ADDENDUM TO THE AGENDA – ADD TO CLOSED SESSION ITEM C

10:30 A.M.  YUBA COUNTY BOARD OF SUPERVISORS SPECIAL MEETING - Welcome to the Yuba County Board of Supervisors special meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting.

No other business shall be conducted at this meeting. The public shall have an opportunity to address the Board of Supervisors only with respect to items set forth in this agenda when the item is heard. Comments will be limited to five minutes per individual or group.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker

III. AUDITOR-CONTROLLER

A. (446-14) Adopt resolution adopting budget for fiscal year 2014-2015. (Five minute estimate)

IV. CLOSED SESSION

A. Pending litigation pursuant to Government Code §54956.9(d)(1) - Chambers vs. County of Yuba et al

B. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations - DDAA/Confidential/Unrepresented/Management

C. Pending litigation pursuant to Government Code §54956.9(d)(1) – Charles Jones vs. County of Yuba et al

V. 11:00 A.M. CODE ENFORCEMENT ADMINISTRATIVE APPEAL HEARING

A. (447-14) Hold appeal hearing regarding determination of public nuisance and imposition of administrative penalty for 15054 Sun Forest Court, Oregon House, APN 060-140-039/Lincoln and Lederman and consider findings of facts, conclusion of law, and orders. (30 minute estimate)

VI. ADJOURN

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors at (530) 749-7510.

9/26/2014/4:45 p.m./ds
The County of Yuba

Office of the Auditor-Controller

Richard Eberle, CPA
Yuba County Government Center
915 8th Street, Suite 105
Marysville, CA 95901

Phone: (530) 749-7810
Fax: (530) 749-7814
Email: reberle@co.yuba.ca.us

To: Board of Supervisors
CC: Robert Bendorf, County Administrator
From: C. Richard Eberle, CPA, Auditor-Controller
Date: September 30, 2014
Re: Budget Approval for FY 2014-15

Recommendation

Approve resolution authorizing budget for fiscal year 2014-15

Background

As required by Government Code Section 29000 (et seq), the Board of Supervisors must formally adopt the budget for each fiscal year by resolution.

Discussion

The Board has completed final budget hearings and has approved the results of those hearings. The Board must now formally adopt the budget for fiscal year 2014-15 by resolution.

Committee Action

This action is being presented to directly to the Board of Supervisors.

Financial Impact

This resolution has significant fiscal impact. It authorizes the total amount of expenditures for the current year.
BOARD OF SUPERVISORS  
COUNTY OF YUBA  
STATE OF CALIFORNIA  

RESOLUTION ADOPTING BUDGET)  
FOR FISCAL YEAR 2014-15  

RESOLUTION NO.__________

WHEREAS, all necessary estimates of revenues, expenditures, interfund transfers, and reserves for the 2014-15 fiscal year were prepared and filed; the proposed budget was adopted and printed; and hearings thereon were noticed and held as required by Chapter 1, Division 3, Title 3 of the Government code (Section 29000 et seq.); and

WHEREAS, this Board has made such revisions of, deductions from, and increases or additions having been proposed in writing and filed with the Board of Supervisors prior to the conclusion of said hearings.

NOW, THEREFORE, IT IS FOUND AND DECLARED that all proceedings required by law have been duly had and regularly taken concerning the adoption of the final budget for the County of Yuba for the fiscal year commencing July 1, 2014.

BE IT FURTHER RESOLVED that the appropriations for each budget unit which constitutes the respective totals for each of the objects and sub-objects of the expenditures listed in the proposed budget and revised through additions or subtractions are hereby adopted by reference; that the expenditure amounts shown therein and as set forth herewith are hereby appropriated for the purposes stated; and that the provisions for contingencies set forth in said budget shall be as therein stated.

