



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

J-1

For the meeting of: **February 21, 2017**

Date: **February 3, 2017**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit** *Sm*
Scott Miles, Senior Deputy County Counsel

Subject: **Administrative Abatement Hearing**
JoAnn Dinning, Christine Daniels
2331 Lincoln Avenue, Samoa, California, AP# 401-246-001

RECOMMENDATION(S):

That the Board of Supervisors, pursuant to Humboldt County Code Sections 351-21 and 351-22:

- (1) Open the hearing;
- (2) Hold an administrative hearing to determine whether a public nuisance exists on the subject property;
- (3) Adopt the attached Findings of Nuisance and Order of Abatement consistent with the evidence presented at the hearing; and
- (4) Close the hearing.

SOURCE OF FUNDING:

Costs to prepare this agenda item and address the nuisances described to date have been borne by the General Fund. The recommended action before your Board may result in the recovery of some or all of these costs.

Prepared by Jeff Conner

CAO Approval *Elishia Hayes*

REVIEW:

Auditor _____ County Counsel *Sm* Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

☐ Consent
☐ Departmental
☒ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Fennell* Seconded by Supervisor *Sundberg*

Ayes *Sundberg, Fennell, Bohn, Bass*

Nays _____

Abstain _____

Absent *Wilson*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *February 21, 2017*

By: *Kathy Hayes*

Kathy Hayes, Clerk of the Board

DISCUSSION:

This matter is before your Board sitting as a quasi-judicial tribunal to make a finding that a nuisance does or does not exist on the subject property.

Humboldt County Code Section 351-2 defines a "nuisance" as including:

- "(a) Any condition declared by any statute of the State of California or ordinance of the County of Humboldt to be a nuisance....
- (c) Any condition, act, or failure to act, which is dangerous to human life, or unsafe or detrimental to the public health or safety.....
- (f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county."

On August 10, 2016, the Code Enforcement Unit ("CEU") received an email complaint alleging that there were County Code violations at 2331 Lincoln Avenue in Samoa (hereinafter referred to as the "Property"). As the Property had been the subject of a prior CEU case with similar allegations, it was decided to open a new enforcement case without referring the matter to either the Division of Environmental Health or the Planning Division. The Humboldt County Tax Collector's database shows that the Property belongs to the extended Murch family, including JoAnn Dinning, the eldest sibling who receives the property tax bills and Christine Daniels, who lives on the Property. On September 7, 2016, the CEU inspected the Property and found a large fifth-wheel trailer that was being used as a residence, a greenhouse that had been built without the proper permits, and a large amount of solid waste including numerous pallets. On November 7, 2016, a Notice of Nuisance was served on JoAnn Dinning and the document was recorded on November 8, 2016, at the Humboldt County Recorder's Office.

The CEU monitored the Property through November and December and noticed that the amount of solid waste increased throughout this period. It was also observed that the greenhouse had been dismantled. On January 23, 2017, the CEU received an additional email complaint alleging violations of County Code dealing with solid waste, substandard housing, junk vehicles, and the use of the recreational vehicle as a residence. On January 27, 2017, the CEU inspected the Property and determined that the travel trailer was not being used as a residence. However, the amount of solid waste had increased since the last inspection. Pictures taken during that inspection are included in the Exhibit Package which is included in this report as Attachment "B".

The CEU believes that an Order of Abatement is necessary to ensure timely corrective action of the violations. The Order of Abatement is based on the following:

1. The violation present on the Property includes conditions that violate both state and local law.
2. The violation is: Humboldt County Code Section, 521-4, the improper storage and removal of solid waste.
3. The violation has created conditions that are unsafe and detrimental to public health and safety, and constitute a public nuisance, which should be abated.

Therefore, the CEU requests that your Board find that a nuisance exists on the Property and order the Murch Family to abate the nuisance within thirty days of the service of the attached Findings of Nuisance and Order of Abatement.

FINANCIAL IMPACT:

If your Board adopts the proffered recommendations, there will not be an immediate financial impact. However, if the Murch Family does not complete the necessary actions within the time allotted by your Board, the CEU will have the authority to abate the violations. The Code Enforcement Trust Fund is the primary source of monies for abatements conducted by the CEU. The balance of the Code Enforcement Trust Fund is currently about \$57,000. However, there are several potential expenditures on other abatements that have either been ordered by your Board or will be presented to your Board in the near future.

Today's recommended action supports the Board's Strategic Framework by enforcing laws and regulations and creating opportunities for improved health and safety.

