



# COUNTY OF HUMBOLDT

For the meeting of: 11/28/2023

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File #: 23-1471

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Summarily approve Nuisance Abatement Assessment on two properties located at 7695 St Hwy 36, Carlotta and 120784 State Hwy 101, Orick

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Summarily approve the proposed Nuisance Abatement Assessment for cases CE20-0849 and CE22-1456 on property located at 120784 State Hwy 101, Orick, CA (APN 520-086-008 and 520-086-009) which is in violation of various Humboldt County Codes in the amount of \$485,099.77 in accordance with Title III, Division 5, Chapter 2, section 351-21 Summary Approval of Proposed Assessments.
2. Summarily approve the proposed Nuisance Abatement Assessment for case CE21-1380 on property located at 7695 St Hwy 36, Carlotta, CA (APN 206-291-016-000) which is in violation of various Humboldt County Codes in the amount of \$217,834.86 in accordance with Title III, Division 5, Chapter 2, section 351-21 Summary Approval of Proposed Assessments.

**SOURCE OF FUNDING:**

General Fund, Code Enforcement (1100269) Nuisance Abatement (631130)

**DISCUSSION:**

The Board is being asked to summarily approve two proposed Nuisance Abatement Assessments.

**120784 St Hwy101, Orick**

The first assessment is for a property owned by Green Valley Motel, LLC.

The Property Owner was unable to abate the public nuisances occurring on the Property, and a county abatement was necessary to address all the public nuisances. The case has been handled in phases. The first phase involved relocating the tenants, boarding up the motel structures to prevent entry, removing

solid waste from the exterior of the structures, conducting asbestos and lead testing and fumigating for pest elimination.

The second phase was to include demolition of the motel and decommissioned gas station structures. However, in February 2022, before the demolition could take place, an interested buyer came forward and the Board directed Code Enforcement to pursue recovery of the nuisance abatement costs to that date through an escrow purchase agreement as part of the sale of the property.

In October of 2022, after the interested buyer failed to purchase the property, Code Enforcement served a Notice of Nuisance Abatement Assessment on the Property for the abatement work done to date. See Attachment A. On October 4, 2022, The Board summarily approved the Nuisance Abatement Assessment in the amount of \$119,289.06 for the first phase of abatement work performed.

A Nuisance Abatement Assessment Lien was recorded against the property on December 27, 2022. See Attachment B.

Code Enforcement then resumed working towards the demolition of the motel and gas station structures by preparing and obtaining an Inspection Warrant and Order of Abatement for the Property, which was signed into effect on March 27, 2023. See Attachment C.

Abatement work began on April 4, 2023, and was completed on or around May 23, 2023. See Attachment D for before and after photographs.

On August 29, 2023 Code Enforcement served a Notice of Nuisance Abatement Assessment on the Property for the abatement work done to date. See Attachment E. No request for a Cost Recovery Hearing was received.

### **7695 St Hwy 36, Carlotta**

The second assessment is for property owned by Bonnie Moulder located at 7695 St Hwy 36, Carlotta (APN 206-291-016).

The case began in December of 2021 when the Code Enforcement Unit received a complaint alleging there were conditions on the subject property in violation of Humboldt County Code (HCC). The complaint alleged that there was solid waste in the form of a former market that burned down in 2017.

A Violation Letter was sent on December 3, 2021 (Attachment F.)

The owner consented to an inspection conducted on July 11, 2022. The following Humboldt County Code violations were observed: improper storage and removal of solid waste and building conditions endanger life, health, safety, or public welfare.

**A Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty**

(hereinafter referred to as “Notices”) were served September 12, 2022, (see Attachment G.) The Notices stated that the conditions were determined to be in violation of state law and/or Humboldt County Code and conditions needed to be abated by September 22, 2022. No appeal of the Notice was requested.

Due to the inaction by the Property Owner and the deteriorating conditions on the property, it was determined that a county abatement of the public nuisances would need to occur for the conditions to be abated.

The county entered into a Professional Services Agreement and project specific Task Order with Johns’ Group LLC to perform the public nuisance abatement work for the County (see Attachment H.) An Inspection Warrant and Order of Abatement was authorized on March 13, 2023, Attachment I.