ACCORDINGLY, IT IS RESOLVED AND ORDERED that the Final Budget of the County of Yuba for the fiscal year 2014-15 as shown in Exhibit A, which exhibit is included and incorporated herein.
BE IT FURTHER RESOLVED that the means of financing the expenditure and reserve provisions set forth in said budget shall be by monies derived from Revenue to Accrue, fund Balance Available and Ad Valorem Taxes.

PASSED AND ADOPTED at a special meeting of the Board of Supervisors at the County of Yuba, State of California, on the _____ day of September, 2014 by the following vote:

AYES:

NOES:

ABSENT:

CHAIRMN OF THE BOARD OF SUPERVISORS

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors 
By: ____________________________

APPROVED AS TO FORM

Angil Morris-Jones,
County Counsel
### County Governmental Budget Summary

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
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<td>Salaries &amp; Employee Benefits</td>
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<td>Improvements</td>
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<td>Equipment</td>
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<td>Infrastructure</td>
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<td><strong>Provisions for Contingencies:</strong></td>
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<td>General Fund</td>
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<td>Special Projects</td>
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### Budgeted Revenues

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Proprietary Funds

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<th>Internal Service Funds</th>
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<td>Encumbrances</td>
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<td>Salaries &amp; Benefits</td>
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Total Budgeted Appropriations

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Budgeted Revenues

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Ongoing Revenues less Expenditures

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### Proprietary Funds

#### Internal Service Funds

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<tr>
<th></th>
<th>Health Insurance</th>
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<th>ISF Totals</th>
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<td>154,864</td>
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<td>$194,200</td>
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<td>Salaries &amp; Benefits</td>
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<td>Services &amp; Supplies</td>
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<th></th>
<th>Health Insurance</th>
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<th>Unemployment Insurance</th>
<th>Short Term Disability Insurance</th>
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<td>Other Financing Sources</td>
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Public Nuisance Hearing

To: Yuba County Board of Supervisors
From: Jeremy Strang, Code Enforcement Division Manager
Date: September 30, 2014

Statement of Facts:

The property that is subject of this hearing is Assessor’s Parcel Number (APN) 060-140-039. The parcel is located in the unincorporated area of the County of Yuba near the community of Oregon House and is commonly referred to as 15054 Sun Forest Court. The property has the zoning designation A/RR, Agricultural - Rural Residential and is 10 acres in size.

Vanich Lincoln Trustee, et al is the owner as listed on the latest property tax assessment and the property is being leased by Stephen Lederman.

Development permits include:

<table>
<thead>
<tr>
<th>Type</th>
<th>Date Applied</th>
<th>Date Issued</th>
<th>Date of Final Approval</th>
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<td>Private Water Well</td>
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<td>3/26/13</td>
<td>7/3/13</td>
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<tr>
<td>Septic System</td>
<td>3/26/13</td>
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<td>Dwelling</td>
<td>5/21/14</td>
<td>8/29/14</td>
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<td>8/15/14</td>
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<td>Encroachment</td>
<td>6/4/14</td>
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</table>

The property is currently being assessed as vacant land with no improvements.

Current Code Case:

Case Number: MMJ14-0055
Date: 7/25/2014
Complaint: Marijuana Cultivation
Disposition: Founded; No dwelling, cultivation of marijuana (58 mature plants). Notice and Order to Abate Public Nuisance issued.
Public Nuisance Declared:

On September 5, 2014, an inspection of the properties confirmed that:

1. Marijuana was being cultivated without having a single family dwelling,
   a. the number of plants exceeded the maximum amount allowed,
   b. the plants were not fully surrounded by a solid fence;
2. Accessory uses and chattel were present;

Based on previous conversations with the property owner, Mr. Lincoln and the tenant, Mr. Stephen Lederman making them aware of Yuba County Ordinance Code provisions, a Notice and Order to Abate Public Nuisance was issued.

On September 11, 2014, Code Enforcement Officer John Jacenich served a Notice and Order to Abate Public Nuisance [(Order) (see Attachment A – Notice and Order)]. The Order was served by U.S. Mail, both Certified Mail with Return Receipt and First Class, to the owner as it appears on the last equalized assessment roll as well as the tenant, Stephen Lederman. In addition, the Order was posted at the property; proof of service was completed (see Attachment B – Proof of Service).