OTHER AGENCY INVOLVEMENT:

None at this time

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Find that a public nuisance does not exist, and terminate the abatement proceeding. This alternative is not recommended as there is a serious violation of state and local law on the Property that is impacting the health, safety and welfare of the public.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet – to be provided no later than February 15, 2017

Attachment “A”

**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT**
825 FIFTH STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7471

FINDINGS OF NUISANCE & ORDER OF ABATEMENT

In Re: Abatement Hearing

JoAnn Dinning, Christine Daniels
2331 Lincoln Avenue, Samoa, California; AP# 401-246-001

February 21, 2017

WHEREAS, Humboldt County Board of Supervisors ("Board") considered the evidence concerning conditions on the subject property, including relevant documents, writings, codes, ordinances and oral testimony; and

WHEREAS, the Board declares that the conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood

Now therefore the Board Finds:

1. The property located at 2331 Lincoln Avenue, Samoa, California is located in a Residential: Single Family zone, in the unincorporated area of Samoa, Humboldt County, California, referred to as Assessor's Parcel Number 401-246-001; and

2. The staff of the Code Enforcement Unit for the County of Humboldt confirmed the existence of a violation on the property; and

3. The property owners were served with a Notice of Nuisance pursuant to Humboldt County Code Sections 351-12 and 351-13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Notice of Nuisance was posted on the property pursuant to said County Code; and

4. The property owners have had significant and reasonable time to correct all violations, but have refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owners were served with a Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-15; to wit, the Notice to Abate Nuisance was posted on the property pursuant to said County Code and the property owners were sent a certified letter containing the Notice to Abate Nuisance with the date and time of the hearing; and

6. The property owners have the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County; and

7. The violation still exists at the property and the property remains in violation of Humboldt County Code Section 521-4, the improper storage and removal of solid waste; and

8. The conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood.

NOW, THEREFORE, IT IS HEREBY:

ORDERED:

1. The forgoing findings, including the findings of conditions constituting a public nuisance on the subject property, are incorporated herein by reference and made a part hereof;

2. That the property owners abate all violations of the Humboldt County Code as described above. The property owners shall take the following actions:

§521-4 Improper storage and removal of solid waste

Corrective Action:

Store all solid waste in containers with tight fitting lids and dispose of all waste in a timely manner;

3. That the abatement of all violations be completed within 30 days of the service of these Findings of Nuisance and Order of Abatement, including a final inspection by the Code Enforcement Unit;

4. That the Code Enforcement Unit is directed to take all necessary steps to assure the abatement is completed as ordered. If the property owners fail to comply with this order the Code Enforcement Unit shall be empowered and authorized to abate said nuisance and shall return to the Board for authorization for a transfer of funds to abate such nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated: 2/21/17

Virginia Bass
Chair, Humboldt County Board of Supervisor

Attachment "B"



CODE ENFORCEMENT UNIT
COUNTY OF HUMBOLDT
825 Fifth Street, Eureka, California 95501
Telephone (707) 476-2429 - - Telecopier (707) 445-6297

In Re: ADMINISTRATIVE ABATEMENT HEARING

Case No. 16CEU-89

COUNTY v. JOANN DINNING (MURCH) &
CHRISTINE DANIELS (MURCH)

A.P. No. 401-246-001

February 21, 2017
9:00 am

EXHIBIT PACKET

The following exhibits are submitted on behalf of the Code Enforcement Unit in the above-referenced matter:

EXHIBIT A-- Location map (2 pages)

EXHIBIT B-- Grant Deed (1 page)

EXHIBIT C-- Notice of Nuisance dated October 17, 2016 (6 pages)

EXHIBIT D-- Notice to Abate Nuisance dated February 2, 2017 (4 pages)

EXHIBIT E - Copy of Humboldt County Code Sections 312-3, 313-88.1.1.2, and 521-4 (10 pages)

EXHIBIT F - Photographs of Subject Property taken on February 14, 2017 (5 pages)

Date: 2/15/17


Scott A. Miles, Senior Deputy
County Counsel

Administrative Abatement Hearing, County v. JoAnn Dinning (Murch) &
Christine Daniels (Murch)

A.P. No. 401-246-001

EXHIBIT "A"

Location Maps

000001



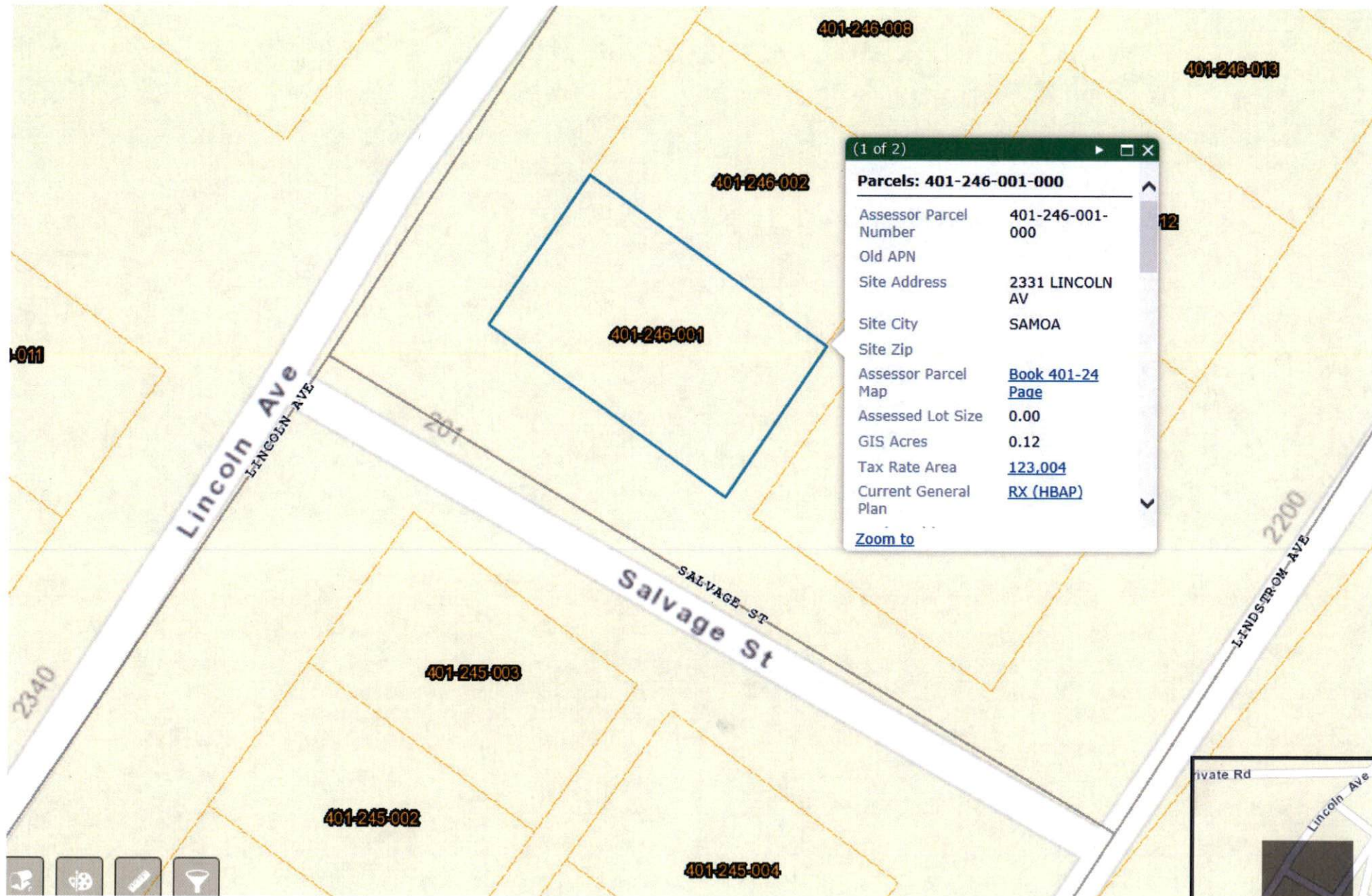
(1 of 2) ▶ □ ×

Parcels: 401-246-001-000

Assessor Parcel Number	401-246-001-000
Old APN	
Site Address	2331 LINCOLN AV
Site City	SAMOA
Site Zip	
Assessor Parcel Map	Book 401-24 Page
Assessed Lot Size	0.00
GIS Acres	0.12
Tax Rate Area	123.004
Current General Plan	RX (HBAP)

[Zoom to](#)

000002



000003

Administrative Abatement Hearing, County v. JoAnn Dinning (Murch) &
Christine Daniels (Murch)

A.P. No. 401-246-001

EXHIBIT "B"

Grant Deed

000001

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Johann Dinning
P.O. Box 519

Eureka, Ca. 95502

ESCROW NO.
TITLE ORDER NO.

1993-12121-1

RECORDED - OFFICIAL RECORDS
HUMBOLDT COUNTY, CALIFORNIA
CAROLYN CRNICH, RECORDER

Recorded by MURCH ROBERT

Rec Fee 5.00
Doc. & Tax 1.65

Clerk: KS Total: 6.65
May 5, 1993 at 10:38

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$1.65

A.P.N.

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(X) Unincorporated area: () City of

and

Robert D. Murch

By this instrument dated *April 14, 1993*

for a valuable consideration

hereby GRANTS to *Johann E. Murch, Johann E. Murch Jr., Jo Ann Dinning, Shirley K. Seaman, Marilyn K. Conway, Jimmy L. Murch, Peggy S. Murch, and Christine L. Murch*
AS *joint tenants and not tenants in common*,
the following described real property in the
County of *Humboldt*, State of *CA.*

Lot 7 in Block E of South Fairview as per map recorded in Book 10, page 6 of maps in the office of the County Recorder of said County.

AP # *401-246-01*

STATE OF CALIFORNIA,
COUNTY OF *Humboldt*

} ss

Robert D. Murch

On *April 14, 1993* before me,
Sandra L. White, notary, personally appeared

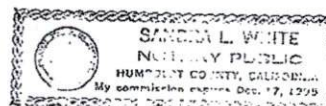
Robert D. Murch

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Sandra L. White



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY IS SHOWN, MAIL AS DIRECTED ABOVE.

Administrative Abatement Hearing, County v. JoAnn Dinning (Murch) &
Christine Daniels (Murch)

A.P. No. 401-246-001

EXHIBIT "C"

Notice of Nuisance Recorded

000006



Recording Requested By & For Benefit Of:
COUNTY OF HUMBOLDT
When Recorded, Mail To:
CODE ENFORCEMENT UNIT
Courthouse Bldg., 825 Fifth Street
Eureka, California 95501
707.476.2429

Exempt From Fees Per Gov't C. § 27383

2016-021256

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CO PLANNING
Pages: 6

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: lh Total: \$0.00
Nov 08, 2016 at 03:26:09

*** CONFORMED COPY ***

NOTICE OF NUISANCE

Owner: **JoAnn Dinning (Murch), Christine Daniels (Murch)**

Address of Subject Premises: **2331 Lincoln Avenue, Samoa, CA 95564**

NOTICE IS HEREBY GIVEN that conditions described on "Attachment A" exist on premises situate in the County of Humboldt, State of California, as described on Attachment "B", which are in violation of state law and the Humboldt County Code. These conditions exist to an extent that endanger the life, limb, health, property, safety or welfare of the public and, as such, constitute a "nuisance". Therefore,

YOU ARE HEREBY ORDERED to immediately abate said nuisance. Failure to immediately abate said nuisance may result in:

- **Imposition of an administrative penalty.** The Code Enforcement Unit may impose an administrative penalty upon you, in which event you may be liable for a monetary penalty of between \$250 to \$10,000 per violation, for each and every day the violation exists. In that case, the penalty shall be made a special assessment against the premises, shall become a lien upon the property and may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and, further, shall be subject to the same interest and the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes, and/or it may be collected as a personal obligation against you; and/or
- **Commencement of an abatement proceeding before the County Board of Supervisors.** If corrective action is not undertaken and diligently pursued to abate the nuisance within thirty (30) days from the service on you of this Notice of Nuisance, then the Code Enforcement Unit may apply to the Board of Supervisors of Humboldt County for an order to abate the nuisance. In the event the Code Enforcement Unit applies to the Board of Supervisors for an order to abate the nuisance, the cost of such abatement may become a charge against the premises and in the event may be made a special assessment against the premises which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and may be subject to the same penalties and interest, under the same procedure of foreclosure and sale, in the case of delinquency, as is provided for in ordinary county taxes; and/or
- **Commencement of a civil action.** In the event the Code Enforcement Unit commences a civil action for injunctive relief and to abate the nuisance, you may be liable for monetary damages including the costs of abatement, civil fines and penalties, as well as for court costs and attorney's fees.

Please be advised - Violation of Humboldt County Code is a misdemeanor, punishable by imprisonment in the County Jail for a term not exceeding six (6) months, or a fine up to \$1,000, or both such fine and imprisonment, for each day of a violation.

Date: 10/17/2016

A.P. No: 401-246-001 File No: 16CEU-89

Seth Lichenstein-Hill
Deputy County Counsel

000007

"Attachment A"

Municipal Code	Description	Corrective Action
521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly
313-88.1.1.2	Use of a Recreational Vehicle as a Residence in the Coastal Zone	Cease use of recreational vehicle as a residence or obtain a special permit if in a recreational zone.
312-3	Development in the Coastal Zone Without Permits	Cease use and/or development & apply for permits

000008

ATTACHMENT "B"

The following described real property in the County of Humboldt, State of California.

Lot 7 in Block E of South Fairhaven as per map recorded in Book 10, page 6 of Maps in the Office of the County Recorder of side (sic) county.

A.P. No. 401-246-001

000009

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, LACY MITCHELL, 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 Humboldt County Courthouse, Eureka, California; that on November 3, 2016, I served a true copy of **NOTICE OF NUISANCE AND NOTICE OF INTENT TO RECOVER COSTS**:

XX 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: (Certified Mail and First Class Mail)

JoAnn Dinning
128 Dina Street
Cloverdale, CA 95425

Christine Daniels
2331 Lincoln Avenue
Samoa, CA 95564

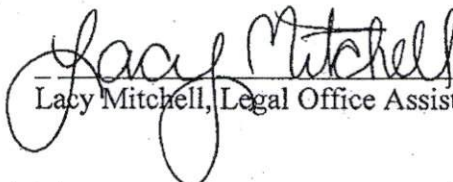
_____ by personally delivering a true copy thereof to the person as forth below.

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

_____ by fax

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

Executed on the 3rd day of November, 2016, at the City of Eureka, County of Humboldt, State of California.



Lacy Mitchell, Legal Office Assistant

000010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CODE ENFORCEMENT UNIT COUNTY OF HUMBOLDT 825 FIFTH STREET, ROOM 110 EUREKA, CA 95501 TELEPHONE NO.: (707) 476-2429 FAX NO. (Optional): (707) 445-6297 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT DEFENDANT/RESPONDENT: JO ANN DINNING (MURCH) & KRISTINE DANIELS (MURCH)		CASE NUMBER:
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 16CEJ-89

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☐ summons
 - ☐ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): **NOTICE OF NUISANCE**
- Party served (specify name of party as shown on documents served):
JO ANN DINNING (MURCH) & KRISTINE DANIELS (MURCH)
 - Person served: ☒ party in item 3a ☐ other (specify name and relationship to the party named in item 3a):
- Address where the party was served:
2331 LINCOLN AVENUE, SAMOA
- I served the party (check proper box)
 - ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b): _____
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT

CASE NUMBER:

DEFENDANT/RESPONDENT:

DINNING & DANIELS

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid;
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ by other means (specify means of service and authorizing code section):

POSTED PROPERTY 11/7/2016 1350

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- ☐ 416.10 (corporation)
- ☐ 416.20 (defunct corporation)
- ☐ 416.30 (joint stock company/association)
- ☐ 416.40 (association or partnership)
- ☐ 416.50 (public entity)

- ☐ 415.95 (business organization, form unknown)
- ☐ 416.60 (minor)
- ☐ 416.70 (ward or conservatee)
- ☐ 416.90 (authorized person)
- ☐ 415.46 (occupant)
- ☐ other:

7. Person who served papers

- a. Name: Jeff Conner
- b. Address: 825 Fifth Street
- c. Telephone number: 476-2429
- d. The fee for service was: \$ 0.00
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

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

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11/7/2016

Jeff Conner

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

000012

Administrative Abatement Hearing, County v. JoAnn Dinning (Murch) &
Christine Daniels (Murch)

A.P. No. 401-246-001

EXHIBIT "D"

Notice to Abate Nuisance



Recording Requested By & For Benefit Of:
COUNTY OF HUMBOLDT

When Recorded, Mail To:
CODE ENFORCEMENT UNIT
Courthouse Bldg., 825 Fifth Street
Eureka, California 95501
(707) 476-2429

NOTICE TO ABATE NUISANCE

[Humboldt County Code § 351-12]

Address of Premises: 2331 Lincoln Avenue, Samoa, California ; AP# 401-246-001

To: JoAnn Dinning (Murch), Christine Daniels (Murch)

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on **February 21, 2017, at the hour of 9:00 a.m.**, or as soon thereafter as the matter can be heard, in the Supervisor's Chambers, located at 825 5th Street, Eureka, California,

TO SHOW CAUSE, if any there be, why such conditions listed on "Attachment A" should not be condemned as a nuisance and why such nuisance should not be abated by the undersigned enforcement official.

[Continued on next page]

000014

At the time and place specified in this notice, the Board shall proceed to hear the testimony of the undersigned enforcement official, his/her assistants or deputies, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement, and other matters which the Board may deem pertinent.

You may appear at the hearing with an attorney or other representative, call and cross-examine witnesses and present evidence on your behalf.

Upon the conclusion of the hearing, the Board may terminate the abatement proceedings, or it may order you to abate the nuisance, prescribing the requirements of such abatement and prescribing a reasonable time, not less than thirty (30) days, for the completion of such abatement.

Such order may further provide that, in the event such abatement is not commenced, prosecuted and completed within the terms set by the Board, the undersigned enforcement official shall be empowered and authorized to abate said nuisance. Upon the expiration of the time limits set by the Board, the undersigned enforcement official shall abate said nuisance. The materials contained in any nuisance abated by the enforcement official may be sold in the same manner as surplus County personal property is sold, and the proceeds from such sale shall be paid to the County into a revolving fund.

