

TABLE OF CONTENTS

BOARD OF SUPERVISORS' MEETING
August 21, 2018

FILE NUMBER:	CDEF 2017-206
PROPERTY OWNER:	Estate of William Kelly Blue
TYPE OF APPLICATION:	Recovery of Administrative Abatement Costs

Board Letter	1
Site Photos taken after completion of the abatement.....	3
Draft Resolution.....	5
Legal Description (Exhibit A of Draft Resolution).....	7
Invoice for Physical Abatement (Exhibit B of Draft Resolution).....	8
Invoice for Waste Disposal (Exhibit C of Draft Resolution).....	9
Invoice for Administrative Costs for Abatement (Exhibit D of Draft Resolution).....	10
Noticing of Public Hearing.....	11
Notice to Property Owner and Declaration of Mailing and Posting.....	12
Vicinity Map	18
Administrative Hearing Officer Decision.....	19
Abatement Warrant.....	23
Instrument Number 2017-03996, abatement lien for the initial costs incurred by the County	26
Site Photos prior to Abatement.....	28
Lassen County Code Chapter 1.18 (Abatement of Civil Nuisances).....	35



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

August 10, 2018

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

TO: Board of Supervisors
Agenda Date: August 21, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Gaylon Norwood, Assistant Director

SUBJECT: Public hearing to consider the recovery of administrative abatement costs for the abatement of a public nuisance located at 705-150 Hagata Road Susanville, CA (APN: 091-130-14); and with the recovery of abatement and administrative costs as provided in chapter 1.18 of the Lassen County Code. This property is owned by Estate of William Kelly Blue. The associated code enforcement file number CDEF 2017-206. The abatement was executed due to the owner's failure to abate the public nuisance, in accordance with the Decision of the Hearing Officer.

Action Requested

1. Conduct Public Hearing; and
2. Receive report from staff; and
3. Adopt a resolution directing staff to execute and record the amendment to the lien on said property, with the Lassen County Recorder.

Summary

On September 11, 2017, Administrative Hearing Officer Jacob Zamora determined that a public nuisance did exist on the above referenced parcel. Hearing Officer Zamora ordered that said public nuisance be abated by the property owner no later than October 11, 2017 (see attached "Decision of Administrative Hearing Officer"). Said decision directed the Assistant Director of Planning and Building Services to record an abatement lien to recover the costs incurred by Lassen County to that point. Said lien was recorded on September 14, 2017, as Instrument Number 2017-03996 (attached) in the amount of \$1,075.56. If the physical abatement of the nuisance has not been completed by October 11, 2017, the Assistant Director of Planning and Building Services was directed to abate said nuisance.

The abatement was not completed by the property owner as ordered. As a result, Abatement Warrant Number 18-03 was obtained from the Lassen County Superior Court on May 21, 2018, to execute the Hearing Officer's abatement order (a copy of said warrant and the return are attached). Said warrant was then executed between May 23, 2018, and May 31, 2018. The abatement was completed by Pee Wee Enterprises in full on May 31, 2018. Photos of the completed abatement are enclosed. This packet also contains photographs taken prior to the abatement.


As stated above, the abatement has now been completed in full, and a resolution directing recordation of an amendment to the lien is enclosed for consideration by the Board. This hearing is to determine if said amendment to the lien will be recorded to recover the full cost of abatement incurred by Lassen County, in accordance with the procedure detailed at Lassen County Code Chapter 1.18 (Abatement of Civil Nuisances; attached).

Financial Impact

Lassen County Code Section 1.18.080 allows the County to recover the costs of abatement, including, but not limited to, the cost of prior time and expenses associated with preparing the matter for a hearing, attorneys' fees and the cost of workers and material necessary to physically abate the violation. As authorized by the Government Code Section 25845 and Lassen County Code Chapter 1.18, Lassen County is empowered to recover the costs through recordation of a lien.

As stated above, a proposed resolution is attached which orders the recordation of a lien to recover the full costs to Lassen County to execute the ordered abatement. The proposed resolution orders the recordation of a lien for \$25,951.46. In summary, this cost is broken down as follows:

- \$18,500.00 paid to Pee Wee enterprises for execution of the abatement (see Exhibit B of the resolution, which is an invoice from Pee Wee Enterprises).
- \$2,371.50 paid to Lassen Regional Solid Waste Management Authority for waste disposal charges (see Exhibit C of the resolution which is an invoice from Lassen Regional Solid Waste Management Authority). Please note that this invoice includes charges for other projects. Only the charges with a "check" mark to their right are applicable to this abatement. The other costs are not included in the resolution. The exhibit shows an amount of \$2,796.60; however, only \$2,371.50 of these charges are associated with this abatement.
- \$4,004.40 in additional administrative and physical costs (Staff time, mileage, etc.) are reflected in Exhibit D of the resolution.
- \$1,075.56 would be included in the lien to reflect the costs detailed in the original lien (recorded prior to the abatement, as ordered by the Hearing Officer). The original lien would be released.

GFN:jsc 





RESOLUTION NO. _____

**RESOLUTION
DECLARING ASSESSMENT OF COST**

WHEREAS, Assessor's Parcel Number: 091-130-14 (as described in Exhibit A) is a parcel owned by Estate of William Kelly Blue located at 705-150 Hagata Road, Susanville, California; and

WHEREAS, on September 11, 2017, the Administrative Hearing Officer for Lassen County conducted a noticed administrative hearing whereat evidence was presented regarding a public nuisance at said property; and

WHEREAS, on September 11, 2017, the Administrative Hearing Officer ordered the execution of abatement of a "Public Nuisance" at the above referenced property; and

WHEREAS, Administrative Hearing Officer's decision also directed that an abatement lien be recorded to recover the costs incurred by Lassen County to that point (\$1,075.56); and

WHEREAS, Administrative Hearing Officer's decision further directed staff to present an amendment of the lien to the Board for consideration at a future public hearing, once the abatement had been fully completed.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the forgoing recitals are true and correct.
2. That notice of the Hearing Officer's Decision has been given as required by Lassen County Code Chapter 1.18 et seq (Abatement of Civil Nuisances).
3. That the information provided in the Board packet for this hearing is true and correct.
4. That the sum of \$1,075.56 as administrative costs of abatement has been assessed against Assessor's Parcel Number: 091-130-14 as Instrument Number 2017-03996. No part of said lien has been satisfied.
5. That the Public Works Department, through contract with Pee Wee Enterprises completed the abatement on May 31, 2018, and an invoice (Exhibit B) for the physical costs of the abatement in the amount of \$18,500.00, additional waste disposal charges of \$2,371.50 (Exhibit C) and administrative costs (Exhibit D) of \$4004.40 for a total of 24,875.90 is attached.
6. That it is found and ordered that recorded lien (Instrument Number 2017-03996) assessed against Parcel Number: 091-130-14 as more particularly described in Exhibit "A", shall be amended to the sum of \$25,951.46, which

RESOLUTION NO. _____

incorporates the total physical and administrative costs incurred by the abatement.

