

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: August 16, 2016	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Board of Supervisors APPROVING PARTY: Heather Foster, Clerk of the Board PHONE NUMBER: 530-289-3295
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AGENDA ITEM: Appeal of Notice to Abate Unlawful Marijuana Cultivation filed by Mr. Lester Strohbin, APNs 004-090-021 and 004-090-023.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
 See attached Notice to Abate, Notice of Appeal, Sierra County Code Section 8.01.80

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____	DATE _____
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as set above, service shall be accomplished by posting a copy of the notice on the real property upon which the nuisance exists as follows: Copies of the notice shall be posted along the frontage of the subject property and at such other locations on the property reasonably likely to provide notice to the owner. In no event shall fewer than two copies of the order be posted on a property pursuant to this section.

- (b) The date of service is deemed to be the date of deposit in the mail, personal delivery, or posting, as applicable. (Ord. 1055, eff. 8/21/14)

8.01.080 Administrative Review

- (a) Any person upon whom an notice to abate unlawful marijuana cultivation has been served may appeal the determination of the enforcing officer that the conditions set forth in the notice constitute a public nuisance to the Board of Supervisors, or may show cause before the Board of Supervisors why those conditions should not be abated in accordance with the provisions of this chapter. Any such administrative review shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within ten calendar days after the date that said notice was served. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed written request that complies fully with the requirements of this section, the findings of the enforcing officer contained in the notice shall become final and conclusive on the eleventh day following service of the notice.
- (b) Upon timely receipt of a written request for hearing which complies with the requirements of this section, the Clerk of the Board of Supervisors shall set a hearing date not less than seven days nor more than thirty days from the date the request was filed. The Clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the notice was served, and to the enforcing officer.
- (c) Any hearing conducted pursuant to this chapter need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The board of supervisors has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- (d) The Board of Supervisors may continue the administrative hearing from time to time.
- (e) The Board of Supervisors shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the notice to abate unlawful marijuana cultivation. The Board of Supervisors shall issue a written decision which shall be mailed to, or personally served upon, the party requesting the hearing, any other parties upon whom the notice was served, and the enforcing officer.
- (f) The decision of the Board of Supervisors shall be final and conclusive. (Ord. 1055, eff. 8/21/14)

8.01.090 Liability for Costs

- (a) In any enforcement action brought pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the unlawful marijuana cultivation to exist shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, costs incurred in

JUL 28 2016

BY: HEATHER FOSTER
DEPUTY

NOTICE OF APPEAL
Sierra County Code Section 8.01.080

Appeal Hearing Body: Sierra County Board of Supervisors
P.O. Drawer D
Downieville, CA 95936

In the matter of the appeal of: Lester Eric Strohbiv

1. Date Notice to Abate Unlawful Marijuana Cultivation served: July 17, 2016 *{this is the day the came out}*
2. Specific reasons conditions should not be abated: I Live so far off the beaten path that I feel that I am not a public nuisance, Im a good man and try to do the vary best at all time & things that I do. This year 2016 I worked vary hard to go by what my Supervisors layed out for me to Follow. I have 10 cannabis plant for myself, and 10 cannabis plants for my Lady partner, Im trying my best to set the right example
3. Supporting facts for appeal: Let it be knowin, that if it will make this ABATMENT go - disapear, I will cut every cannabis plant down. I've already destroyed several cannabis medical plant on July 25th 2016 and also destroyed several medical cannabis plants in view of Mike Fisher, I allowed Det. Mike Fisher at my will to check anything & every thing. I allowed open house for him to do his job.

A separate sheet may be attached if more space is needed to complete items 2 and 3 above.

Lester E. Strohbiv
Signature

Lester E Strohbiv
Print or type name

July 28, 2016
Date

Pursuant to Section 8.01.080 of the Sierra County Code the time within to appeal is as follows:
An administrative review shall be commenced by filing a written request for hearing with the clerk of the Board of Supervisors within 10 calendar days after the date that said notice was served.

RETURN THIS FORM TO:
Sierra County Clerk
P.O. Drawer D
Downieville, CA 95936



Tim Standley

Sheriff-Coroner
County of Sierra
State of California

100 Courthouse Square/PO Box 66
Downsville CA 95936
(530)289-3700 Fax (530) 289-3318

NOTICE TO ABATE UNLAWFUL MARIJUANA CULTIVATION

Pursuant to Sierra County Ordinance 1055 section 8.01.050

Property Owner(s): LESTER STROHBIN / GARY TEEL
Property Occupant(s): STEVEN HOULE, JAMES LINDERBERG, ALAMETH LANGHORN
Property Address: 1 HENNESSY PASS ROAD, CAMPTONVILLE 95922 (SIERRA CO.)
Sierra County Assessor Parcel Number (APN#): 004-090-021 + 004-090-023

On 7-19-16 it was determined that unlawful marijuana cultivation exists on the above premises and it has been determined by the enforcing officer to be a public nuisance. The following violation(s) are occurring:

- No lawful dwelling on the property.
- Person cultivating marijuana does not reside on the property.
- In excess of 18 marijuana plants under cultivation per person.
- In excess of 72 marijuana plants under cultivation on the property.
- No notarized letter from the legal property owner authorizing tenant(s) to cultivate marijuana on file.
- Outdoor marijuana not properly enclosed by opaque fence and/or bushes and hedgerows.
- Marijuana under cultivation not properly set back from property boundaries.