Stephen Lederman immediately filed a timely request, along with the fee deposit of $4,116.00, for hearing to appeal the determination of the existence of a public nuisance (see Attachment C – Request for Hearing). The Administrative Penalty was stayed that same day pursuant to the request.

On September 12, 2014, an amended Order was served, because it was discovered that a clerical error had occurred as to the date of compliance. Along with that Order, staff gave notice of the appeal hearing (see Attachment D – Amended Order, Notice of Hearing, confirmation of hearing request, and cover letter, AND Attachment E – Proof of Service).

The Order alleges the following violations:

1. **Yuba County Code § 7.36.310(a)(1)** Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or suppression of fire, or significantly interferes with the provision of emergency services to the public, to wit:
   A. Cultivating marijuana in violation of the provisions set forth in Chapter 7.40 of the Yuba County Ordinance Code.
   B. Utilizing accessory uses without first establishing a primary use.

2. **Yuba County Code § 7.36.310(a)(5)** The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law, to wit:
   A. Cultivating marijuana on a parcel of at least five (5) acres but not greater than twenty (20) acres in size in violation of Yuba County Ordinance Code Chapter 7.40 including but not limited to, the following violations:
      A.1. Cultivating marijuana on a parcel that does not have an occupied, legally established residence.
B. Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of Yuba County Ordinance Code Chapter 12.01 et seq.; as described in 1.B. above.

3. Yuba County Code § 7.36.310(a)(10) Anything which is indecent offensive to the senses, or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or of any public park, square, street or highway, and which at the same time affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals and/or property may be unequal.

Attached and incorporated as part of this report as Attachment F – Photographs, are photographs taken on September 5, 2014, by Officer John Jacenich. The photographs accurately depict the conditions of the subject properties observed by Officer Jacenich on that date and further support the existence of a public nuisance.

The Order required that the property owner abate the nuisance by removing all of the violations as listed above on, or before, September 15, 2014.

Pursuant to Chapter 7.40, Section 7.40.440, an Administrative Penalty shall be calculated based on subsection 7.40.440c, and shall begin to accrue immediately upon the issuance of an Order (7.40.440d). An Administrative Penalty, the subject of this hearing, was applied for the amount of $6,200.00 per day (see Attachment G – Administrative Penalty Worksheet).

On September 19, 2014, Attorney Scot Candell, representing Mr. Lederman requested a continuance to a later date. The matter was considered by your Board on September 23, 2014. The continuance was denied.

Applicable Law:

YUBA COUNTY ORDINANCE CODE CHAPTER 7.36, PROPERTY MAINTENANCE (1303)

Yuba County Code § 7.36.310(a). A public nuisance shall be deemed to exist when any of the following conditions or circumstances are present:

Yuba County Code § 7.36.310(a)(1)

Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or suppression of fire, or significantly interferes with the provision of emergency services to the public.

Yuba County Code § 7.36.310(a)(5)

The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law.

Yuba County Code § 7.36.310(a)(10)

Anything which is indecent offensive to the senses, or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or of any public park, square, street or highway, and which at the same time affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals and/or property may be unequal.
YUBA COUNTY ORDINANCE CODE CHAPTER 7.40, MARIJUANA CULTIVATION (1522)

7.40.200 Conditions Creating Public Nuisance
A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:

a. Any person owning, leasing, occupying or having charge or possession of any parcel of land within the unincorporated area of the County to cause or allow such parcel of land to be used for the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

b. The cultivation of marijuana on a parcel that does not have an occupied legally established residence in conformance with the Yuba County Ordinance Code.

c. The cultivation of marijuana on a parcel by anyone other than a qualified patient or a primary caregiver.

d. Marijuana plants in public view as defined in Section 7.40.140 of this Chapter.

e. Marijuana plants accessible to a minor (under the age of 18).