7. Notice of this resolution shall be given to Estate of William Kelly Blue as follows:
1. First class mail.
 2. Certified mail
 3. Posting this resolution on the property.

The forgoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 21st day of August 2018, 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 YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board 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 _____ day of _____, 2018.

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 25, Township 31 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

The Southwest one-quarter of the Northwest one-quarter of the Southeast one-quarter (SW1/4 NW1/4 SE1/4) of said Section 25, Township 31 North, Range 12 East, Mount Diablo Base and Meridian, according to the official plat thereof.



Don E. Willis

**PEE WEE ENTERPRISES**

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

Exhibit "B"

Invoice

6/15/18
ok to pay
Petc

DATE

INVOICE #

6/15/18 18061502

Abatement Budget
Planning + Bldg.

BILL TO:

Lassen County Road Dept
707 Nevada Street Suite 4
Susanville, CA 96130

P.O. NUMBER

TERMS

PROJECT

QUANTITY

DESCRIPTION

RATE

AMOUNT

Job Location: 705-150 Hagata Road Susanville, CA
Job dates 5/22/18 to 5/31/18

Lowbed truck and trailer, Dumptruck,
308 Cat mid size Excavator, 287 Compact
track loader, Truck and 32' End Dump,
Large 325 Cat Excavator with thumb.
Truck & 16 tire lowbed trailer.

All abatement work completed as directed.
Lassen County to pay all dump fees at the
Land fill.

\$18,500.00

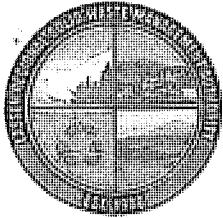
CO180454
Contract # 2018-0249

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 \$18,500.00

Exhibit "C"



Lassen Regional Solid Waste Management Authority

Invoice

Account#	Date	Invoice#
0181	5/31/18	1033
Remit payment to:		Due Date
170 Russell Ave. Suite X		6/30/18
Susanville, CA 96130		

Billing Address

Lassen County Buildings & Grounds
707 Nevada St Suite 4
Susanville, CA 96130

Item#	Date	Site	Description	Amount
66132	05-09-18	BH	32-Loose Waste	\$13.01
66220	05-10-18	BH	32-Loose Waste	\$7.65
66789	05-14-18	BH	32-Loose Waste	\$21.42
67204	05-17-18	BH	42-Mixed Demolition	\$5.36
67264	05-18-18	BH	32-Loose Waste	\$13.01
67615	05-21-18	BH	33-Green Waste	\$10.26
67670	05-21-18	BH	32-Loose Waste	\$126.99
67700	05-21-18	BH	33-Green Waste	\$3.87
67782	05-22-18	BH	32-Loose Waste	\$36.72
67827	05-22-18	BH	33-Green Waste	\$3.69
67837	05-22-18	BH	32-Loose Waste	\$5.36
67845	05-22-18	BH	33-Green Waste	\$5.13
67877	05-23-18	BH	32-Loose Waste	\$43.61
67915	05-23-18	BH	32-Loose Waste	\$42.08
67930	05-23-18	BH	42-Mixed Demolition	\$115.52
67961	05-23-18	BH	33-Green Waste	\$3.24
67963	05-23-18	BH	42-Mixed Demolition	\$165.30
67976	05-24-18	BH	32-Loose Waste	\$108.63
68004	05-24-18	BH	26-Tires - Bulk Load, No Rims	\$96.75
68010	05-24-18	BH	42-Mixed Demolition	\$101.75
68048	05-24-18	BH	33-Green Waste	\$6.66
68049	05-24-18	BH	32-Loose Waste	\$176.36
68069	05-24-18	BH	33-Green Waste	\$5.40
68155	05-25-18	BH	42-Mixed Demolition	\$235.69
68433	05-29-18	BH	34-Scrap Metal, Clean	\$90.00
68442	05-29-18	BH	42-Mixed Demolition	\$159.12
68514	05-30-18	BH	42-Mixed Demolition	\$204.26
68572	05-30-18	BH	32-Loose Waste	\$290.70
68662	05-31-18	BH	34-Scrap Metal, Clean	\$102.00
68664	05-31-18	BH	32-Loose Waste	\$554.98
68768	05-31-18	BH	42-Mixed Demolition	\$42.08

Note

Original Amount

\$ 2,796.60

Amount Due

\$ 2,796.60

2,371.50

Administrative and Physical Costs of Abatement

Owner: BLUE, WILLIAM KELLY EST OF

Property Address: 705-150 Hagata Road

Print Date: 6/13/2018

APN: 091-130-14-11

Case Number: CDEF2017-206

Labor Date	Employee Name	Work Performed	Time/mileage	Rate	Total
10/23/2017	Robert Steen	FIELD INSPECTION #7	1.00	29.35	29.35
10/23/2017	Gaylon Norwood	CASE REVIEW	0.50	48.10	24.05
10/23/2017	Mileage rate	FIELD INSPECTION #7	27.20	0.54	14.55
10/23/2017	Brooke Suarez	FIELD INSPECTION #7	0.25	31.00	7.75
10/26/2017	Gaylon Norwood	CASE REVIEW	0.50	48.10	24.05
11/09/2017	Gaylon Norwood	CASE REVIEW	0.50	48.10	24.05
12/01/2017	Gaylon Norwood	CASE REVIEW	0.50	48.10	24.05
12/04/2017	Gaylon Norwood	CASE REVIEW	0.50	48.10	24.05
01/05/2018	Gaylon Norwood	CASE REVIEW	0.05	48.10	24.05
01/08/2018	Robert Steen	FIELD INSPECTION #8	1.00	29.35	29.35
01/08/2018	Mileage rate	FIELD INSPECTION #8	27.20	0.54	14.55
01/08/2018	Brooke Suarez	FIELD INSPECTION #8	0.25	31.00	7.75
01/18/2018	Gaylon Norwood	CASE REVIEW	1.50	48.10	72.15
02/23/2018	Brooke Suarez	NOTICE OF INTENT TO ABATE	2.00	31.00	62.00
02/23/2018	Gaylon Norwood	NOTICE OF INTENT TO ABATE	0.50	48.10	24.05
02/27/2018	Maurice Anderson	NOTICE OF INTENT TO ABATE	0.25	65.16	16.29
02/27/2018	Brooke Suarez	NOTICE OF INTENT TO ABATE	0.75	31.00	23.25
03/19/2018	Gaylon Norwood	ABATEMENT WARRANT AFFIDAVITT	1.00	48.10	48.10
03/28/2018	Gaylon Norwood	ABATEMENT WARRANT AFFIDAVITT	1.00	48.10	48.10
04/28/2018	Gaylon Norwood	CASE REVIEW	1.00	48.10	48.10
04/30/2018	Gaylon Norwood	CASE REVIEW	1.00	48.10	48.10
05/09/2018	Gaylon Norwood	CASE REVIEW	1.00	48.10	48.10
05/10/2018	Gaylon Norwood	CASE REVIEW	1.00	48.10	48.10
05/21/2018	Jeanette Childress	ABATEMENT WARRANT	4.00	27.70	110.80
05/21/2018	Gaylon Norwood	ABATEMENT WARRANT	1.50	48.10	72.15
05/21/2018	Gaylon Norwood	ABATEMENT WARRANT	1.50	48.10	72.15
05/23/2018	Don Willis	ABATEMENT WARRANT	3.00	42.49	127.47
05/23/2018	Robert Steen	ABATEMENT WARRANT	8.50	29.35	249.48
05/23/2018	Gaylon Norwood	ABATEMENT WARRANT	8.00	48.10	384.80
05/23/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/23/2018	Pete Heimbigner	ABATEMENT WARRANT	4.00	71.58	286.32
05/23/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/23/2018	Bob Burns	ABATEMENT WARRANT	4.00	92.23	368.92
05/23/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/24/2018	Robert Steen	ABATEMENT WARRANT	8.00	29.35	234.80
05/24/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/24/2018	Gaylon Norwood	ABATEMENT WARRANT	4.00	48.10	192.40
05/24/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/25/2018	Robert Steen	ABATEMENT WARRANT	2.00	29.35	58.70
05/25/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/29/2018	Robert Steen	ABATEMENT WARRANT	5.50	29.35	161.43
05/29/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/29/2018	Gaylon Norwood	ABATEMENT WARRANT	6.00	48.10	288.60
05/29/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/30/2018	Robert Steen	ABATEMENT WARRANT	8.50	29.35	249.48
05/30/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
05/31/2018	Robert Steen	ABATEMENT WARRANT	6.00	29.35	176.10
05/31/2018	Mileage rate	ABATEMENT WARRANT	27.20	0.54	14.55
06/01/2018	Robert Steen	ABATEMENT WARRANT RETURN	1.00	29.35	29.35
06/13/2018	Brooke Suarez	Cost Recovery	2.00	31.00	62.00

4,004.40



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

August 2, 2018

LEGAL

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

Lassen County Times
100 Grand Avenue
Susanville, California 96130

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Please print the following Notice of Public Hearing one time only on Tuesday, August 7, 2018.

NOTICE OF PUBLIC HEARING
LASSEN COUNTY BOARD OF SUPERVISORS

The Lassen County Board of Supervisors solicits the aid of public agencies and the general public in consideration of the following item:

Property Owner: Estate of William Kelly Blue

File: CDEF 2017-206

Project: Public hearing to consider the correctness and reasonableness of an amendment to the lien recorded on September 14, 2017, as an instrument number 2017-03996, to recover the costs incurred in the execution of abatement of a "Public Nuisance". Recordation of said lien ordered by the Lassen County Administrative Hearing Officer on September 11, 2017. Amendment of said lien being necessary to recover total costs of abatement.

Location: 705-150 Hagata Road, Susanville, CA 96130

A.P.N.: 091-130-14

The Board of Supervisors will hold a public hearing at 10:00 a.m. on Tuesday, August 21, 2018, in the Board Chambers, 707 Nevada Street, Susanville. All interested persons 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.

For the County of Lassen,

for Julie Bustamante

Julie Bustamante,
Lassen County Clerk

GFN:jsc

CDEF2017-206\lctpcph



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • 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

Zoning & Building

Inspection Request

Phone: 530 257-5263

NOTICE OF PUBLIC HEARING

CERTIFIED MAIL/RETURN RECEIPT

7017 0660 0000 6271 0454

7017 0660 0000 6271 0461

7017 0660 0000 6271 0447

August 2, 2018

Estate of William Kelly Blue

PO Box 1785

Susanville, CA 96130

Estate of William Kelly Blue

705-150 Hagata Road

Susanville, CA 96130

Kelly Blue

1250 Whitewood Way

Chico, CA 95973

RE: CDEF 2017-206

705-150 Hagata Road

Susanville, CA 96130

NOTICE OF PUBLIC HEARING

LASSEN COUNTY BOARD OF SUPERVISORS

The Lassen County Board of Supervisors solicits the aid of public agencies and the general public in consideration of the following item:

Property Owner: Estate of William Kelly Blue

File Number: CDEF 2017-206

Project: Public hearing to consider the correctness and reasonableness of an amendment to the lien recorded on September 15, 2017, as an instrument number 2017-03996, to recover the costs incurred in the execution of abatement of a "Public Nuisance". Recordation of said lien ordered by the Lassen County Administrative Hearing Officer on September 11, 2017. Amendment of said lien being necessary to recover total costs of abatement.

Location: 705-150 Hagata Road, Susanville, California

A.P.N.: 091-130-14

The Board of Supervisors will hold a public hearing on this item at 10:00 AM, on Tuesday August 21, 2018, in the Board Chambers, 707 Nevada Street, Susanville, California. All interested

Estate of William Kelly Blue
August 2, 2018
Page 2 of 2

persons and agencies 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.

For the Board of Supervisors,

A handwritten signature in black ink, appearing to read "Gaylon F. Norwood", with a stylized flourish at the end.

Gaylon F. Norwood, Assistant Director,
Planning and Building Services

GFN:jsc
jsc

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 public hearing described in this notice or in written correspondence delivered at, or prior to, said public hearing.

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 entitled cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130 and;
3. I served the foregoing **NOTICE OF PUBLIC HEARING** 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 Wednesday, August 01, 2018, addressed as follows:

ESTATE OF WILLIAM KELLY BLUE
P.O. BOX 1785
SUSANVILLE, CA 96130-1785

I declare under penalty of perjury that the foregoing is true and correct. Executed on Wednesday, August 01, 2018, at Susanville, California, 96130.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

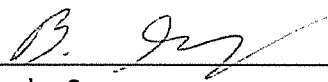
For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$ 2.75
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.47
Total Postage and Fees	\$ 6.67

Sent To
Street and Apt. No., or
City, State, ZIP+4®
Estate of William Kelly Blue
P.O. Box 1785
Susanville, CA 96130

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



Brooke Suarez


**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 PUBLIC HEARING** 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 Wednesday, August 01, 2018, addressed as follows:

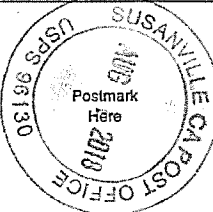
KELLY BLUE
1250 WHITEWOOD WAY
CHICO, CA 95973

I declare under penalty of perjury that the foregoing is true and correct. Executed on Wednesday, August 01, 2018, at Susanville, California, 96130.



Brooke Suarez

7017 0660 0000 6271 0461

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 \$ <u>3.45</u>	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input checked="" type="checkbox"/> Adult Signature Required \$ <u>2.25</u>	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$ <u>.47</u>	
Total Postage and Fees \$ <u>6.67</u>	
Sent To	
Street and Apt. No., or PO Box City, State, ZIP+4®	
Kelly Blue 1250 Whitewood Way Chico, CA 95973	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

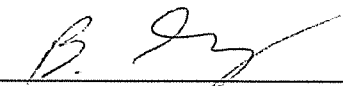
**DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT
AND FIRST CLASS MAIL**

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 entitled cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130 and;
3. I served the foregoing **NOTICE OF PUBLIC HEARING** 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 Wednesday, August 01, 2018, addressed as follows:

ESTATE OF WILLIAM KELLY BLUE
705-150 HAGATA ROAD
SUSANVILLE, CA 96130

I declare under penalty of perjury that the foregoing is true and correct. Executed on Wednesday, August 01, 2018, at Susanville, California, 96130.

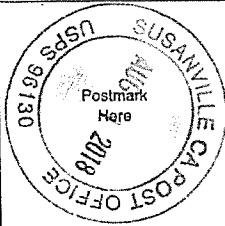


Brooke Suarez

7017 0660 0000 6271 0447

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
OFFICIAL USE	
Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$ 2.75
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 4.77
Total Postage and Fees	\$ 6.67
Sent To	
Street and Apt. No., or P.O.	
City, State, ZIP+4®	
Estate of William Kelly Blue 705-150 Hagata Road Susanville, CA 96130	

PS Form 3800, April 2018



DECLARATION OF SERVICE BY POSTING

I, THE UNDERSIGNED, SAY:


1. I am an employee of Lassen County, California, over the age of eighteen year;
2. My business address is 707 Nevada Street, Suite 5, Susanville, California 96130; and

I posted the foregoing **NOTICE OF PUBLIC HEARING** on the property depicted in said notice attached thereto and incorporated therein, at 705-150 Hagata Road, Susanville, CA (APN 091-130-14-11) on Tuesday, August 07, 2018, and address as follows:

BLUE, WILLIAM KELLY EST OF
P O BOX 1785
SUSANVILLE, CA 96130-1785

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this Tuesday, August 07, 2018, at Susanville, California 96130



Jeanette Childress, Code Enforcement Officer

CDEF #2017-206, Blue



Decision of Administrative Hearing Officer

ABATEMENT OF CIVIL NUISANCE ORDINANCE
(Lassen County Code Chapter 1.18)
UNLAWFUL MARIJUANA CULTIVATION ORDINANCE
(Lassen County Code Title 19)

RECEIVED

SEP 11 2017

CDEF 2017-206 Estate of William Kelly Blue
ADMINISTRATIVE HEARING: MCOH-17-_____

Lassen County Department of
Planning and Building Services

DATE OF DECISION 9-11-17

Property Owner Name and last known address:
Estate of William Kelly Blue
P.O. Box 1785
Susanville, CA 96130-1785

Occupant:
Samual Blue (CA ID #A8125417)

Site Address:
705-150 Hagata Road
Susanville, California 96130

Assessor's Parcel Number:
091-130-14-11

Hearing Officer:
Jacob Zamora

Date of Administrative Hearing
September 11, 2017

This matter was called for administrative hearing on the above date at 0830 a.m. at 221 S. Roop St., Susanville, CA. 96130 in the administrative conference room. Present for the County was:

- ☒ Robert Burns, County Counsel.
- ☐ Maury Anderson, Director of Planning and Building Services.
- ☒ Robert Steen, Code Enforcement Officer.
- ☒ Gaylon Norwood, Assistant Director of Planning and Building Services.
- ☐ Other _____

Whereas, the owner(s) and/or occupant(s) of the Premises were given an opportunity to present evidence and provide testimony to contest an abatement order and cost imposed. The owner(s) and/or occupant(s):

- ☐ Failed to appear at the administrative hearing and exhaust administrative remedies.
- ☒ The following person(s) appeared on his/her/their behalf before this Hearing Officer: SAMUEL BLUE
- ☐ _____

The county presented its case through Code Enforcement Officer Robert Steen and Assistant Director Gaylon Norwood who offered a staff report with numerous exhibits

attached thereto. Mr. Norwood provided the necessary foundation for the admissibility of the staff report, including exhibits, and both the staff report and exhibits were admitted into evidence.

NOW THEREFORE, as the Hearing Officer for the County of Lassen and based upon the testimony of the witnesses and exhibits received in evidence, I make the following findings:

1. The foregoing recitals and the findings and evidence in the staff report are true and correct.
2. The Director of Planning and Building Services (synonymous with Community Development Department Director per Lassen County Code section 2.14.010) delegated this case to Mr. Norwood pursuant to Lassen County Code section 1.18.040 and section 19.030.
3. A public nuisance, within the meaning of Lassen County Code section 1.18.020, and Title 19 existed at 705-150 Hagata Road, Susanville, California 96130, Assessor's Parcel No 091-130-14-11, on July 12, 2017, and continued to be present through the September 6, 2017, inspection. Said public nuisance is detailed in the staff report and exhibits provided by Mr. Norwood.
4. A "Notice to Abate-Notice of Proposed Penalty-Notice of Administrative Order to Show Cause" was issued on July 12, 2017, for marijuana cultivation in violation of Title 19.
5. A Notice and Order to Correct Violations was mailed first class and certified mail to the mailing address shown by the Lassen County Assessor and listed herein on July 19, 2017. Said Notice requested that the property owner voluntarily bring the substandard deck and garbage and debris into compliance with County Code.
6. On July 25, 2017, the occupant of the property, Samuel Blue, self-abated the marijuana cultivation occurring on the property. The substandard deck and miscellaneous garbage and debris remained on the property.
7. On August 1, 2017, a "Notice to Abate Nuisance" was issued pursuant to Lassen County Code Section 1.18.060 for the substandard deck and miscellaneous garbage and debris (as noted).
8. On August 21, 2017, an "Amended Notice to Abate-Notice of Proposed Penalty-Notice of Administrative Order to Show Cause" was issued. Said Notice listed all

the violations identified on August 16, 2017, including, marijuana, substandard deck, and miscellaneous garbage and debris.

