



# RESOLUTION No. 22-263

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### **RESOLUTION ADOPTING THE RECOMMENDATION OF THE HEARING BODY AND APPROVING A SPECIAL ASSESSMENT AND ORDERING RECORDATION OF ABATEMENT LIEN IN THE AMOUNT OF \$27,709.78 AFTER A NUISANCE ABATEMENT ON THE PARCEL LOCATED AT 27958 SWEETLAND ROAD, NORTH SAN JUAN, CA 95960 (APN 060-091-001), OWNER OF RECORD SARAH K ROGERS**

WHEREAS, on December 23, 2019, a code case was referred to a Hearing Body for a nuisance abatement by Nevada County Code Compliance Division on Assessor's Parcel Number 060-091-001 at 27958 Sweetland Road, North San Juan CA 95960 (the "Property"); and

WHEREAS, significant health and safety risks to neighboring parcels existed due to inoperable vehicles, solid waste, RV occupancy, structures, sewage disposal; and

WHEREAS, the Code Compliance Division proceeded with the abatement process outlined in the County's Administrative Enforcement Ordinance, section L-II 5.23 of the Land Use and Development Code, which included conducting a competitive procurement process and selecting multiple vendors to provide a bid estimate based on the scope of work; and

WHEREAS, on January 7, 2020, after holding a nuisance abatement hearing, the Nuisance Abatement Hearing Officer ordered the Property Owner to abate the nuisance condition on the Property; and

WHEREAS, the Hearing Officer also determined and ordered Code Compliance Division is entitled to reimbursement of costs of its pre-abatement actions incurred from February 1, 2019 through December 23, 2019 in an amount to be determined according to proof; and

WHEREAS, the Hearing Officer also determined and ordered that, in addition to reimbursement of costs of its pre-abatement actions, the Code Compliance Division shall recover all costs for preparing and attending the hearing itself and hearing officer charges according to proof under LUDC § L-II, 5.23(E) and Government Code section 25845, subdivision (b); and

WHEREAS, the Hearing Officer also determined and ordered that, after such abatement is conducted, the Code Compliance Division is entitled to reimbursement of costs of its abatement actions incurred to seek and obtain an abatement warrant in compliance with the Hearing Officer's order, costs of further hearing-related abatement efforts, and all costs of abatement itself as may be reasonably incurred and charged to the Property Owner under Government Code section 25845; and

WHEREAS, the Hearing Officer's decision and order was deemed final on January 13, 2020. Pursuant to LUDC § L-II 5.22(E)(4), the parties and any interested persons had ten (10) days from receipt of the decision to appeal the decision by delivering a Notice of Appeal to the Clerk of the Board of Supervisors along with a deposit as required by LUDC § L-II 5.22(E)(4); and

WHEREAS, the Property Owner failed to appeal the decision; and

WHEREAS, on May 01, 2020 an abatement warrant was executed, and the nuisance conditions were abated; and

WHEREAS, on August 17, 2020, the County sent to the Property Owner a demand for payment of costs of abatement, including administrative and physical abatement costs in the total amount of \$27,709.78; and

WHEREAS, Government Code section 25845, subdivision (d) provides, “[i]f the owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to be specially assessed against the parcel”; and

WHEREAS, on April 18, 2022, the Hearing Officer also determined and ordered Code Compliance Division is entitled to reimbursement of costs of its abatement actions in the amount of \$27,709.78 according to procedure under LUDC § L-II (R); and