f. The cultivation of marijuana in a manner that exceeds the exceptions of Section 7.40.300 of this Chapter.

g. The improper use, storage and/or disposal (per the manufacturer’s instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO2, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.

h. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

7.40.300 Exceptions
This ordinance shall not apply to cultivation where all of the following conditions are met:

a. The cultivation occurs on a parcel with an occupied legally established residence, and

b. The cultivation is conducted by one or more qualified patients or primary caregivers and at least one of the plants being cultivated is for the qualified patient or primary caregiver who occupies the dwelling as their physical and legal place of residence, and

c. The defined areas of cultivation are in accordance with this section and sections 7.40.310, 7.40.320, and 7.40.330 of this Chapter, there is not more than one outdoor defined area of cultivation per parcel and not more than one indoor defined area of cultivation as allowed for in this Chapter, and

d. The cultivation does not exceed the marijuana plant quantities listed below:

1. For parcels less than one (1) acre in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 18 marijuana plants. Of that total, only 12 can be mature marijuana plants. A maximum of 6 of the 12 mature marijuana plants can be cultivated outdoors.

2. For parcels one (1) acre but less than five (5) acres in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 30 marijuana plants. Of that total, only 18 can be mature marijuana plants.
Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors.

3. For parcels five (5) acres but less than twenty (20) acres in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 60 marijuana plants. Of that total, only 36 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors.

7.40.320 Outdoor Cultivation

a. Outdoor cultivation of marijuana shall not occur outside a single defined area of cultivation, shall not be in public view, shall be surrounded by a fence as required by 7.40.330, and shall not be accessible to minors.

b. All outdoor cultivation shall not be located on parcels in a manner that increases the potential to create a public nuisance, and shall reduce the potential by:
   1. First and foremost, locating the area of cultivation on the parcel as far away as possible from neighboring residences, and
   2. Locating the area of cultivation on the parcel as close as possible to the cultivator’s residence for security purposes, but taking into consideration the need to keep the cultivation away from neighboring residences,

c. Outdoor cultivation of marijuana shall not be located within:
   1. Ten (10) feet of the property line and within three hundred (300) feet of a school, school bus stop, park, or youth-oriented facility on parcels less than one (1) acre in size.
   2. Fifty (50) feet of the property line and within six hundred (600) feet of a school, school bus stop, park, or youth-oriented facility on parcels one (1) acre but less than five (5) acres in size.
   3. One hundred (100) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels five (5) acres but less than twenty (20) acres in size.
   4. Two hundred (200) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels twenty (20) acres or more in size.

d. The distances specified in this section shall be the horizontal distance measured in a straight line to the closest area in which the medical marijuana is cultivated.

7.40.330 Fencing

Outdoor cultivation shall be fully surrounded by a solid fence at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:

a. Fencing materials shall be in compliance with Section 7.40.140i, and
b. Location of fence shall meet zoning setback and height requirements, and

   c. Fences over six (6) feet in height will require proof of an approved building permit, and

   d. Marijuana plant(s) shall not be higher than the fence, and

   e. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

   f. Bushes or hedgerows alone shall not constitute an adequate fence under this Chapter. However, for parcels greater than 5 acres in size, a combination of mature vegetation or natural topography that keeps the cultivation out of public
view in combination with a securable six foot tall chain link fence may be substituted for a solid fence.

YUCLA COUNTY ORDINANCE CODE CHAPTER 12.01, (ZONING) GENERAL PROVISIONS (906)

12.01.050 Permitted Uses Only
No structure or part thereof shall be erected, altered, or enlarged nor shall any site or structure be used, designated or intended for use other than the uses hereinafter listed as permitted or conditional in the zone in which such structure, land or premises is located. Such use shall not be caused or allowed by the property owner or by any person or persons utilizing the property with or without the permission of the property owner.