9. Lassen County has incurred \$1,075.56 in expenses through August 7, 2017, in administrative cost in furtherance of its duty to abate this nuisance pursuant to Lassen County Code section 1.18.050. This does not include the costs incurred enforcing Title 19, or the penalties imposed.

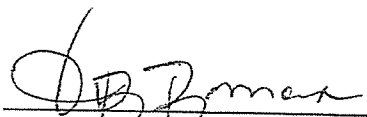
NOW THEREFORE, as the Hearing Officer for the County of Lassen and based upon the above findings, I make the following orders:

1. No later than October 11, 2017, the occupant (Samual Blue) of 705-150 Hagata Road, Susanville, California 96130 or the property owner, is required to remove all debris from the demolition of the deck and dispose of and/or properly store all household trash, debris, miscellaneous junk items, tires, automobile parts, scrap metal, electronics and appliances which are scattered throughout the property.
2. If, for any reason, the above abatement is not executed as required by the foregoing, the Assistant Director of Planning and Building Services is ordered to execute said abatement.
3. The cost incurred by the County in abating the violation through August 7, 2017, is \$1,075.56 and the Planning and Building Services Department Director shall demand that the property owner pay the administrative cost of abatement incurred by the County within twelve days (see Lassen County Code section 1.18.060(b)). The above cost does not include the marijuana abatement pursuant to Title 19.
4. The Assistant Planning and Building Services Department Director is directed to notify the Clerk of the Board of Supervisors of the Hearing Officer's decision and the last day to file an appeal (see Lassen County Code subsection 1.18.060(c)).
5. The Assistant Planning and Building Services Department Director is directed to mail a copy of the Decision to the property owner and post the Decision at the property site (see Lassen County Code subsection 1.18.060(b)).
6. The Assistant Planning and Building Services Department Director is directed to inform the property owner that they may, within twelve days of notice to the Clerk of this decision, file an appeal with the Board of Supervisors.
7. The Assistant Planning and Building Services Department Director is directed to record a partial abatement lien in the amount of administrative cost as stated above, in substantially the same form as Lassen County Code Section 1.18.080

and upon completion of abatement, all physical and administrative cost thereof shall be added to said lien.

8. The Assistant Planning and Building Services Department Director is directed to forward a copy of the recorded partial abatement lien to the Auditor Controller of Lassen county where such cost shall be added to the next tax roll pursuant to Lassen County Code section 1.18.080(6).
9. The proposed administrative penalty as set forth in the "Notice to Abate-Notice of Proposed Penalty-Notice of Administrative Order to Show Cause" is:
 - ☐ Imposed in the amount stated in the Notice.
 - ☒ Modified to be: \$ 250.00 PER DAY EFFECTIVE 8-31-17
 - ☐ Disapproved.
 - ☐ Other: _____
10. The Notice issued by the enforcing officer on August 21, 2017, is hereby affirmed in full; and
11. All unlawful marijuana cultivated 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; and
12. In the event that the marijuana is not abated by the owner(s) and/or occupant(s) of the Premises as set forth above, or the nuisance is recommenced, the Enforcing Officer shall abate, or cause to be abated, the marijuana and shall keep an itemized account of the costs incurred by the County to abate the nuisance, to be charged against the premises and against each person who causes, permits, suffers, or maintains the unlawful marijuana cultivation to exist, in accordance with the provisions of Lassen County Code Title 19.
13. The amount of administrative penalty, as set forth herein 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 19 and Chapter 1.18.

9-11-17
Date of Decision



Jacob Zamora, Hearing Officer



SUPERIOR COURT OF CALIFORNIA
County of Lassen



FILED ABATEMENT WARRANT

Clerk of the Superior Court
County of Lassen

MAY 21 2018

ORIGINAL ☒
DUPLICATE ☐

By C. Dow
DEPUTY CLERK

WARRANT #: 18-03

THE COUNTY OF LASSEN, to any Enforcing Officer (as defined by Lassen County Code Title 19) in the County of Lassen and or his Designees:

Proof by written or oral affidavit having been made this day to me by GAYLON NORWOOD that there is reasonable cause to believe that the violations of the Lassen County Code described in this warrant are occurring at the following location ("Premises"):

THE PREMISES described by Assessor's Parcel Number 091-130-14 located at 705-150 Hagata Road, Susanville, CA 96130 more particularly described as follows:

FROM BOOK 713, PAGE 594 OF LASSEN COUNTY RECORDS: IN TOWNSHIP 31 NORTH, RANGE 12 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF. SECTION 25: THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$.

The record owner(s) of the Premises, as indicated on the last equalized assessment roll, is:

Estate of William Kelly blue
705-150 Hagata Road
Susanville, CA. 96130Se

YOU ARE THEREFORE COMMANDED TO:

Enter upon all parts of the Premises consisting of: All open areas of the Premises where public nuisance and abandoned ,wrecked, dismantled or inoperative vehicles exist and to make forcible entry onto the premises if necessary to conduct the abatement.

FOR THE FOLLOWING ITEMS:

☒ Abatement of Public Nuisance in accordance with Lassen County Code Chapter 1.18 and the California Health and Safety Code.

☒ Abatement of abandoned, wrecked, dismantled or inoperative vehicles in violation of §1.19.020 of the Lassen County Code where the premises owner and/or legal owner of said vehicle has been properly notified pursuant to Chapter 1.19 of the Lassen County Code. Obtain the proper license plates and or vehicle identification numbers on additional abandoned, wrecked, dismantled or inoperative vehicles located on the premises that have not been previously discovered by Code Enforcement.

YOU ARE ORDERED to enter onto the Premises, including any and all open areas as well as any buildings and/or structures, including those not previously accounted for upon initial inspection, and to make forcible entry of such buildings and/or structures, including cutting locks or dismantling any obstructions on the Premises in order to conduct the inspection, pursuant to Code of Civil Procedure section 1822.56.

YOU ARE FURTHER ORDERED that upon such inspection, if the premises previously deemed a "nuisance" by the Hearing Officer at the time of the administrative hearing, still exists, to abate such nuisance by removal of the debris from the property pursuant to Lassen County Chapter 1.18. Remove and tow inoperative vehicles on said premises where the property owner and the owner of said vehicle has been notified pursuant to §1.19.110 of the Lassen County Code. **NOTICE:** The Court waives the 24-hour notice to inspect the Premises and abate the nuisance, finding immediate execution is reasonably necessary in the circumstances shown, pursuant to Code of Civil Procedure section 1822.56. All abatement actions performed pursuant to this Warrant may take place in the absence of the owner and/or occupants of the Premises and without the consent of such.

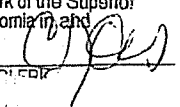
This Warrant shall be served on the owner and/or occupant(s) by mail at their last known address and by posting on the Premises. No further notice to the owner and/or occupant is required prior to its execution and performance of the abatement actions.

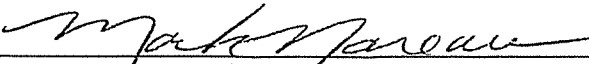
DURATION: This warrant is effective immediately and for time period of not more than FOURTEEN (14) days, pursuant to Code of Civil Procedure section 1822.55.

SERVICE: This warrant shall be served and executed during the daytime hours between 8:00 am and 6:00 pm.

This instrument is a
correct copy of the original
on file in this office

ATTEST: MAY 21 2018

Clerk of the Superior
Court of the State of California, and
for the County of Lassen
By 
DEPUTY CLERK

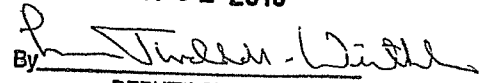

Judge of the Superior Court
County of Lassen, State of California

Date 5/21/18
9¹⁵ AM / P.M.

ABATEMENT WARRANT RETURN

FILED
Clerk of the Superior Court
County of Lassen

JUN 01 2018

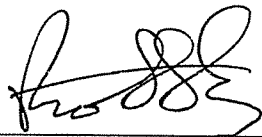
By 
DEPUTY CLERK

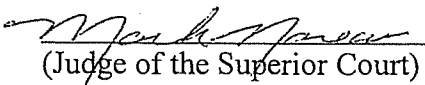
State of California
County of Lassen
Susanville, California

On May 23 thru May 31, 2018, an abatement warrant (#18-03) was executed at Assessor's Parcel Number 091-130-14, 705-150 Hagata Road, Susanville California by the Lassen County Department of Planning and Building Services. The owner of the subject property is identified as the Estate of William Kelly Blue. The abatement warrant was issued out of the Superior Court, County of Lassen, State of California, on May 21, 2018.

Agents acting under the authority of the Lassen County Planning and Building Services Department removed junk, trash and debris that created a public nuisance on the above referenced property in accordance with Lassen County Code Section 1.18.

I declare under the penalty of perjury that the foregoing warrant receipt is true and correct and that this was signed in the City of Susanville, California on this date.

 6-1-18
Robert Steen Date
(Returning Agent)

 6-1-18
(Judge of the Superior Court) Date

When recorded return to:

Lassen County Department of
Community Development
707 Nevada Street, Suite 5
Susanville, CA 96130

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

Conformed Copy
2017-03996

Recorded at the request of:
LASSEN COU DEPT COMM DEV
09/15/2017 02:19 PM
Fee: \$0 PAGES 2

OFFICIAL RECORDS
Julie M. Bustamante - Clerk-Recorder
Lassen County, CA



NOTICE OF NUISANCE ABATEMENT LIEN
(Claim of County of Lassen)

Pursuant to the authority vested by the provisions of Chapter 1.18 of the Lassen County Code, a Code Enforcement Officer of the County of Lassen (or his designated agents) did, starting on or about the 12th day of July, 2017 through to the 7th of August 2017, administratively work on bringing the premises into compliance with the provisions of the Lassen County Code in order to abate a public nuisance on said real property; and the Hearing Officer for the County of Lassen did, on the 11th day of September, 2017, assess the administrative costs of said real property hereinafter described; and the same has not been paid nor any part thereof; and that said County of Lassen does hereby claim a lien to such administrative costs in the amount of said assessment, to wit: The sum of \$1,075.56; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mention, and upon which a lien is claimed, is that certain parcel of land being in the County of Lassen, State of California, Assessor's Parcel Number 091-130-14 with a physical address of 705-150 Hagata Road, Susanville, CA and more particularly described as follows:

FROM BOOK 713, PAGE 594 OF LASSEN COUNTY RECORDS: IN TOWNSHIP 31 NORTH, RANGE 12 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF. SECTION 25: THE SW ¼ OF THE NW ¼ OF THE SE ¼.

Accessor's Parcel Number:	091-130-14
Owner :	Estate of William Kelly Blue
Physical Address:	705-150 Hagata Road Susanville, California, 96130

Dated: This 14th day of September, 2017.

Gaylon F. Norwood, Assistant Director,
Planning and Building Services

County of Lassen California
(Ord. 467-T § 5, 1995).

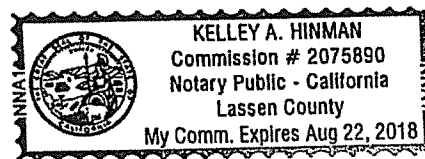
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Lassen

On September 14, 2017, before me, Kelley A. Hinman, Notary Public, personally appeared Gaylon F. Norwood, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.



Kelley A. Hinman
Signature of Notary Public

(Seal)















Lassen County Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)
[Title 1 GENERAL PROVISIONS](#)

Chapter 1.18 ABATEMENT OF CIVIL NUISANCES

Note

* Prior ordinance history: Ord. 497.

1.18.010 Purpose.

The purpose of this chapter is to remove conditions of property hereinafter described and declared to be public nuisances which have a blighting influence on properties in the vicinity and/or are detrimental to the health, safety and welfare of the residents of the county. (Ord. 467-T § 5, 1995).

1.18.020 Condition creating public nuisance.

The following condition is declared to be a public nuisance:

Any nuisance heretofore or hereafter defined as a nuisance by any ordinance of the county, section of the Lassen County Code, resolution of the board of supervisors, or statutes of the state of California. A public nuisance is further described as any accumulation of trash, refuse, waste, junk (except as otherwise permitted), debris, garbage, rubbish and related matter, which by reason of its character and location is unsightly and interferes with the reasonable enjoyment of property by neighbors, or which detrimentally affects property value in the surrounding neighborhood or community, or which would materially hamper and interfere with the prevention or suppression of fire upon the premises or which may be detrimental to the health, safety and welfare of persons in the vicinity. (Ord. 467-T § 5, 1995).

1.18.030 Exception.

No agricultural activity, operation or facility, or appurtenances thereof, as such are defined in California Civil Code Section 3482.5, is subject to this chapter. (Ord. 467-T § 5, 1995).

1.18.040 Director of community development.

The director of community development is designated to enforce this chapter. Whenever a public nuisance as defined herein exists anywhere within the unincorporated limits of the county of Lassen, the director of community development may declare such condition to be a public nuisance. The director of community development may exercise such powers that may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. The director of community development may appoint and delegate the duties of such officers, agents and employees as the director deems necessary. (Ord. 467-T § 5, 1995).

1.18.050 Duty to abate.

No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this chapter to exist within the unincorporated limits of the county of Lassen. It shall be the duty of every owner, occupant and person that controls any land or interest thereon within this jurisdiction to remove, abate and prevent the reoccurrence of the public nuisance upon such land. (Ord. 467-T § 5, 1995).

1.18.060 Procedure for abating public nuisances generally.

(a) Whenever the community development director determines that a public nuisance exists, the community development director or his or her designee may order the public nuisance to be abated. If the condition(s) continue, the community development director may set the matter for hearing. If the matter is set for hearing, the community

development director or his or her designee shall post the property upon which the public nuisance exists and shall mail notices to those persons known to be in possession of the property and to persons shown on the last equalized county tax roll to be the owners of the property at least ten days prior to the hearing. Both the mailed and posted notice shall be in substantially the following form:

NOTICE TO ABATE NUISANCE

The owner(s) and occupants of real property described on the latest equalized Lassen County tax roll as A. P. No. _____ and having a street address of _____ is (are) hereby notified to appear before a hearing officer of the County of Lassen at (insert place) _____ on _____ 20____, at the hour of _____ o'clock _____.m., to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Lassen County Ordinance Code. After hearing, if a violation is found to exist, the cost of abating such violation, including, but not limited to, the cost of the hearing officer, 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 hearing officer, 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 will become a lien against the subject property and also assessed against the property in the same manner as taxes. The abatement lien to be recorded shall have the same force and effect as an abstract of judgment which is recorded pursuant to a money judgment obtained in a court of law. If you fail to appear at the hearing or if you 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.

In preparing for such hearing, you should be aware that after an initial showing by the Code Enforcement Officer you will have the opportunity to prove that no public nuisance exists on your property. In this connection, you should be prepared to introduce all evidence to demonstrate that the use of the property is not public nuisance as defined in the Lassen County Ordinance Code. A copy of the ordinance relating to abatement hearings is enclosed to assist you in the preparation of your presentation.

Your failure to show that no public nuisance exists subsequent to an initial showing by the Code Enforcement Officer may result in an administrative decision ordering the abatement of uses on your property which are found to be a public nuisance and may also result in a later judicial order to the same effect. If the hearing officer finds that you property is in violation of the Lassen County Ordinance Code, the County will contend that you are bound by such finding at any subsequent judicial action to enforce any abatement order.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE ABATEMENT AND TERMINATION OF USES OF YOUR PROPERTY WHICH THE DIRECTOR OF COMMUNITY DEVELOPMENT CONTENDS ARE IN VIOLATION OF THE LASSEN COUNTY ORDINANCE CODE.

Dated: _____

LASSEN COUNTY COMMUNITY DEVELOPMENT DIRECTOR

By: _____

Enclosure: Property Maintenance Ordinance

(b) At the time and place set for the hearing, the hearing officer shall review the community development director's decision ordering cessation of the alleged public nuisance to determine whether such decision conforms to law and is

supported by substantial evidence. The hearing officer shall hear testimony and receive written or documentary evidence relating to the alleged violation. The hearing officer shall tape record the hearing and shall preserve all photographs and other documentary evidence introduced at the time of the hearing. Within thirty days after the hearing is closed, the hearing officer shall render his or her decision relating to the existence or nonexistence of the alleged public nuisance. The decision shall include a statement of the costs incurred by the county in abating the violation, if a violation is found to exist, and shall also include a demand that administrative costs of abatement incurred to date be paid to the county within twelve days. The decision shall contain findings of fact and conclusions of law. A copy of the decision shall be mailed by certified mail to the owner of the parcel which is subject to the hearing, the occupant of such parcel and the appellant.

(c) The decision of the hearing officer shall be final. The hearing officer shall notify the clerk of the board of supervisors of his or her decision, the date upon which the decision became final and the last date upon which an appeal may be made. If the board of supervisors does not receive an appeal within twelve days of receipt of the hearing officer's decision, it shall be deemed to have ratified and adopted the hearing officer's decision. If it is the decision of the hearing officer that a public nuisance exists, the owner of the property shall be responsible for paying all of the county's administrative abatement costs, including but not limited to, those cost items set forth in the notice required by subsection (a) of this section.

(d) Within the twelve-day period referred to in subsection (c) of this section, the owner or occupant of the property, the director of community development or any other interested person may appeal the decision of the hearing officer to the Lassen County board of supervisors if such individual or entity does all of the following:

(1) Delivers a written appeal specifically setting forth the grounds for appeal to the clerk of the board of supervisors within the twelve-day appeal period; and

(2) Within fifteen days of being notified by the clerk of the board of supervisors, the appellant shall deposit with the clerk of the board an amount of money equal to the estimated cost of transcribing the oral proceedings before the hearing officer and the cost of duplicating seven copies of the administrative record, including all exhibits introduced at the hearing. The appellant shall be responsible for the cost of the appeal and record; provided, however, that: (i) if the appellant is not the owner of the property, and the board upholds the appeal and finds that a zoning violation exists, the costs of the appeal shall be paid by the property owner; and (ii) if the appellant is the owner of the property and the board upholds the appeal and finds that no violation exists, then the costs of the appeal shall be borne by the county.

(e) In the event of an appeal to the board of supervisors, the board shall decide the appeal based solely on the administrative record prepared by the hearing officer. The board shall review the record and then adopt, reject or modify the decision of the hearing officer.

(f) In the event of an appeal to the board of supervisors, the board shall decide the appeal within ninety days after receipt of the administrative record. Notice of the board's decision shall be mailed to the property owner and those persons receiving notice pursuant to subsection (a) of this section.