Other violation(s): _____

Action(s) required to abate unlawful marijuana cultivation: TWO DWELLINGS ON PROPERTY(S) NEED TO BE PERMITTED. 36 MARIJUANA PLANTS BEING CULTIVATED FOR WENDY LINDERBERG AND DANNY DAY IN VIOLATION DUE TO THEM NOT RESIDING ON PROPERTY - CAREGIVER DOES NOT APPLY. BOTH WILL NEED TO MOVE TO CULTIVATION PROPERTY.

Notice to owner and/or occupant listed above: You are required to abate the unlawful marijuana cultivation within (10) ten calendar days after this notice was served. You have the right to make a request in writing within the (10) ten calendar days to the Sierra County Clerk of the Board of Supervisors for a hearing to appeal the determination of the enforcing officer that the conditions existing constitute a public nuisance, or to show other cause why those conditions should not be abated. Unless the owner or occupant abates the unlawful marijuana cultivation, or requests a hearing before the Board of Supervisors, within ten calendar days of the date of the service of the notice, the County will abate the nuisance. Additionally, abatement costs, including administrative costs, may be made a special charge added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

DEPUTY: DET. M. FISHER 7-19-16 DATE OF SERVICE

SIERRA COUNTY

Clerk-Recorder
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



Heather Foster
Clerk-Recorder

August 3, 2016

Mr. Lester Strohbin
P.O. Box 32
Goodyears Bar, CA 95944

RE: Appeal of Notice to Abate Unlawful Marijuana Cultivation

Dear Mr. Strohbin,

Your appeal of the Notice to Abate Unlawful Marijuana Cultivation will be held on Tuesday, August 16, 2016 at 1:30 p.m. The hearing will take place at the Loyalton Social Hall, Loyalton City Park, Loyalton, CA.

The appeal hearing shall be conducted pursuant to Section 8.01.080 of the Sierra County Code. Upon the conclusion of the hearing the Board of Supervisors shall issue a written decision which shall be mailed to, or personally served upon, the party requesting the hearing, any other parties upon whom the notice was served, and the enforcing officer.

If you have additional information you wish to provide to the Board please either e-mail the information to my office at clerk-recorder@sierracounty.ca.gov no later than 4:00 p.m. on August 9, 2016 or bring eight (8) copies and an original to the meeting.

If you have any questions regarding your hearing please contact me.

Sincerely,

Heather Foster
County Clerk-Recorder

cc: Gary Teele
Detective Mike Fisher, Sierra County Sheriff's Office

Enclosure

PROOF OF SERVICE - C.C.P. 1013A, 2015.5

I, Heather Foster, declare that:

1. I am employed in the County of Sierra, California; I am over the age of eighteen years and not a party to the within cause; and my business address is:

100 Courthouse Square, Room 11
Downieville, CA 95936

2. I am readily familiar with the practice of the County of Sierra in the processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

3. On August 4, 2016, I served the following document(s)

NOTICE OF APPEAL HEARING
for Lester Strohbin

In said cause, on the following interested parties:

Lester Strohbin
P.O. Box 32
Goodyears Bar, CA 95944

X **BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope addressed as noted above, with first-class mail postage thereon fully prepaid, for collection and mailing at Downieville, California, following the above-stated business practice, on this date.

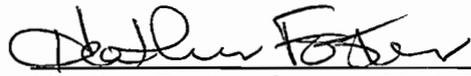
BY PERSONAL SERVICE: I hand-delivered each such envelope to the address(es) listed on this date.

BY COURIER/MESSENGER SERVICE (Hand Delivery): I caused each such envelope to be delivered by hand to the address(es) listed above on this date.

BY FACSIMILIE: I caused said document(s) to be transmitted by facsimile machine to the parties at the numbers(s) indicated above on this date.

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

Executed August 4, 2016 at Downieville, California.



Heather Foster, County Clerk/Recorder
County of Sierra, State of California

PROOF OF SERVICE - C.C.P. 1013A, 2015.5

I, Heather Foster, declare that:

1. I am employed in the County of Sierra, California; I am over the age of eighteen years and not a party to the within cause; and my business address is:

100 Courthouse Square, Room 11
Downieville, CA 95936

2. I am readily familiar with the practice of the County of Sierra in the processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

3. On August 4, 2016, I served the following document(s)

NOTICE OF APPEAL HEARING
for Lester Strohbin

In said cause, on the following interested parties:

Gary Teele
P.O. Box 32
Goodyears Bar, CA 95944

X **BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope addressed as noted above, with first-class mail postage thereon fully prepaid, for collection and mailing at Downieville, California, following the above-stated business practice, on this date.

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Executed August 4, 2016 at Downieville, California.



Heather Foster, County Clerk/Recorder
County of Sierra, State of California