Recommendation:

The evidence and testimony given clearly show violations of the Yuba County Ordinance Code and those violations constitute a public nuisance. I respectfully request that the Yuba County Board of Supervisors:

1. Confirm the existence of a public nuisance
2. Confirm the Administrative Penalty for $6,200.00 per day
3. Confirm enforcement costs of $6,085.34, accrued to date (see Attachment G – Cost Accounting)
4. Order the abatement of all violations by removal, of all marijuana; and other items incidental to the cultivation
5. Order that if all violations are not corrected Code Enforcement staff shall have the authority and jurisdiction to abate the nuisance and that the owner shall be responsible for the actual costs of abatement, including additional penalties of $6,200.00 per day that will accrue until the nuisance is completely abated.
6. Order that where the enforcement costs go unpaid for 30 days after the final Demand for Payment is issued, an abatement lien shall be recorded and a special tax assessment be place for each parcel and that no Accounting Hearing shall be required.
NOTICE AND ORDER TO ABATE
PUBLIC NUISANCE
MMJ14-0055

VANICH LINCOLN
P.O. BOX 1673
ROUGH & READY, CA 95975

STEVEN LEDERMAN
P.O. BOX 1124
TRUCKEE, CA 96160

RE: 15054 SUN FOREST COURT, OREGON HOUSE, CA 95962
APN: 060-140-039
LEGAL DESCRIPTION: L-5 TR-84-375

PLEASE TAKE NOTICE: that the use and condition of the subject property has been determined by Yuba County Code Enforcement to violate the Yuba County Ordinance Code and is therefore declared a public nuisance. The conditions that create a public nuisance on said property are as follows:

1. **Yuba County Code § 7.36.310(a)(1)** *Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or suppression of fire, or significantly interferes with the provision of emergency services to the public*, to wit:
   A. Cultivating marijuana in violation of the provisions set forth in Chapter 7.40 of the Yuba County Ordinance Code.
   B. Utilizing accessory uses without first establishing a primary use.

2. **Yuba County Code § 7.36.310(a)(5)** *The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law*, to wit:
   A. Cultivating marijuana on a parcel of at least five (5) acres but not greater than twenty (20) acres in size in violation of Yuba County Ordinance Code Chapter 7.40 including but not limited to, the following violations:
      A.1. Cultivating marijuana on a parcel that does not have an occupied, legally established residence.
B. Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of Yuba County Ordinance Code Chapter 12.01 et seq.; as described in 1.B. above.

3. Yuba County Code § 7.36.310(a)(10) *Anything which is indecent offensive to the senses, or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or of any public park, square, street or highway, and which at the same time affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals and/or property may be unequal.*

YOU ARE HEREBY ORDERED to correct or remove all violations from subject property on or before July 29, 2014. Administrative Penalties in the amount of $6,200.00 per day pursuant to Yuba County Code § 7.40.440 (d) have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement office, whose address appears above, within 10 calendar days of the date of this Notice. A $4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The “cost of abating a violation” shall include, but not be limited to, the county’s attorneys’ fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.
If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

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

CERTIFIED MAIL: 7013 1090 0000 2901 2384 & 2391

DATED: SEPTEMBER 11, 2014

John Jacenich  
Code Enforcement Officer

Additional Notes:

◆ Contained in this packet are copies of:
  ◆ Excerpt from Yuba County Ordinance Code Chapter 7.36
  ◆ Billing Invoice #610
◆ Pictures
### Billing Statement

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

#### BILL TO:
Lincoln Vanich  
Steven Lederman

#### CASE INFORMATION
Case # MM14-0055  
Officer: J. Jacenich  
15054 Sun Forest Court  
Oregon House CA 95962  
Cert #: 7013 1090 0000 2901 2384 & 2391

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**Total**  $1,869.84

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

5 - 30 DAYS PAST DUE = 25%  
31+ DAYS PAST DUE = 50%

**FORMS OF PAYMENT ACCEPTED:** CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Notice and Order to Abate on the following persons by:

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the property owner(s):
  Name: Vanich Lincoln
  Address: P.O. Box 1673, Rough & Ready, CA 95975
  Date of Delivery to Post Office: 09/11/2014
  Registration No.: 7013-1090-0000-2901-2384

☐ Emailing to the property owner(s):
  Name:
  Email Address:
  Date and Time of Email:

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the cultivator(s):
  Name: Steven Lederman
  Address: P.O. Box 1124, Truckee, CA 96160
  Date of Delivery to Post Office: 09/11/2014
  Registration No.: 7013-1090-0000-2901-2391

☐ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the attorney(s):
  Name:
  Address:
  Date of Delivery to Post Office:
  Registration No.:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 11, 2014 at Marysville, California.