The abatement of the property began on March 27, 2023, and concluded on May 11, 2023. At the conclusion of the abatement the solid waste and burned market had been removed from the property, and a fence was erected to secure the site. Pre and post-abatement photos of the property are in Attachment J.

Pursuant to HCC section 351-16 a Notice of Nuisance Abatement Assessment was served for \$217,834.86 which included the \$214,729.56 in costs paid to Johns’ Group LLC to perform the abatement and asbestos survey, see invoice in Attachment I, plus \$3,105.30 for administrative costs incurred on this enforcement action; see Attachment J for the Notice and a summary of the administrative costs. No request for a Cost Recovery Hearing was received.

### **Summary**

In both cases the condition of the property continued to deteriorate and generate community complaints. The amount of the proposed Nuisance Abatement Assessments equal the actual costs of abatement and staff time. Administrative civil penalties are not being sought in either of these cases. The approval of the proposed Nuisance Abatement Assessments will repay the County for the actual costs of abating the public nuisances and correcting the code violations on these properties. At this point, there is not rationale for reduction or elimination of the proposed Nuisance Abatement Assessments because they are based on incurred expenses.

*HCC section 351-21 states “if an objection to the proposed assessment is not filed by any Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected property within ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment, the Humboldt County Board of Supervisors shall summarily approve the proposed assessment without holding a Cost Recovery Hearing.”*

Based upon these factors, it is recommended that the Board of Supervisors confirm the proposed Nuisance Abatement Assessments.

Upon summary approval of the Nuisance Abatement Assessment, a Notice of Nuisance

Abatement Assessment Lien will be served on each property. This notice will provide forty-five (45) calendar days for the assessment to be paid before the recording of the Notice of Nuisance Abatement Assessment Lien.

Pursuant to HCC section 351-24 after the Notice of Nuisance Abatement Assessment Lien is recorded “the Humboldt County Auditor-Controller shall enter each Nuisance Abatement Assessment upon the affected Property on the Humboldt County Secured Tax Roll. The Nuisance Abatement Assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the Imposition date until payment is received. The Nuisance Abatement Assessment may be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary property taxes...”. The Nuisance Abatement Assessment shall also have 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.*

FINANCIAL IMPACT:

The cost of preparing the cases and serving the notices has been included as administrative costs in accordance with established policies and code sections. Administrative staff costs associated with this assessment have been budgeted in the salaries and expenses of budget unit 1100-269 (Code Enforcement). The cost of the abatement was paid out of monies set aside for County abatements in the General Fund and transferred to budget unit 1100-269. With staff recommendation, there is minimal impact to the General Fund with this Board item.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by enforcing laws and regulations to protect residents

OTHER AGENCY INVOLVEMENT:

Department of Health and Human Services Environmental Health, Building Division and the Sheriff’s Department.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Board could choose not to approve the Nuisance Abatement Assessment. However, this is not recommended because staff recommendations align with Title III, Division 5 of Humboldt County Code. By choosing this option there will be no reimbursement for the public funds spent to clean up and abate the public nuisance

ATTACHMENTS:

- Attachment A - Green Valley Notice of Nuisance Abatement Assessment
- Attachment B - Green Valley Notice of Nuisance Abatement Assessment Lien
- Attachment C - Green Valley Inspection Warrant and Order of Abatement
- Attachment D - Green Valley Photographs

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Attachment E - Green Valley Notice of Nuisance Abatement Assessment

Attachment F - Moulder Violation Letter

Attachment G - Moulder Notice to Abate Nuisance and Notice of Violation and Proposed  
Administrative Civil Penalty

Attachment H - Moulder Task Order

Attachment I - Moulder Inspection Warrant and Order of Abatement

Attachment J - Moulder Notice of Nuisance Abatement Assessment

PREVIOUS ACTION/REFERRAL:

Green Valley

Board Order No.: D.9.

Meeting of: 10-4-2022

File No.: 22-1246

Bonnie Moulder

Board Order No.: [Click or tap here to enter text.](#)

Meeting of: [Click or tap here to enter text.](#)

File No.: