

COUNTY OF NEVADA

STATE OF CALIFORNIA

BOARD OF SUPERVISORS



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March 4, 2015

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: March 10, 2015

SUBJECT: Appeal filed by Charles and Catherine Frank of the November 21, 2014, Hearing Officer's Final Decision and Order of Abatement affecting property located at 20047 Wildwood West Drive, Penn Valley, CA.

RECOMMENDATION: Staff requests the Board review the administrative record of the Frank's Nuisance Abatement Hearing, and adopt a motion of intent to adopt, reject, or modify the Hearing Officer's decision.

FUNDING: N/A

BACKGROUND: On July 8, 2014 Mr. Nicholas Hoekstra, Code Compliance Officer, issued a Report of Inspection to Mr. Steven DeCamp, Director, Community Development Agency, in which he noted violations of the Nevada County Land Use and Development Code (LUDC) on property owned by Mr. and Mrs. Charles and Kathryn Frank, located at 20047 Wildwood West Drive, Penn Valley, CA. The violations involve an unpermitted cabin and septic system situated in a "No Build Zone" area of Mr. and Mrs. Frank's property. Subsequently, an Abatement Order was sent to Mr. and Mrs. Frank on July 9, 2014, notifying them that the LUDC violations on their property constituted a public nuisance, and that the Code Compliance Division was authorized to commence a nuisance abatement proceeding, as provided in Section L-5.22 of the LUDC.

On October 16, 2014, a Property Maintenance (Involuntary Abatement) Administrative Hearing was held in accordance with Section L-II 5.22.E.4 of the LUDC, during which Mr. and Mrs. Frank and Code Compliance Division personnel testified and presented documentary evidence on the issue of whether the conditions identified by the Community Development Agency on Mr. and Mrs. Frank's property constituted a public nuisance subject to abatement. On November 17, 2014, the Hearing Officer rendered his Final Decision and Order, upholding the Community Development Agency's determination that the unpermitted cabin and septic system constituted a public nuisance under L-II 5.22 of the LUDC. The Hearing Officer authorized abatement of the public nuisance and reimbursement of costs related to the Code Compliance Division's abatement actions.


On November 21, 2014, Mr. Frank filed with the Clerk of the Board a timely appeal of the Hearing Officer's Decision, currently scheduled for March 10, 2015.

950 Maidu Avenue, Suite 200, Nevada City CA 95959-8617
phone: 530.265.1480 | fax: 530.265.9836 | toll free: 888.785.1480 | email: bdofsupervisors@co.nevada.ca.us
website: <http://www.mynevadacounty.com/nc/bos>

Pursuant to procedures set forth in LUDC L-II 5.22.E.4-8, the Board is required to decide this appeal based solely on review of the administrative record derived from the October 16, 2014, Property Maintenance (Involuntary Abatement) Hearing and November 17, 2014, decision of the Hearing Officer, and must either adopt, reject, or modify the Hearing Officer's decision.

Should the Board uphold the Hearing Officer's decision that the conditions on Mr. and Mrs. Frank's property constitute a public nuisance under the LUDC, it is required to order abatement of the public nuisance within a time certain. If the Hearing Officer's decision is upheld, then staff will return with a request to order that costs of abatement be assessed against the property and an abatement lien be recorded, as authorized by Government Code Section 25845(c).

Respectfully submitted,


JULIE PATTERSON-HUNTER
Interim Clerk of the Board

jph