Signed [Signature]

Community Development & Services Agency
Code Enforcement Division
Melanie Marquez
915 8th Street, Suite #123
Marysville CA. 95901
(530) 749-5455

Attachment B
Page 1 of 3
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</tr>
<tr>
<td><strong>Postmark Here:</strong></td>
</tr>
</tbody>
</table>
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Notice and Order No. MMJ14-0055 with attachments on the following persons by:

☐ Personally delivering a copy to:
  Name:
  Address:
  Date:
  Time:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested to the property owner:
  Name:
  Address:
  Date of Delivery to Post Office:
  Registration No.:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested to the tenant(s):
  Name:
  Address:
  Date of Delivery to Post Office:
  Registration No.:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested to the lien holder(s):
  Name:
  Address:
  Date of Delivery to Post Office:
  Registration No.:

☒ Posting a copy of the Notice and Order at:
  Address: 15054 Sun Forest Court, Oregon House, CA 95962
  APN: 060-140-039
  Date and Time of Posting: September 11, 2014 1400 Hours
  Location Posted: Gate to the entrance of the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 11, 2014 at Marysville, California.

Signed: [Signature]

John Jacenich
915 8th Street, Suite #123
Marysville CA. 95901
(530) 749-5455
TO: YUBA COUNTY CODE ENFORCEMENT OFFICE

DATE: 9/11/14

CC: JOHN JACEWICH

RECEIVED
SEP 11 2014
COMMUNITY DEVELOPMENT & SERVICES AGENCY

THIS IS A FORMAL REQUEST FOR AN ABATEMENT HEARING IN REGARDS TO THE NOTICE AND ORDER TO ABRUPT PUBLIC NUISANCE SERVED TO:

STEPHEN LEDERMAN
P.O. BOX 1124
TRUCKEE, CA 96160

ON SEPTEMBER 11, 2014, THIS APPLICATION IS ACCOMPANIED BY THE $4,116.00 DEPOSIT NECESSARY.

I, STEPHEN LEDERMAN, DISAGREE WITH THE DETERMINATION THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY AT 2054 SUN FOREST COURT, OREGON HOUSE, CA 95962. APN: 060-140-039; LEGAL DESCRIPTION: L-5 428; -375.

I, STEPHEN LEDERMAN, INTEND TO RETAIN LEGAL COUNSEL AND RESPECTFULLY REQUEST ADEQUATE TIME TO DO SO AND PREPARE FOR SUCH A HEARING.

STEPHEN LEDERMAN
September 12, 2014

VANICH LINCOLN
P.O. BOX 1673
ROUGH & READY, CA 95975

 STEVEN LEDERMAN
P.O. BOX 1124
TRUCKEE, CA 96160

RE: AMENDED NOTICE & ORDER TO ABATE PUBLIC NUISANCE
15054 SUN FOREST COURT, OREGON HOUSE, CA 95962
APN: 060-140-039

Mr. Lincoln & Mr. Lederman:

This letter serves to inform you that a clerical error regarding the Notice and Order to Abate Public Nuisance (Notice and Order), dated September 11, 2014, was discovered. Therefore please find the enclosed Amended Notice and Order that provides the correct date for compliance. All provisions of the Notice and Order remain in effect.

Your request for appeal has been received and is on file. The request will apply to the Amended Notice and Order so you need not take any additional action.