The order may further provide that the cost of such abatement shall become a charge against the premises and shall be made a special assessment against the premises; and that said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and shall be subject to the same penalties, interest, under the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes.

Dated: February 2, 2017



Scott Miles
Senior Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure
<input type="checkbox"/> § 371--2	Maintaining a junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
Remarks:		

A.P. No. 401-246-001

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, LACY MITCHELL, 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 Humboldt County Courthouse, Eureka, California; that on February 2, 2017, I served a true copy of **NOTICE TO ABATE NUISANCE**;

XX 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: (Certified Mail)

JoAnn Dinning (Murch)
128 Dina Street
Cloverdale, CA 95425

Christine Daniels (Murch)
2331 Lincoln Avenue
Samoa, CA 95564

_____ by personally delivering a true copy thereof to the person as forth below.

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

_____ by fax

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

Executed on the 2nd day of February, 2017 in the City of Eureka, County of Humboldt, State of California.



Lacy Mitchell, Legal Office Assistant

000017

Administrative Abatement Hearing, County v. JoAnn Dinning (Murch) &
Christine Daniels (Murch)

A.P. No. 401-246-001

EXHIBIT "E"

Sections of Humboldt County Code

Humboldt County Code § 312-3

[Development within coastal zone without permit(s)]

- 2.4.1.2 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#A315-2(C)(5)(b); Ord. 1705, 9/10/85)
- 2.4.1.3 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#A315-2(C)(5)(c); Ord. 1705, 9/10/85; Ord. 2407, § 1, 12/16/2008)
- 2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)
- 2.4.3 Written notification of the Director's decision shall be transmitted to the Building Division, within five (5) working days of the decision. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 2.4.4 Decisions on zoning clearance certificate applications are not appealable. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)

2.5 EXPIRATION OF ZONING CLEARANCE CERTIFICATES

A Zoning Clearance certificate shall expire at the end of the 180th calendar day after issuance, unless otherwise indicated on the clearance, or when the proposed development no longer conforms with the County Zoning Regulations. However, if the proposed development has commenced, as authorized by any required County permits, the certificate shall not expire as long as the required building permit does not expire, as specified in the Uniform Building Code (currently Section 106.4.4). (Former Section CZ#A315-2(D); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

312-3. REQUIRED PERMITS AND VARIANCES

3.1 REQUIRED PERMITS

In addition to any other permits or approvals required by the County, including grading and building permits, any permit required by this Chapter shall be secured prior to the development of any lot in the unincorporated territory of Humboldt County. The following permits shall be required: (Former Section CZ#A315-3(A); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

- 3.1.1 **Special Permit (SP).** A Special Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with a Special Permit. (Former Section CZ#A315-3(A)(1); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 3.1.2 **Use Permit (UP).** A Use Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is:

- 3.1.2.1 permitted only as a conditionally permitted use, or. (Former Section CZ#A315-3(A)(2); Ord. 1705, 9/10/85)
- 3.1.2.2 for any use not specifically enumerated in these regulations, if it is similar to and compatible with the same uses permitted in the zone in which the subject property is situated. (Added by Ord. 2214, 6/6/00)
- 3.1.3 **Planned Unit Development Permit (PDP).** A Planned Unit Development Permit must be secured, pursuant to all requirements of this Code, prior to the initiation of a planned unit development. (Former Section INL#315-4(b); CZ#A315-3(A)(3))
- 3.1.4 **Coastal Development Permit (CDP).** A Coastal Development Permit must be secured, pursuant to the requirements of these regulations, prior to the commencement of any development within the Coastal Zone of the County, including development by State and local public agencies, unless the development is exempted or excluded under the California Public Resources Code (Section 30000, and following) or the California Code of Regulations. (See also, Section 312-15, Waiver of Procedures for Emergencies. (Former Section CZ#A315-3(A)(4); ; Amended by Ord. 2214, 6/6/00)

3.2 VARIANCES

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (From Government Code Sec. 65906; Former Section INL#317-21; CZ#A315-3(B); Ord. 946, Sec. 3, 10/2/73; Amended by Ord. 2214, 6/6/00)

3.3 CONCURRENT PERMIT REQUIREMENTS

- 3.3.1 **Concurrent/Combined Permit Requirements.** Whenever a development proposal requires the issuance of more than one permit for approval, the applicable permit procedures shall be applied simultaneously. (Former Section CZ#A315-4(A))
- 3.3.1.1 A proposed development or use that requires a Special Permit and a Use Permit shall be processed as a Use Permit. (Former Section CZ#A315-4(A)(1))
- 3.3.1.2 A proposed development or use that requires a Planned Unit Development Permit and a Use Permit shall be processed as a Planned Unit Development Permit. (Former Section CZ#A315-4(A)(2))
- 3.3.1.3 A proposed development or use that requires a Special Permit, Use Permit, or Planned Unit Development Permit and a Coastal Development Permit shall be processed as a Coastal Development Permit. (Former Section CZ#A315-4(A)(3))

Humboldt County Code § 313-88.1.1.2

[Use of a Recreational Vehicle as a Residence in the
Coastal Zone]

313-88.1 TEMPORARY STRUCTURES

(See also, Section 313-62.1, Temporary Uses.)

