

ATTACHMENT B:

Copy of Citation issued

B-1:



Calaveras County

Building Department
(209) 754-6390
(209) 754-6396 fax

Code Compliance
(209) 754-6326
(209) 754-6328 fax

Website: www.co.calaveras.ca.us

**NOTICE OF VIOLATION, ORDER TO ABATE,
ADMINISTRATIVE CITATION AND FINE**

Date: 11/06/2019 Case Number: 2356 Date and Time Violations Observed: 09:00 11/06/2019

You are in violation of the following provisions of the County Code:

- X Calaveras County Code §8.06.060 – Public nuisance
- X Calaveras County Code §17.24 – Single Family (R1) Residential
- X Calaveras County Code §15.05.070 – Grading permit required
- X California Building Code §111.1 – Use and occupancy
- X Notes: Please see attached notice.

You must cease and abate the above violation(s) of County Code and submit proof of having done so within **20 days** from the date of this notice, citation, and order.

If you fail to cease and abate the violation(s) within **20** days of the date of this notice, a fine of **\$100** per day, per violation will accrue beginning on the **21st** day and will continue to accrue on a daily basis until the County has received proof of abatement. The violation **shall also be subject to abatement** by the County pursuant to County Code Chapter 8.06. If the County physically abates the violation(s), you are responsible for all costs associated with the abatement, which may be recovered via a lien on the property. **SEE REVERSE SIDE for payment instructions, appeal rights, and other important information.**

APN #(s): 002-024-025, 002-024-024, & 002-024-012

Site Address: 751 Edgemont Road, 803 Ponderosa Way, & 1121 Ponderosa Way
Tamarack, CA 95223

Person Cited: (X) Owner () Tenant () Other Responsible Party

Name: OLSON ERIC J TRUSTEE

Mailing Address: 4801 SHADY MEADOWS PLACE, SAN JOSE, CA 95138

T. WATTS Issuing Officer 11/06/19 Date

Signature of Person Cited _____ Phone Number _____
Valid with or without signature. Your signature acknowledges receipt and is not an admission of guilt.

- I, Thomas Watts, on 11/06/2019:
- Hand-delivered to person cited
 - X Posted at site address
 - X Deposited in U.S. Mail, addressed to mailing address above, regular mail
 - X Deposited in U.S. Mail, addressed to mailing address above, certified mail (7019-0700-0002-0067-8986)

County of Calaveras Code Chapter 8.06 provides for the issuance of administrative citations for Code violations and for the assessment of fines.

Each day any violation exists is a separate offense, starting with the first day of documentation by the County, and will carry an independent fine. If you fail to correct the violation(s) noted on the front side of this notice and citation within the time specified, fines may be imposed as follows: \$100.00 per violation for the first day, and \$100.00 per violation per day for each calendar day thereafter that the violation exists on the premises (§8.06.430), or for violations of Chapter 17.95, \$1000.00 per day while the violation exists on the premises (§17.95.060(J)). The County may also seek from the Board of Supervisors an abatement order and a lien to recover costs of abatement. **If the County is forced to incur abatement costs, it may result in the placement of a lien on your property for payment prior to the next property tax billing cycle.**

Consequences of Failure to Correct Violation(s):

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to, civil penalties, abatement by Calaveras County with costs assessed as a lien on property taxes, criminal prosecution, civil litigation, recording the violation with the County Recorder, and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the County to collect fines, demolish structures, make necessary repairs at the owner's expense, and incarcerate violators. Any of these options or others may be used if the administrative citation(s) do not achieve compliance.

Right of Appeal:

You have the right to appeal the imposition of an administrative citation and fine within fifteen (15) days from the date the citation is issued. Your appeal must be made in writing and received by the Calaveras County Code Compliance Unit by or before 4:00 p.m. on the 15th day. You may hand deliver or mail the written appeal to Administrative Hearing Board, c/o Calaveras County Code Compliance Unit, 891 Mountain Ranch Rd., San Andreas, CA, 95249. A proper timely appeal will result in an administrative hearing and an opportunity to appear before the administrative hearing board. (§8.06.600)

Failure of any person to properly file a written appeal within fifteen (15) days shall constitute a waiver of his or her right to an administrative hearing, including adjudication of the administrative citation or any part of it and the total amount of the fine. **Unless a written appeal request is timely received, the violation(s) shall be deemed admitted, the fine and obligation for abatement costs shall be deemed accepted, and upon ratification by the Board of Supervisors, this shall be deemed an abatement order authorizing the County to physically abate the violation.**

If the violations are upheld by the administrative hearing board you will be responsible for the costs of appeal and all other administrative costs incurred by the County of Calaveras, its Agents, and Contractors. Any finding or recommendation by the administrative hearing board will be considered a formal recommendation to the Board of Supervisors. A copy of the statement of decision, findings and recommendations by the administrative hearing board will be submitted to the Board of Supervisors, and the matter will then be agendaized for ratification or modification.

How to Pay Fines and Administrative Costs:

The amount of the fine is indicated on the front of this notice of violation, order to abate, and administrative citation. **Payment may be made in person or by mail to Calaveras County, Code Compliance Unit, 891 Mountain Ranch Rd., San Andreas, CA. 95249.** Payment should be made by cash, personal check, cashier's check or money order. Be sure to write the citation number on your check or money order, **made payable to Calaveras County**, and enclose a copy of the citation. **Do not mail cash.**

Consequences of Failure to Pay:

The County has the authority to collect all fines accrued, administrative costs associated with compliance, and actual costs of abatement. The failure to pay these fines and costs may result in the matter being referred to the County Counsel to initiate a civil or small claims court action. Alternatively, the County may pursue any other legal remedy to collect the administrative fines and abatement costs, including but not limited to a lien. Lien assessments are due and payable in the next property tax cycle and must be paid at the time property taxes are paid.

If you need further clarification, please call the Code Compliance Unit at (209) 754-6326.

ATTACHMENT TO NOV/CITATION/ORDER

**LOCATION OF PROPERTY: 751 Edgemont Road, 803 Ponderosa Way, 1121 Ponderosa Way
Tamarack, CA 95223**

APNs: 002-024-025, 002-024-024, & 002-024-012

Case# 2356

Calaveras County Code 8.06.060. It shall be unlawful for any owner, occupant, tenant, or operator to cause or maintain a public nuisance on a premise. Pursuant to §8.060.050, a public nuisance is defined as:

1. Anything injurious or likely to become injurious to the health and safety, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, including a condition of visual blight, or unlawfully obstructing the free passage or use, in the customary, of any public park, square, street, or highway; or for a person to occupy as a tenant, or owner- occupant, or to permit another person to occupy, premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Enumeration of such nuisances in this chapter shall not be deemed exclusive.
2. Any violation of the provisions of the Calaveras County Code as set forth in Title 13, Chapter 13.12; Title 15; and Title 17.
3. Any violation of the California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, California Fire Code, California Administrative Code, California Health and Safety Code, International Property Maintenance Code, or any other applicable law.
4. Any accumulation of junk, debris, or junk cars, as defined in Section 17.06.1030 of the Calaveras County Code, on any other parcel of land within sight of any other parcels of land, or public or private roads that are not enclosed within four walls and a roof.
5. Any violations of the provisions of this chapter

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of Calaveras County Code 17.24.020 – Permitted uses. The following uses are permitted in the R1 zone:

- A. One primary single-family residence per legal parcel;
- B. Group care home of six or fewer clients pursuant to California Health and Safety Code Section 1501, subject to review for over concentration pursuant to H&S Section 1520.5;
- C. Family day care home of twelve or fewer children;
- D. Accepted farming practices;
- E. Golf course when developed in conjunction with a master planned community;
- F. Upon findings by the planning commission that a use is consistent with the purposes of this chapter, the use may be added to this section, provided that the commission concurrently initiates a change in this chapter for inclusion of the use;
- G. Special events, subject to the provisions of Chapter 17.87;
- H. Yard or garage sales, maximum six events per year;
- I. Accessory dwelling pursuant to Chapter 17.66 of this title.

Specifically, the use of the property as a business retreat, event center, or other commercial purpose is not permitted in the R1 zone.

Options to Abate:

1. Cease any activities not permitted under Calaveras County Code Chapter 17.24, including the removal of any online and onsite adverts, signs, displays, banners etc.

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of Calaveras County Code Section 15.05.070 Grading permit required. A grading permit issued by public works is required for all site grading activities on public and privately owned property within unincorporated Calaveras County unless the activity is specifically exempted as provided for in Section 15.05.080.

Specifically, grading activity has occurred without the required grading permit and corrections are required for an encroachment permit. (See enclosed Public Works Notices of Non-Compliance issued August 27, 2018 and October 2, 2018 for further details).

Options to Abate:

1. Obtain the required grading permit from Public Works and complete through final, and
2. Complete the outstanding encroachment permit through final.

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of California Building Code Section 111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Specifically, the house is being used and/or occupied prior to the issuance of a certificate of occupancy.