Lastly, please find the enclosed Notice of Hearing. The matter is scheduled to be heard on September 30, 2014, at 11:00 A.M., before the Yuba County Board of Supervisors.

Sincerely,

Jerry Strang
Division Manager/
Deputy Building Official

Encl: Amended Notice and Order to Abate Public Nuisance
Notice of Hearing
CC: Posted property

Certified Mail # 7013 1090 0000 2901 2568 & 2575
AMENDED NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ14-0055

VANICH LINCOLN
P.O. BOX 1673
ROUGH & READY, CA 95975

STEVEN LEDERMAN
P.O. BOX 1124
TRUCKEE, CA 96160

RE: 15054 SUN FOREST COURT, OREGON HOUSE, CA 95962
APN: 060-140-039
LEGAL DESCRIPTION: L-5 TR-84-375

PLEASE TAKE NOTICE: that the use and condition of the subject property has been determined by Yuba County Code Enforcement to violate the Yuba County Ordinance Code and is therefore declared a public nuisance. The conditions that create a public nuisance on said property are as follows:

1. Yuba County Code § 7.36.310(a)(1) Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or suppression of fire, or significantly interferes with the provision of emergency services to the public, to wit:
   A. Cultivating marijuana in violation of the provisions set forth in Chapter 7.40 of the Yuba County Ordinance Code.
   B. Utilizing accessory uses without first establishing a primary use.

2. Yuba County Code § 7.36.310(a)(5) The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law, to wit:
   A. Cultivating marijuana on a parcel of at least five (5) acres but not greater than twenty (20) acres in size in violation of Yuba County Ordinance Code Chapter 7.40 including but not limited to, the following violations:
      A.1. Cultivating marijuana on a parcel that does not have an occupied, legally established residence.
B. Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of Yuba County Ordinance Code Chapter 12.01 et seq.; as described in 1.B. above.

3. Yuba County Code § 7.36.310(a)(10) Anything which is indecent offensive to the senses, or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or of any public park, square, street or highway, and which at the same time affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals and/or property may be unequal.

YOU ARE HEREBY ORDERED to correct or remove all violations from subject property on or before September 15, 2014. Administrative Penalties in the amount of $6,200.00 per day pursuant to Yuba County Code § 7.40.440 (d) have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement office, whose address appears above, within 10 calendar days of the date of this Notice. A $4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The “cost of abating a violation” shall include, but not be limited to, the county’s attorneys’ fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.
If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

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

CERTIFIED MAIL: 7013 1090 0000 2901 2575 & 2568

DATED: SEPTEMBER 12, 2014

[Signature]
John Jacenich
Code Enforcement Officer
NOTICE OF HEARING
MMJ14-0055

VANICH LINCOLN
P.O. BOX 1673
ROUGH & READY, CA 95975

STEVEN LEDERMAN
P.O. BOX 1124
TRUCKEE, CA 96160

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8th Street, Marysville, California, in the Board of Supervisors Chambers, on September 30, 2014, at the hour of 11:00 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the use of the property should not be considered to be a Public Nuisance and why the Administrative Penalty, pursuant to the Notice and Order to Abate Public Nuisance, dated September 12, 2014, should not be assessed.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf and you may examine any witnesses who present evidence. You may appear personally or have a representative appear at the hearing in your behalf.

Dated: September 12, 2014

Certified Mail # 7013 1090 0000 2901 2568 & 2575

ENFORCEMENT OFFICIAL FOR THE COUNTY OF YUBA

BY: Jeremy Strang

Attachment: REQUEST FOR HEARING, dated 9/11/2014
TO: YUBA COUNTY, CODE ENFORCEMENT OFFICE

DATE: 9/11/14

CC: JOHN JACENICH

RECEIVED
SEP 11 2014

COMMUNITY DEVELOPMENT & SERVICES AGENCY

THIS IS A FORMAL REQUEST FOR AN ABATEMENT HEARING IN REGARDS TO THE NOTICE AND ORDER TO ABATE PUBLIC NUISANCE SERVED TO:

STEPHEN LEDERMAN
P.O. BOX 1124
TRUCKEE, CA 96160

ON SEPTEMBER 11, 2014. THIS APPLICATION IS ACCOMPANIED BY THE $4,116.00 DEPOSIT NECESSARY.

