

Carrie



Code Enforcement Division Appeal/Abatement Hearing Report

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: VWS 05-0171
DATE: October 11, 2005
TIME: 2:15 p.m. C
STAFF: Wiles Edison, REHS III

SUMMARY

Property Owner: Alvin W. and Jill Cooper et al, DBA Valley Ford Hotel

Location: 14415.HWY 1, Valley Ford
APN: 026-010-048 Supervisorial District No. 5

Subject: To consider abatement of the use of an on-site sewage disposal system without the required operational permit located on the subject property in violation of Sonoma County Code Chapter 24 Section 24-33.

Ordinance Reference: Sonoma County Code Sections 24-33, 1-7.1 and 1-7.3.

RECOMMENDATION: Find the current use of the property to be a continuing violation of Chapter 24 Section 24-33 of the Sonoma County Code and order abatement within thirty (30) days.

ANALYSIS

Background:

Under Chapter 24 of the Sonoma County Code (SCC), a permit must be obtained to use a non-standard sewage disposal system or any system for which monitoring is required. Upon payment of all fees and submission of an application which demonstrates to the Department that the system will not have an adverse effect on ground or surface water, or upon the public health, and no significant effect upon the environment, an operational permit may be issued.

On July 23, 1991, an operational permit for a non-standard sewage disposal system was approved on the subject property under the ownership of Edward Duffy. The operational permit on this property is valid for one year and must be renewed annually.

On June 1, 2005, the Department mailed notices to the current property owners of record regarding the required annual operational permit. The property owners were advised of the amount of the permit fees for the current year and penalties for failure to obtain the permit. There was no response and no permit was obtained.

On July, 13, 2005, the Department advised the property owners by Notice of Violation that, according to County records, they had failed to obtain the required operational permit and use of a non-standard sewage disposal system without a valid operational permit is a violation of Chapter 24 of the SCC. The property owners were further advised, if they removed the violation within thirty (30) days they could avoid substantial penalties. They were also provided the right to appeal the Department's determination of a violation within twelve (12) calendar days, or by July 25, 2005. They did not appeal the Department's determination.

On August 12, 2005, the property owner was again advised by letter of the violation. The property owner was further advised if he failed to obtain the required operational permit, an abatement hearing would be scheduled. In addition, he was advised of the costs of abatement pursuant to SCC Section 1-7. There was no response and the permit was never obtained.

On September 28, 2005, a letter was mailed to the property owners to advise them an abatement hearing was being scheduled for this violation of Chapter 24 of the SCC. The letter also informed them of the names of potential Hearing Officers and provided them an opportunity to file an objection stating why any of the individuals named could not impartially hear this matter. No objection was filed.

A certified letter, dated October 13, 2005, was mailed to the property owners to advise them of the date and time of this hearing and to provide them with a copy of the abatement ordinance and hearing procedures pursuant to Sections 1-7.3. On October 18, 2005, the subject property and surrounding properties were posted with a similar notice of this hearing.

DISCUSSION OF ISSUES

ISSUE #1:

Sonoma County Code Section 24-33 requires a valid operational permit for any non-standard sewage disposal system or a standard system for which monitoring is required. Operation of such a system without a valid operational permit is a nuisance per se and a violation of Section 24-33. The property owner of record has not had a valid operational permit since June 30, 2005.

ISSUE #2:

Pursuant to SCC Section 24-33, the Board of Supervisors shall establish a fee or schedule of fees for operational permits to be collected by the Permit and Resource Management Department (PRMD). The Department has determined that the operational permit for the subject property is valid for one (1) year and, therefore, shall be renewed annually.

ABATEMENT COSTS

PRMD, Code Enforcement Division costs incurred as of October 11, 2005, include Code Enforcement (3) hours of investigative time and (3) hours of secretarial time for a total of \$537.00.

PRMD anticipates that additional costs will be incurred as the result of this hearing. These costs include: Hearing Officer fees, court reporter fees, transcript costs, and staff time. PRMD requests that the property owner be ordered to pay these costs within twelve (12) days of the date of this hearing per SCC Section 1-7.3 (f) (3).