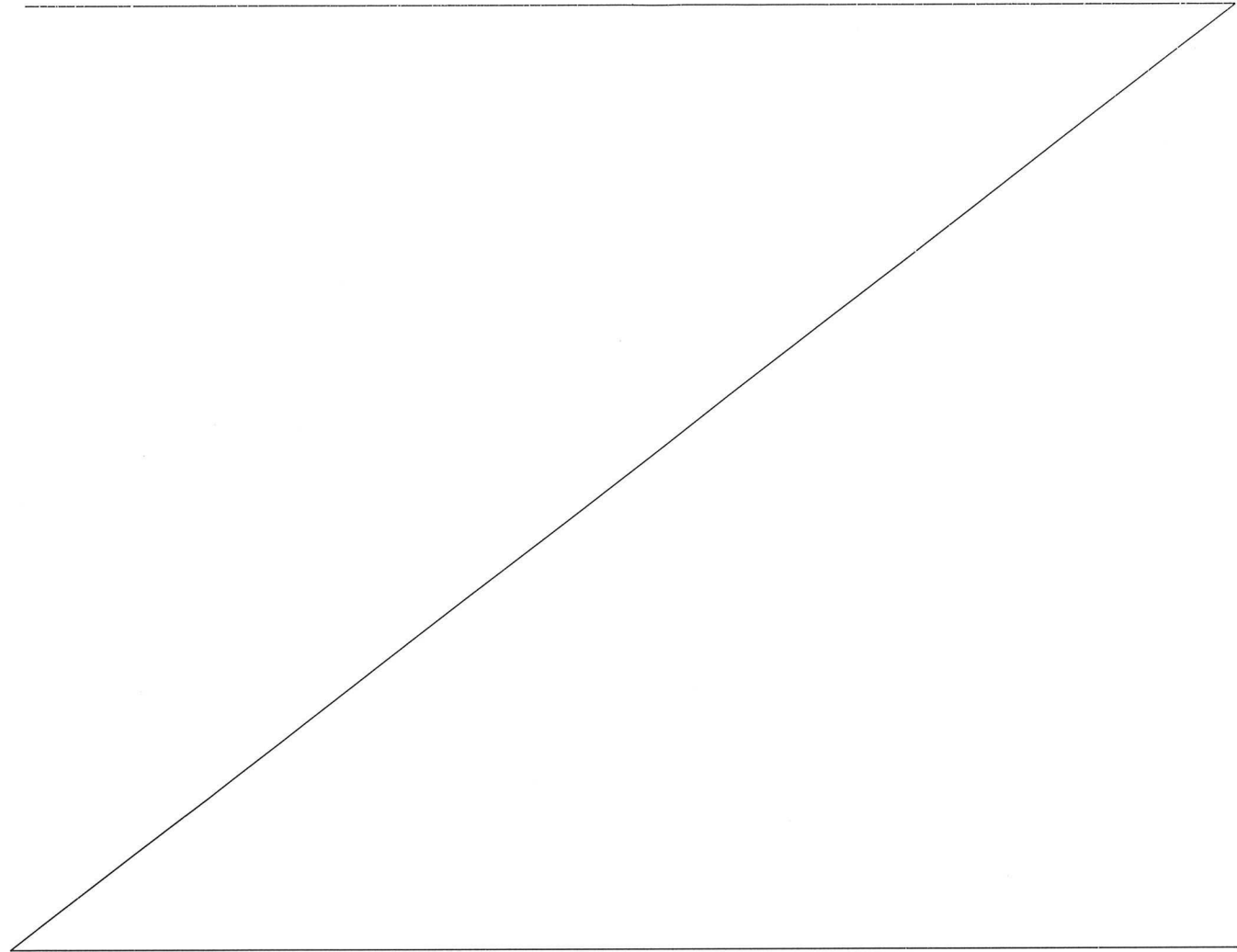
WHEREAS, Government Code Section 25845, subdivision (e) provides, “[i]f the board of supervisors specially assesses the cost of the abatement against the parcel, the board also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the board of supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost”; and

WHEREAS, the Property Owner has failed to remit payment as demanded; and

WHEREAS, the Code Compliance Division recommends, pursuant to Government Code section 25845 and the County’s Land Use and Development Code, section L-II 5.23, the Board of Supervisors adopt the recommendation of the Hearing Officer and order the administrative and physical costs of abatement be specially assessed against the Property in the amount of \$27,709.78 as shown in Exhibit A attached hereto, and furthermore recommends the Board order the same amount recorded as an abatement lien against the Property, with the record owner of the Property identified as Sarah K Rogers last known address of 27958 Sweetland Road, North San Juan CA 95960, abatement date ordered on January 13, 2020, abatement completed on May 01, 2020 Property address of 27958 Sweetland Road, North San Juan CA 95960 (APN 060-091-001), with an abatement cost in the amount of \$27,709.78.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Government Code section 25845, subsection (d), the Nevada County Board of Supervisors approves the proposed assessment, in the amount of \$27,709.78, against the property located at 27958 Sweetland Road, North San Juan, CA 95960 (APN 060-091-001); and

BE IT FURTHER RESOLVED that, pursuant to Government Code section 25845, subsection (e), the Nevada County Board of Supervisors orders a notice of abatement lien be recorded against the Property, with the record owner of the Property identified as Sarah K. Rogers, last known address of 27958 Sweetland Road, North San Juan CA 95960, abatement date ordered on January 13, 2020, abatement completed on May 07, 2020, Property address of 27958 Sweetland Road, North San Juan CA 95960 (APN 060-091-001), with an abatement cost in the amount of \$27,709.78.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of June, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Susan K. Hoek, Chair