(g) If a final decision of the hearing officer or the board of supervisors finds that a violation exists, the owner of the property shall be responsible for paying all of the county's administrative abatement costs, including, but not limited to, those cost items set forth in the notice required by subsection (a) of this section. Costs of abatement shall become a lien against the property as is authorized by the government code and the following paragraph:

The board's final decision shall also order that abatement costs that have been incurred to date shall be assessed against the property as provided by Government Code Section 25845(b) and that an abatement lien will be recorded as is authorized by Government Code Section 25845(c). The notice of abatement lien shall be substantially in the form set forth in Section 1.18.080. If the abatement has not yet been completed, the notice shall so state and shall also indicate that the lien is a partial lien and that additional abatement costs will be incurred in the future. It is the intent of the board of supervisors that abatement costs incurred after the filing of the notice of abatement lien relate back to the date upon which the lien was recorded for purposes of priority; however, in order to preserve its rights, after all abatement costs have been incurred and the abatement is complete, the community development department shall cause a supplemental notice of abatement lien to be recorded. The supplemental notice shall contain all of the information required for the original notice and shall also refer to the recordation date and the recorder's document number of the original notice.

(h) Decisions of the hearing officer or board of supervisors shall order abatement within a time certain. The order may be recorded by the community development director. In the event of such recordation and in the further event that the violation is corrected, a notice as such correction shall be recorded. The community development director is authorized to prepare and record a notice of correction. Correction of the violation shall not excuse the property owner's liability for

costs incurred during the administrative abatement process. The county may, in its discretion commence a judicial action to enjoin a violation of this chapter without the necessity of first going through the administrative procedures set forth herein. (Ord. 467-T § 5, 1995).

1.18.070 Alternative to hearing officer.

If hearing officers are unavailable, for any reason, the director of community development shall schedule the abatement hearing before the board of supervisors. Should the board of supervisors conduct the initial abatement hearing all provisions contained in this chapter shall apply. The decision of the board shall be final. (Ord. 467-T § 5, 1995).

1.18.080 Abatement costs.

Record of Cost for Abatement.

- (1) The code enforcement officer shall keep an account of the cost of abating or remedying each violation and shall render an itemized report in writing to the board of supervisors showing the costs of abatement.
- (2) The director of community development shall cause the matter to be set for hearing before the board of supervisors to determine the correctness and reasonableness of such costs and any administrative costs.
- (3) Notice of the hearing shall be given in the same manner as set forth in Section 1.18.060.
- (4) **Report—Hearing Proceedings.** At the time and place fixed for receiving and considering the report, the board of supervisors shall hear and pass upon the report of such costs of abatement, together with any objections or protests. Thereupon, the board may make such revision, correction or modification in the report as it may deem just, after corrected or modified, shall be confirmed. The decision of the board on all protests and objections which may be made shall be final and conclusive.
- (5) **Assessment of Costs Against Property—Lien.** The total cost for abatement as so confirmed by the board of supervisors, shall constitute a special assessment against the respective lot or parcel of land to which it relates and, upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment.
- (6) After such confirmation and recordation, a certified copy of such decision shall be sent to the county auditor-controller's office, whereupon it shall be the duty of the auditor-controller to add the amount of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for county purposes, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary property assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary property assessments; or
- (7) After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- (8) Such notice of lien for recordation shall be in a form substantially as follows:

NOTICE OF LIEN

(Claim of County of Lassen)

Pursuant to the authority vested by the provisions of Chapter 1.18 of the Lassen County Code, A Code Enforcement Officer of the County of Lassen (or his designated agents) did, on or about the _____ day of _____, 20____, cause of the use of the premises hereinafter described to be brought into compliance with the provisions of the Lassen County Code in order to abate a public nuisance on said real property; and the Board of Supervisors of the County of Lassen did, on the _____ day of _____, 20____, assess the cost of such rehabilitation, repair or demolition upon said real property hereinafter described; and the same has not been paid nor any part thereof; and that said County of Lassen does hereby claim a lien to such rehabilitation, repair, or demolition and administrative costs in the amount of said assessment, to wit: The sum of \$ _____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mention, and upon which a lien is claimed, is that certain parcel of land being in the County of Lassen, State of California, and more particularly described as follows:

Dated: This _____ day of _____, 20__.

Code Enforcement Officer
County of Lassen California

(Ord. 467-T § 5, 1995).

1.18.090 Hearing procedures.

(a) Fairness of Hearings. Hearings required in this chapter shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned, limited by the need to secure relevant information necessary to render a decision without unnecessary delay.

(b) Evidentiary Rules. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

(c) Speaker's Presentation.

(1) Each speaker shall approach the microphone and give his or her full name and address for the record.

(2) Each speaker's presentation shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate, but, if used, shall become part of the public record and the property of the county. The board of supervisors may establish a time limit for presentations; provided, however, that at least five minutes shall be allowed for each speaker. Speakers shall, at the discretion of the hearing officer, be allowed to speak for longer than five minutes if that speaker represents a group of individuals, the remainder of which choose not to speak. Speakers with lengthy presentations are encouraged to submit them in writing. There shall be no limitations upon the length of written statement.

(3) Subject to the hearing officer's right to accept a motion to conclude the taking of all testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak shall be heard. Except for rebuttal allowed, each speaker shall speak only once.

(4) Witnesses shall be sworn and subject to cross-examination through the hearing officer.

(d) Submission of Additional Written Evidence and Argument. At any time before or after the hearing up to the point the hearing is closed any interested party may submit written evidence or argument. Except for the receipt of written argument, no ex parte communications, either direct or indirect, shall be received by the board of supervisors during the period of a continuance or after the public hearing has been closed.

(e) Order of Proceeding at Hearing. The hearing shall ordinarily proceed in the following order:

(1) Department of community development staff's presentation shall proceed first. It should include identification of the file and property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues involved, permitted uses to which the property was and is subject, an accounting of enforcement costs relating to the property, and a recommended decision.

(2) A presentation by or on behalf of the property owner shall next proceed.

(3) Tenants or other occupants of the subject property shall speak third.

(4) Individuals owning property immediately contiguous to the subject property shall speak fourth.

(5) Other interested parties shall speak fifth.

(6) The property owner shall be entitled to rebuttal.

After all of the testimony is taken, the hearing officer shall close the public hearing unless it is necessary to continue the hearing for the receipt of additional evidence. During the course of the hearing, the hearing officer may question any witness and may allow cross examination of any witness. (Ord. 467-T § 5, 1995).

1.18.100 Remedies cumulative.

Nothing in this chapter shall prevent the appropriate authorities of the county of Lassen from pursuing any civil, criminal or administrative remedy deemed necessary or appropriate to gain compliance with the applicable provisions of this code. The provisions of the chapter are to be supplementary and complementary to all of the provisions of this code, state law, and any law cognizable at common law in equity, and nothing herein shall be read, interpreted or construed in any manner so as to bar or limit the county from seeking any remedy to which it may otherwise be entitled. (Ord. 467-T § 5, 1995).

View the [mobile version](#).