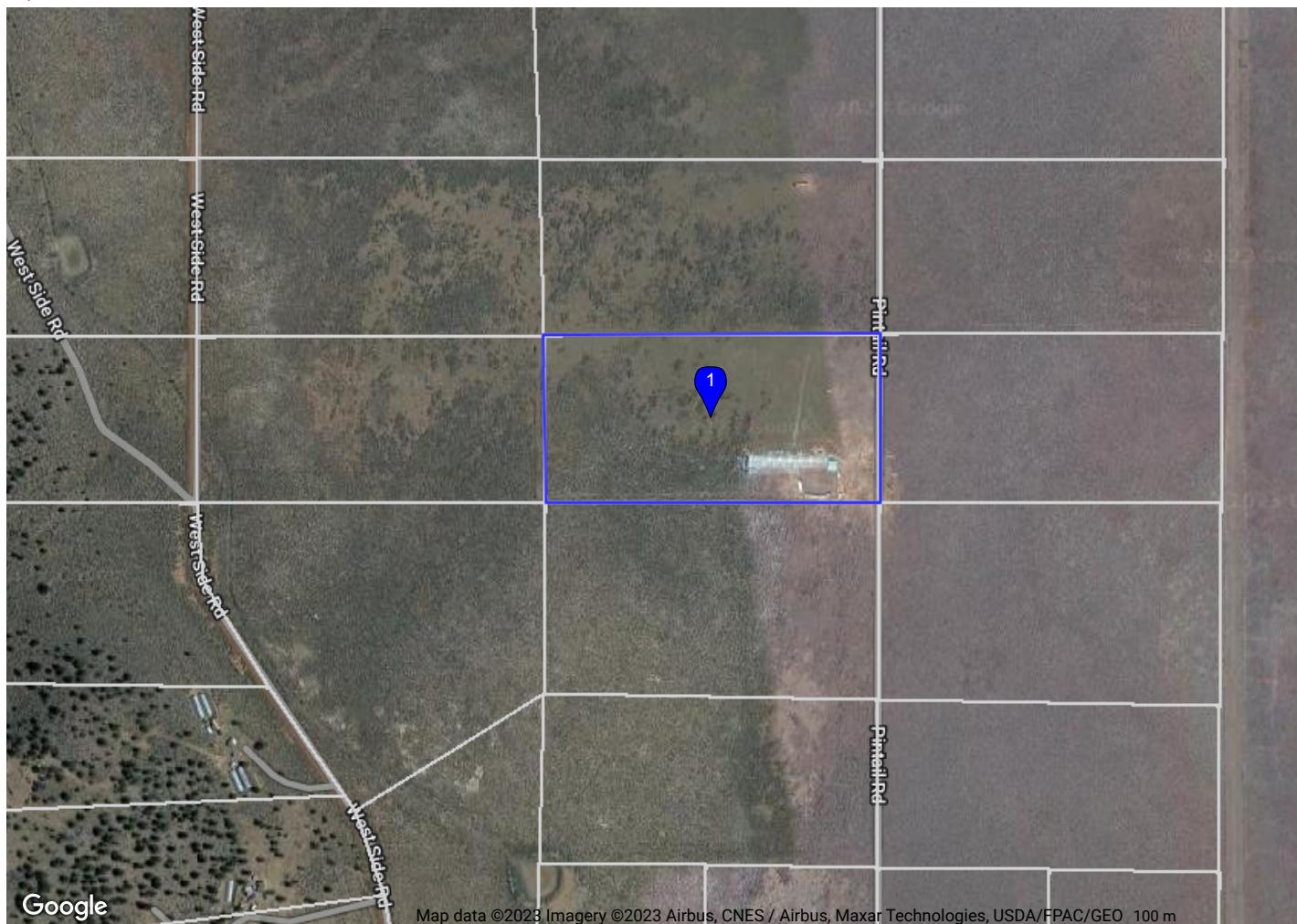
1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Room 236, Susanville, California 96130; and;
3. I served the foregoing **NOTICE OF HEARING** on the interested parties in said cause by depositing a true copy thereof enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with first class postage fully paid in Susanville, California, on January 30, 2024, addressed as follows:

Javier Francisco Chavez Jr.
9081 Reading Avenue
Westminster, CA 92683

I declare under penalty of perjury that the foregoing is true and correct.
Executed this January 30, 2024, at Susanville, California 96130.



Brooke Suarez



1 Property Address: 535285 PINTAIL RD TERMO CA 96132-7133

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **031-180-014-000**
 Parcel Status: **ACTIVE**
 Owner Name: **CHAVEZ FRANCISCO JAVIER JR**

Mailing Address: **9081 READING AVE WESTMINSTER CA 92683**

Legal Description:

Assessment

Total Value: \$12,061	Use Code: S1XX	Use Type: MISCELLANEOUS
Land Value: \$8,446	Tax Rate Area: 074-001	PQ Zoning Type:
Impr Value: \$3,615	Year Assd: 2023	PQ Zoning Code:
Other Value:	Property Tax: \$185.60	Census Tract: 401.00/3
% Improved: 29%	Delinquent Yr:	Price/SqFt:
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	09/10/2009			09/07/2011
Document Number:	2009R0005217			2011R0004659
Document Type:	GRANT DEED			
Transfer Amount:				
Seller (Grantor):	JONES, RODNEY			

Property Characteristics

Bedrooms:		Fireplace:	Units:
Baths (Full):		A/C:	Stories:
Baths (Half):		Heating:	Quality:
Total Rooms:		Pool:	Building Class:
Bldg/Liv Area:		Park Type:	Condition:
Lot Acres:	20.200	Spaces:	Site Influence:
Lot SqFt:	879,912	Garage SqFt:	Timber Preserve:
Year Built:			Ag Preserve:
Effective Year:			