

# ATTACHMENT L

Spears Road

Notice to Abate Nuisance

Department of Environmental Health - Notice of Violation



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501  
Phone: (707) 476-2429 • Fax: (707) 268-3792

**Certified Mail Receipt No.: 9171 9690 0935 0062 4911 71**

March 8, 2021

Donna M. Keith  
Donald F. Snyder  
C/O Richard Ryan  
2773 Spears Rd.  
Eureka, CA 95503

**Re: Service of Notice to Abate Nuisance**  
**Property location: 2773 Spears Rd., Eureka, CA**  
**APN: 403-011-024**

Dear Donna M. Keith, Donald F. Snyder & Richard Ryan,

The Code Enforcement Unit recently inspected your above described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the Notice will be dismissed.
2. Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 476-2358 or by email at [cwerner@co.humboldt.ca.us](mailto:cwerner@co.humboldt.ca.us) to answer any questions or concerns you may have.

Sincerely,

Christine Werner

Code Compliance Officer

Attachment: Notice to Abate Nuisance



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501  
Phone: (707) 476-2429 • Fax: (707) 268-3792

**Certified Mail Receipt No.: 9171 9690 0935 0062 4911 57**

March 8, 2021

Richard Ryan  
Becky Costa  
2773 Spears Rd.  
Eureka, CA 95503

**Re: Service of Notice to Abate Nuisance**  
**Property location: 2773 Spears Rd., Eureka, CA**  
**APN: 403-011-024**

Dear Richard Ryan,

The Code Enforcement Unit recently inspected your above described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the Notice will be dismissed.
2. Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 476-2358 or by email at [cwerner@co.humboldt.ca.us](mailto:cwerner@co.humboldt.ca.us) to answer any questions or concerns you may have.

Sincerely,

Christine Werner  
Code Compliance Officer  
Attachment: Notice to Abate Nuisance



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501  
Phone: (707) 476-2429 • Fax: (707) 268-3792

**Certified Mail Receipt No.: 9171 9690 0935 0062 4911 64**

March 8, 2021

Richard Ryan  
Becky Costa  
2773 Spears Rd.  
Eureka, CA 95503

**Re: Service of Notice to Abate Nuisance**  
**Property location: 2773 Spears Rd., Eureka, CA**  
**APN: 403-011-024**

Dear Becky Costa,

The Code Enforcement Unit recently inspected your above described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the Notice will be dismissed.
2. Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 476-2358 or by email at [cwerner@co.humboldt.ca.us](mailto:cwerner@co.humboldt.ca.us) to answer any questions or concerns you may have.

Sincerely,

Christine Werner  
Code Compliance Officer  
Attachment: Notice to Abate Nuisance



**COUNTY OF HUMBOLDT**  
CODE ENFORCEMENT UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

# **NOTICE TO ABATE NUISANCE**

[Humboldt County Code §351-7]

**Address of Affected Property:**

2773 Spears Rd.  
Eureka, CA 95503

**Assessor's Parcel Number:**

403-011-024

**Occupants:**

Richard Ryan  
Becky Costa  
2773 Spears Rd.  
Eureka, CA 95503

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

**YOU ARE HEREBY ORDERED to ABATE** said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

**NOTICE IS FURTHER GIVEN** that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit's determination that a nuisance exists on the affected property must be prepared using the form attached hereto as "Attachment C – Code Enforcement Appeal Hearing Request Form."

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

**NOTICE IS FURTHER GIVEN** that the date of the Code Enforcement Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Code Enforcement Appeal Hearing is served.

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may also become a charge against the affected property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

**NOTICE IS FURTHER GIVEN** that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

For the Humboldt County Code Enforcement Unit:

Signature: 

Title: Code Compliance Officer

Name: Christine Werner

Date: March 8, 2021

## ATTACHMENT A

### CONDITIONS CONSTITUTING A NUISANCE

Code Section	Description	Corrective Action
521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste in a proper and legal manner.
354-1	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles; and/or c) Store inoperable vehicles within enclosed legal structure.
331-28	Construction of Building/Structure in Violation of Building, Plumbing or Electrical Codes	a) Cease use of shed as a residence; <b>and</b> apply for and obtain Building Permit and Coastal Development Permit for unpermitted alterations made to shed such as the utility sink. Complete all work required by permit and have permit finalized by Building Inspector, <b>or</b> remove alterations and return structure to its original condition.  b) Apply for and obtain Building Permit and Coastal Development Permit for canvas carport structures. Complete all work required for permit, and have permit finalized by a Building Inspector, <b>or</b> Reduce canvas car port structures in size to 120 square feet or less, <b>or</b> Remove canvas car port structures from the property.
312-3	Development in the Coastal Zone without Permits	Cease use and/or development & apply for permit.
612-5	Declaration of Public Nuisance	Cease use of outdoor sink discharging gray water onto surface of the ground by April 3, 2021.
611-6	Abandoned Onsite Wastewater Systems	Abandoned septic tank requires destruction. Remove all sewage from septic tank and fill completely with earth, sand, gravel, concrete, or other approved material. Apply for a septic tank destruction permit from Department of Environmental Health and destroy abandoned septic tank by April 3, 2021.

# ATTACHMENT B LEGAL DESCRIPTION

## DESCRIPTION

That real property situated in the County of Humboldt, State of California, described as follows:

That portion of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 30, Township 5 North, Range 1 East, Humboldt Meridian, described as follows:

BEGINNING at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 30;

thence North 0 degrees 14 minutes West along the east line of said subdivision, 323.8 feet;

thence South 88 degrees 26 minutes West, 168.1 feet, to the center line of a County Road said point also being the northeast corner of the parcel of land conveyed to Department of Veterans Affairs of the State of California by deed recorded December 12, 1967 in Book 944 of Official Records, page 60, under Recorder's File No. 17623, Humboldt County records;

and running thence along the easterly line of said last mentioned parcel and along the center line of the County Road, south 22 degrees 54 minutes west, 157.84 feet; south 27 degrees 28 minutes west, 129.6 feet; and south 11 degrees 49 minutes west, 70.32 feet, to the south line of said Section 30;

thence along the section line north 88 degrees 07 minutes East, 305.1 feet to the point of beginning.



# ATTACHMENT C

## CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

**Address of Affected Property:** 2773 Spears Rd., Eureka, CA 95503

**Assessor's Parcel Number:** 403-011-024

**To:** Humboldt County Code Enforcement Unit  
3015 H Street  
Eureka California, 95501

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

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[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]:

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[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I understand, and agree, that if I fail to appear at the place and time set for the requested appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

PROOF OF SERVICE

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT )

I, CHRISTINE WERNER, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on March 8, 2021, I served a true copy of Humboldt County Division of Environmental Health's **NOTICE OF VIOLATION**.

\_\_\_\_\_ by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class & Certified Mail)

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:

\_\_\_**XXX**\_\_\_ by personally posting a true copy thereof on the premises located at:

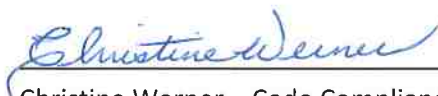
**2773 Spears Rd.  
Eureka, CA 95503**

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ by placing a true copy in the County's Mailroom designated to the attorney named below:

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

Executed on this 8th day of March, 2021, in the City of Eureka, County of Humboldt, State of California.



Christine Werner – Code Compliance Officer

**PROOF OF SERVICE**

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT )

I, CHRISTINE WERNER, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on March 8, 2021, I served a true copy of **NOTICE TO ABATE NUISANCE.**

\_\_\_\_\_ by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class & Certified Mail)

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:

XXX by personally posting a true copy thereof on the premises located at:


**2773 Spears Rd.  
Eureka, CA 95503**

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ by placing a true copy in the County's Mailroom designated to the attorney named below:

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

Executed on this 8th day of March, 2021, in the City of Eureka, County of Humboldt, State of California.



Christine Werner – Code Compliance Officer

**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF HUMBOLDT )

I, Daniela Parada, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on March 9, 2021 I served a true copy

**Service of Notice to Abate**

XXX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class and Cert.)

Richard Ryan  
Becky Costa  
2773 Spears Road  
Eureka, CA 95503

Donna M. Keith  
Donald F. Snyder  
C/O Richard Ryan  
2773 Spears Road  
Eureka, CA 95503

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant at the premises located at:

\_\_\_\_\_ by personally posting a true copy thereof on the premises located at:

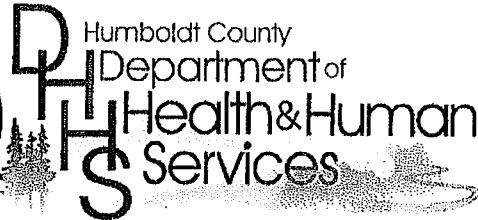
\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ by placing a true copy in the County’s Mailroom designated to the attorney named below:

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

Executed on this 9<sup>th</sup> of March 2021, in the City of Eureka, County of Humboldt, State of California.

*Daniela Parada*  
Daniela Parada, Code Enforcement Legal Office Assistant



Environmental Health  
Melissa Martel, Director  
100 H Street, Eureka, CA 95501  
phone: (707) 445-6215 | fax: (707) 441-5699

## NOTICE OF VIOLATION

March 3, 2021

Donna Keith and Donald Snyder  
2733 Spear Road  
Eureka, CA 95503

7019-2970-0000-0821-8453

Occupants:  
Richard Ryan  
Becky Costa

**YOU ARE HEREBY NOTIFIED** that there is in existence on your premises at:

**Location:** 2733 Spear Road, Eureka

**Assessor Parcel Number** 403-011-024

Conditions injurious to the public health, consisting of the following:

1. Discharge of greywater from an outdoor sink onto the surface of the ground. This condition is Public Nuisance as defined by Humboldt County Code §612-5 Declaration of Public Nuisance, (c) *A sewage treatment system which empties, flows, seeps, or drains into any surface waters or can be reasonably expected to do so.*
2. Abandoned septic tank that requires destruction. This condition is considered a violation of Humboldt County Code §611-6 Abandoned Onsite Wastewater Systems, (b) *Every abandoned septic tank shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete or other approved material.*

The following items must be completed by **April 3<sup>rd</sup>, 2021:**

1. Apply for a septic tank destruction permit and destroy the septic tank.
2. Discontinue use of the outdoor sink.

Failure to comply with this Notice may result in an abatement proceeding, as set forth in §351 et seq. of the Humboldt County Code, and/or the imposition of civil administrative penalties, as set forth in §352 et seq. of the Humboldt County Code.

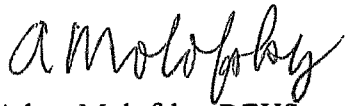


A Division of Public Health  
phone: (707) 445-6200  
fax: (707) 445-6097

DHHS Administration  
phone: (707) 441-5400  
fax: (707) 441-5412

Humboldt County Department of Health & Human Services

Sincerely,



Adam Molofsky, REHS  
Land Use Program

AM:dm

CC via E-mail : Christine Werner, [cwerner@co.humboldt.ca.us](mailto:cwerner@co.humboldt.ca.us), Humboldt County Planning  
and Building Department, Code Enforcement Unit

CC: APN File 403-111-024