88.1.1 Temporary Structures Permitted with a Special Permit. The following temporary structures may be permitted upon obtaining a Special Permit, subject to the following conditions: (Former Section CZ#A314-37(A))

88.1.1.1 Temporary Office. One (1) manufactured home may be used as an office appurtenant to, accessory to, and in conjunction with the operation of a manufactured home sales area. (Former Section CZ#A314-37(A)(1))

88.1.1.2 Recreational Vehicle. A recreational vehicle may be used in recreational areas for up to six months by person(s) who have a permanent residence elsewhere. (Former Section CZ#A314-37(A)(2); Amended by Ord. 2167, Sec. 33, 4/7/98)

88.1.1.3 Employee Housing or Contractor's Office. A manufactured home, recreational vehicle, or office may be used by a construction contractor as employee housing for the duration of a construction project. (Former Section CZ#A314-37(A)(3); Amended by Ord. 2167, Sec. 33, 4/7/98)

88.1.1.4 Temporary Care. In residential zones that allow manufactured homes, a manufactured home may be set up temporarily where the health and well being of either the property owner or the proposed occupant requires that the manufactured home be on the property, subject to all of the following: (Former Section CZ#A314-37(A)(4))

88.1.1.4.1 The manufactured home is occupied by a specific person or people who are related to the property owner; (Former Section CZ#A314-37(A)(4)(a))

88.1.1.4.2 The Chief Building Inspector approves the proposed setup; (Former Section CZ#A314-37(A)(4)(b))

88.1.1.4.3 The manufactured home is located on a lot with at least one other dwelling; (Former Section CZ#A314-37(A)(4)(c))

88.1.1.4.4 The occupants of the existing dwelling must care for the occupant of the proposed temporary manufactured home; (Former Section CZ#A314-37(A)(4)(d))

88.1.1.4.5 A doctor's statement verifying the applicant's request is submitted; (Former Section CZ#A314-37(A)(4)(e))

88.1.1.4.6 The temporary manufactured home shares as many utilities and improvements as possible with the support dwelling; and (Former Section CZ#A314-37(A)(4)(f))

88.1.1.4.7 The temporary manufactured home is located as close as possible to the support dwelling, but no closer than ten (10) feet from the support

dwelling. (Former Section CZ#A314-37(A)(4)(g))

88.1.1.5 Temporary Occupancy. In all zones, a recreational vehicle may be occupied by an owner-builder during the construction of the owner-builder's permanent dwelling. In zones that allow manufactured homes, a manufactured home may be occupied by an owner-builder during the construction of the owner-builder's permanent dwelling. Temporary occupancy by an owner-builder is subject to all of the following requirements: (Former Section CZ#A314-37(A)(5))

88.1.1.5.1 That the recreational vehicle or manufactured home is not defined as a nuisance by Title 25 of the California Code of Regulations, or any successor provision thereto; (Former Section CZ#A314-37(A)(5)(a))

88.1.1.5.2 That the applicant has a building permit for the permanent residence; (Former Section CZ#A314-37(A)(5)(b))

88.1.1.5.3 That any septic system used with the temporary quarters is sized for the permanent residence; (Former Section CZ#A314-37(A)(5)(c))

88.1.1.5.4 That any water supply developed on the property is sized for the permanent residence; (Former Section CZ#A314-37(A)(5)(d))

88.1.1.5.5 That the temporary occupancy permit shall be valid for six (6) months from the date the building permit was issued. The Chief Building Inspector may renew the temporary occupancy permit for additional six (6) month periods if he/she determines that substantial progress is being made on construction of the permanent residence. The temporary occupancy permit shall expire when the building permit expires; (Former Section CZ#A314-37(A)(5)(e))

88.1.1.5.6 That services shall not be transferred to the permanent residence until: (1) the temporary quarters are removed from the property, or (2) they are converted to a permitted accessory building, or (3) security has been posted, in the form of a bond or other security determined sufficient by the County Counsel to ensure performance; and (Former Section CZ#A314-37(A)(5)(f))

88.1.1.5.7 The applicant shall sign a document stating that he/she has read and understands the conditions of the permit. (Former Section CZ#A314-37(A)(5)(g))