Options to Abate:

1. Vacate the house, and
2. Complete the outstanding new dwelling permit through final.

Officer: T. Watts

Date: 11/06/2019



COUNTY OF CALAVERAS DEPARTMENT OF PUBLIC WORKS

Matthew C. Boyer, Interim Director

October 2, 2018

Eric James Olson
4801 Shady Meadows Place
San Jose, CA 96138

SUBJECT: **NOTICE OF NON-COMPLIANCE Illegal Grading and Encroachment**
751 Edgemont Road, Tamarack APN 002-024-025

Mr. Olson:

Public Works issued a Correction Notice dated August 16, 2018, for grading activity on your property without a permit. The Correction Notice instructed you to implement corrective measures at the subject site and apply for a grading permit and encroachment permit no later than September 17, 2018. As of this date, a grading plan and application have not been submitted.

Please note that unless this department receives the appropriate application along with confirmation that the deficiencies noted in the Correction Notice are being corrected, we may be compelled to record this Notice of Non-Compliance, per County Code §15.05.280. Note that you may also be subject to additional enforcement procedures as outlined in County Code §15.05.290, which could include fines of one thousand dollars (\$1,000.00) per day. However, our objective is to secure your voluntary compliance.

As noted in the Correction Notice, no more grading activity can occur until a grading permit has been approved/issued by Public Works. You must obtain a permit **no later than October 15, 2018**. Please contact our office at (209) 754-6402 if you have any questions.

Shawna Towler
Public Works Analyst

CERTIFIED MAIL: 7017 2400 0000 3654 0456

Enclosure: August 27, 2018 Correction Notice

CC: Code Compliance



COUNTY OF CALAVERAS DEPARTMENT OF PUBLIC WORKS

Matthew C. Boyer, Interim Director

CORRECTION NOTICE

August 27, 2018

Eric James Olson
4801 Shady Meadows Place
San Jose, CA 96138

SUBJECT: CORRECTION NOTICE Unpermitted Grading Activity, Unpermitted
Encroachment
803 Ponderosa Way, Tamarack

On August 16, 2018, Public Works staff inspected the subject site to evaluate grading activity that had occurred without a permit. A Correction Notice has been placed on your site for grading without permits or any evidence of onsite erosion control measures as well as an unpermitted encroachment. ***Please note, no more grading activity can occur until a grading permit has been approved/issued and an encroachment permit has been issued by Public Works.*** Based on staff's inspection of the site, the following violations have been noted:

- Per **Section 6.9** of the Calaveras County Design Manual, all inactive soil-disturbed areas of a site and most active areas must be stabilized and protected from erosion. There is no evidence of onsite erosion control measures ready to be installed in case of rain. Please refer to CASQA Stormwater BMP Handbook for specific BMPs online at: <http://www.cabmphandbooks.com>.
- **No valid permit.** In accordance with Section 15.05.070 of the County Code, you must obtain a grading permit for site grading activities that are not specifically exempted by Section 15.05.080. You must obtain a permit no later than **September 17, 2018**, in conformance with applicable County Codes. A grading plan must be submitted to Public Works for review per Calaveras County Code §15.05. Section 5.1 of the Design Manual contains the various elements that you must show on your plan, including the location of the limits of your grading with respect to property boundaries. A site-specific erosion control plan is also required prior to proceeding with any work.
- If you disturbed an acre or more on your site, you must also obtain a Storm Water Permit for Construction Activity from the State. Prior to approval of your grading plan, you are required to submit evidence of permitting from all State agencies having jurisdiction of the work.



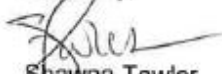
COUNTY OF CALAVERAS DEPARTMENT OF PUBLIC WORKS

Matthew C. Boyer, Interim Director

Copies of the County Grading, Drainage and Erosion Control Ordinance are available at the Public Works office or online at: http://www.co.calaveras.ca.us/public_works.asp.

Call if you have any questions.

Sincerely,


Shawna Towler
Public Works Analyst

Enclosure: Grading Permit Application
Encroachment Permit Application



COUNTY OF CALAVERAS DEPARTMENT OF PUBLIC WORKS

Matthew C. Boyer, Interim Director

North West Elevation

152°SE (T) 38°25'27"N, 120°5'54"W ±32.8ft ▲ 6850ft



North Elevation

194°S (T) 38°25'28"N, 120°5'54"W ±32.8ft ▲ 6835ft



North West Elevation

150°SE (T) 38°25'27"N, 120°5'54"W ±32.8ft ▲ 6820ft