I, STEPHEN LEDERMAN, DISAGREE WITH THE DETERMINATION THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY AT 1854 SUNFIREST COURT, OREGON HOUSE, CA 96062. APN: 060-140-039, LEGAL DESCRIPTION: 6-5 YRS 375.

I, STEPHEN LEDERMAN, INTEND TO RETAIN LEGAL COUNSEL AND RESPECTFULLY REQUEST ADEQUATE TIME TO DO SO AND PREPARE FOR SUCH A HEARING.

STEPHEN LEDERMAN

Attachment D
Page 6 of 6
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Cover Letter for Amended Order; Amended Notice and Order to Abate Public Nuisance and Notice of Hearing (MMJ14-0055) on the following persons by:

☐ Personally delivering a copy to:
   Name:
   Address:
   Date:
   Time:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested & First Class Mail to the property owner:
   Name:
   Address:
   Date of Delivery to Post Office:
   Registration No.:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the tenant(s):
   Name:
   Address:
   Date of Delivery to Post Office:
   Registration No.:

☒ Posting a copy of the Cover letter for Amended Order; Amended Notice and Order to Abate Public Nuisance and Notice of Hearing at:
   Address: 15054 Sun Forest Court, Oregon House, CA 95962
   APN: 060-140-039
   Date and Time of Posting: September 12, 2014   1440 Hours
   Location Posted: Gate at entrance of the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 12, 2014 at Marysville, California.

Signed

Community Development & Services Agency
Code Enforcement Division
John Jacenich
915 8th Street, Suite #133
Marysville CA. 95901
(530) 749-5455
U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com:

9/12/14 J.J. Amended N/A Notice

Postage $ 
Certified Fee 
Return Receipt Fee (Endorsement Required) 
Restricted Delivery Fee (Endorsement Required) 
Total Postage & Fees $

Sent To:

Steven Lederman
P.O. Box 1124
Truckee, CA 96160

7033 1090 0000 2901 2575

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com:

9/12/14 J.J. Amended N/A Notice

Postage $ 
Certified Fee 
Return Receipt Fee (Endorsement Required) 
Restricted Delivery Fee (Endorsement Required) 
Total Postage & Fees $

Sent To:

Vanich Lincoln
P.O. Box 1673
Rough & Ready, CA 95975

7033 1090 0000 2901 2516

Attachment E
Page 2 of 3
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Cover Letter for Amended Order; Amended Notice and Order to Abate Public Nuisance; and Notice of Hearing (MMJ14-0055) on the following persons by:

☐ Personally delivering a copy to:
  Name:
  Address:
  Date:
  Time:

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the property owner:
  Name: Vanich Lincoln
  Address: P.O. Box 1673, Rough & Ready, CA 95975
  Date of Delivery to Post Office: 9/12/2014
  Registration No.: 7013-1090-0000-2901-2568

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the cultivator(s):
  Name: Steven Lederman
  Address: P.O. Box 1124, Truckee, CA 96160
  Date of Delivery to Post Office: 9/12/2014
  Registration No.: 7013-1090-0000-2901-2575

☐ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the attorney(s):
  Name:
  Address:
  Date of Delivery to Post Office:
  Registration No.:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 12, 2014 at Marysville, California.

Signed [signature]

Community Development & Services Agency
Code Enforcement Division
Melanie Marquez
915 8th Street, Suite #123
Marysville CA 95901
(530) 749-5455
YUBA COUNTY CODE ENFORCEMENT
COST ACCOUNTING

Date: September 30, 2014
Case #: MMJ14-0055  APN: 060-14-039
Owner: Vanich Lincoln Trustee, et al
Situs: 1551 Sun Forest Court

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