88.1.1.6 Temporary Storage of Manufactured Homes in Zones that Allow Manufactured Homes. A manufactured home may be temporarily stored on a parcel, subject to the following: (Former Section CZ#A314-37(A)(6))

88.1.1.6.1 The applicant is the landowner and has a building permit for the placement of the manufactured home on the subject parcel as a permanent residence; and (Former Section CZ#A314-37(A)(6)(a))

- 88.1.1.6.2 The applicant signs a document stating that he or she has read and understands the conditions of the permit. (Former Section CZ#A314-37(A)(6)(b))
- 88.1.1.7 Construction Support Facilities. Temporary buildings and structures supporting residential development and major construction. (Former Section CZ#A314-37(A)(7))
- 88.1.1.8 Tract Offices. Temporary uses in new subdivisions and other residential developments if the temporary use supports the sale of dwellings and lots within the same subdivision or residential development. (Former Section CZ#A314-37(A)(9))
- 88.1.1.9 Christmas Tree Sales. A temporary facility used for the sale of Christmas trees and related items in all zones except residential zones. (Former Section CZ#A314-37(A)(10))
- 88.1.1.10 Other Temporary Uses. Temporary uses not specifically identified in this section and not normally associated with and accessory to uses permitted in the regulations for principal zones and combining zones of this Division. (See also, Section 313-62.1, Temporary Uses.) (Former Section CZ#A314-37(A)(11))

(313-89 through 313-90: Sections Reserved for Future Use)

313-91.1 WIND-GENERATING FACILITY

- 91.1.1 **Purpose.** The purpose of these regulations is to provide for the development of wind-generating facilities as an alternative energy source, while ensuring that such facilities are not detrimental to public safety, and that associated environmental effects, including adverse visual impacts, are minimized. (Former Section CZ#A314-39(A))
- 91.1.2 **Applicability.** These regulations shall apply in all zones in which wind-generating facilities are permitted. (Former Section CZ#A314-39(B))
- 91.1.3 **Permit Review.** The following concerns, at a minimum, shall be considered in proposals for wind-generation facilities subject to the permit procedures in Chapter 2, Procedures, of this Code. (Former Section CZ#A314-39(C))
- 91.1.3.1 Parcel size; (Former Section CZ#A314-39(C)(1))
- 91.1.3.2 Relationship to other structures; (Former Section CZ#A314-39(C)(2))
- 91.1.3.3 Effects on downwind sites; (Former Section CZ#A314-39(C)(3))
- 91.1.3.4 Compliance with Uniform Building Code and National Electrical Code;

Humboldt County Code § 521-4

[Storage & removal of solid waste]

521-4. STANDARDS FOR STORAGE AND REMOVAL OF SOLID WASTE AND SOURCE-SEPARATED MATERIALS.

(a) General Prohibition. It shall be unlawful for any person to store or remove solid waste or source-separated materials except as provided herein. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(b) Storage.

- (1) Solid waste shall be contained in the following manner:

It shall be the duty of every person in possession of or having charge of any boarding house, eating place, lodging house, restaurant, store, apartment house, flat or dwelling house, or any other establishment of human habitation, or where food is served or sold, to provide and keep at all times one (1) or more suitable watertight receptacles with tight fitting covers, in which all solid waste from such premises shall be placed and kept until removed. Any person may occasionally store excess non-putrescible solid waste in appropriate receptacles adjacent to the regular solid waste container while waiting for a regularly-scheduled collection. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

- (2) Source separated materials may be accumulated for recycling and composting but must be stored in a clean, sanitary manner, separate from the storage of solid waste. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

- (3) It is unlawful for any person to utilize a solid waste container not belonging to that person without the express approval of the owner. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(c) Removal of Solid Waste.

- (1) All putrescible solid waste from any boarding house, lodging house, restaurant, hotel, hospital or store shall be removed from said premises at least twice each week, and from dwellings and apartments at least once each week. All non-putrescible solid waste shall be removed at least once each week unless volume of waste produced in that period of time is less than the minimum amount of waste provided for by franchise collection service rates and user fee structures. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(d) Removal of Source-Separated Materials. Except for on-site composting and properly permitted burning as specified in Section 521-10, all segregated recyclable and compostable materials shall be removed from said premises with sufficient frequency to ensure the maintenance of said premises in a neat, sanitary manner. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(e) Removal of Unseparated Recyclable and Compostable Materials. Materials not separated by the generator for diversion from disposal will be considered solid waste, unless and until the point at which such materials are separated from such solid waste. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

Administrative Abatement Hearing, County v. JoAnn Dinning (Murch) &
Christine Daniels (Murch)

A.P. No. 401-246-001

EXHIBIT "F"

Photographs of Subject Property



000029



000030



000031



000032



000033