6/14/2022 cc: CC\*  
AC\*

DECISION AND RECOMMENDATION ON ACCOUNTING AND PROPOSED  
ASSESSMENT PERTAINING TO NOTICE OF VIOLATION, ABATEMENT ORDER,  
AND/OR ADMINISTRATIVE CITATIONS  
(Nevada County Land Use and Development Code Sec. L-II 5.23)

Date of Hearing: April 6, 2022

Hearing Officer: David J. Ruderman

Property Owner: Chelsea Forkner, David Forkner, Sarah Rogers

Property Owner's Mailing Address: [REDACTED]  
[REDACTED]

Appellant: Chelsea Forkner, David Forkner, Sarah Rogers

Notice of Abatement Issued: October 22, 2019

Administrative Hearing Date: December 23, 2019 Decision Date: January 7, 2020

APN #060-091-001

**Parties Present:**

- Nevada County Code Compliance Department: David Kopp
- Counsel for Nevada County Code Compliance: Douglas Johnson, Deputy County Counsel
- Property Owner(s): None
- Counsel for Property Owner(s): None
- Others: None

**Evidence Admitted on Behalf of Nevada County Code Compliance:**

1. Exhibits A – D
2. \_\_\_\_\_

**Witnesses on Behalf of Nevada County Code Compliance:**

1. David Kopp, Code Compliance Officer II

**Evidence Admitted on Behalf of Property Owner(s):**

1. None

**Witnesses on Behalf of Property Owner(s):**

1. None

Having reviewed the report of the Enforcing Officer and any administrative costs reported by the Clerk of the Board, and considering all relevant evidence pertaining to any administrative penalties imposed, and the to the costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, abatement action in compliance with the County's Land Use and Development and General Codes, the undersigned Hearing Officer hereby makes the following findings and orders, which orders shall constitute the Hearing Officer's recommendation on a proposed lien under Sec. L-II 5.23(S) of the Nevada County Land Use and Development Code:

### FINDINGS

1. Notice of this hearing has been given as required by law.
2. The accountings on the cost of abating the public nuisances and/or the administrative costs related thereto are both accurate and reasonable.


### ORDERS

1. The account and proposed assessment are confirmed in whole. This order constitutes the written recommendation regarding a proposed lien to the Board of Supervisors.
2. The actual authorized administrative penalties and/or costs incurred pertaining to enforcement and/or abatement of public nuisances, including associated administrative costs thereof, are ordered as follows:
  - a. Abatement Costs:
    - i. Celestial Valley Towing: \$17,700.00
    - ii. Code Compliance Office: \$9,289.78
    - iii. Clerk of the Board (administrative costs): \$720.00
  - b. Administrative Penalties Imposed: \$0.00

**Total Costs:**                    **\$27,709.78**

SO ORDERED:

April 18, 2022  
Date

  
\_\_\_\_\_  
David Ruderman  
Hearing Officer

CERTIFICATE OF MAILING

I am employed in the County of Nevada, State of California. I am over the age of 18 years and not a party to the Abatement Order; my business address is: Clerk of the Board of Supervisors, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California 95959-8617.

I served the enclosed documents:

Notice of Administrative Cost Accounting Hearing

On the following persons via First Class US Mail on April 18, 2022:

Chelsea Forkner, [REDACTED]  
Chelsea Forkner, [REDACTED]  
David Forkner, [REDACTED]  
Sarah K Rogers, [REDACTED]  
California Franchise Tax Board, Special Processing Section  
PO Box 2952, Sacramento CA 95812-2952


I placed such envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Nevada City, California, following ordinary business practices. I am readily familiar with the practice of Nevada County for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the U.S. Postal Service the same day as it is placed for processing.

On the following persons via email on April 18, 2022:

David Ruderman, Esq., Colantuono, Highsmith & Whatley, PC, Hearing Officer  
Nevada County Community Development Agency Director, Trisha Tillotson  
Nevada County Code Compliance Program Manager Jeff Merriman  
Nevada County Code Compliance Officer David Kopp  
Nevada County Counsel Katharine Elliott  
Nevada County Deputy County Counsel Doug Johnson  
Nevada County Clerk of the Board Julie Patterson Hunter

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

4-18-22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Barbara Price