CIVIL PENALTIES

Sonoma County Code Section 1-7.1 provides for mandatory civil penalties for violations of Chapter 24 of the SCC. These violations have existed for more than thirty (30) days and therefore, civil penalties have been calculated pursuant to Section 1-7.1(a) at the rate of fifteen dollars (\$15.00) per day for each day that the violation has existed on the subject property since the date of the mailing of the Notice of Violation on July 13, 2005.

$$\begin{array}{rclcl} \frac{107 \text{ days}}{\text{Period of Time Elapsed}} & \times & \frac{\$ 15.00}{\text{Per Day Penalty}} & = & \frac{\$ 1,605}{\text{Total Penalty}} \end{array}$$

Civil penalties as of October 28, 2005, in the amount of \$1,605.00 shall be imposed for this violation. In addition the original permit fee of \$357.00, plus a 50% penalty fee of \$178.50, totaling \$535.50 shall be imposed for this violation.

STAFF RECOMMENDATION

Staff recommends that the Hearing Officer find and declare that the use of a non-standard sewage disposal system without a valid operational permit on the subject property is a violation of Chapter 24 of the SCC and order that the property owner obtain the required operational permit within thirty (30) days. If the permit is not obtained within thirty (30) days then the illegal use shall be abated. It is further recommended that all costs incurred by the County in abating the violation, including the cost of the Hearing Officer, be charged to the property owner and that an abatement lien be recorded against the title of the property. Civil penalties in the amount of \$1,605.00 shall be imposed as of October 28, 2005, and shall accrue at the rate of fifteen dollars (\$15.00) per day until the violation has been abated. In addition the original permit fee plus penalty for a total of \$535.50 and the Code Enforcement fees of \$537.00 shall be assessed for a total of \$2677.50. Additional abatement costs include actual staff time at the hearing at the rate of \$114.00/hour for investigative staff and \$65.00/hour for secretarial staff (per Ordinance Number 5553 adopted by the Sonoma County Board of Supervisors on July 1, 2005).

LIST OF ATTACHMENTS

- EXHIBIT A: Easement and Agreement recorded February 11, 1986
- EXHIBIT B: Original Operational Permit Application dated July 23, 1991
- EXHIBIT C: Notice of Expiration/Notice to Obtain dated June 1, 2005
- EXHIBIT D: Notice of Violation dated July 13, 2005
- EXHIBIT E: Additional Notice of Violation dated August 12, 2005
- EXHIBIT F: Hearing Officer Recusal Letter dated September 28, 2005
- EXHIBIT G: Assessors equalized taxroll of property ownership recorded September 30, 2004
- EXHIBIT H: Certified Notice to Abate Nuisance dated October 13, 2005
- EXHIBIT I: Affidavit of Noticing dated October 18, 2005

RECORDED AT REQUEST OF Owner
AT MIN. PAST M.
BERNICE A. PETERSON
SONOMA COUNTY RECORDER
Date 2-11-86

86010102

4
File

Recording Requested by: SONOMA COUNTY PUBLIC HEALTH
3313 CHANATE ROAD
SANTA ROSA, CA 95404

When Recorded, Mail To: _____
SAME

110°

CONSIDERATION LESS THAN \$100.00

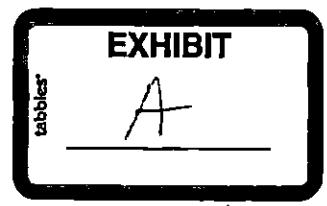
EASEMENT AGREEMENT

Preamble

This Agreement made this 11th day of FEBRUARY, 1986
by and between MR EDWARD DUFFY,
hereinafter referred to as "Grantor" and LESCURE ENGINEERS,
hereinafter referred to as "Grantee".

Recitals

WHEREAS, Grantor is the owner of certain real property commonly known
as 14415 HWY #1 APN 26-010-48,
in an unincorporated area of SONOMA County, State of
California hereinafter referred to as the "Servient Tenement" and described
as follows: (include A.P.#)



86010102
RECORDED AT REQUEST OF
AT 11:11 AM
BERNICE A. PETERSON
SONOMA COUNTY RECORDER
DND
Recording Fee \$10.00

WHEREAS, Grantee desires to acquire certain rights in the Servient Tenement:

NOW, THEREFORE, it is agreed as follows:

Grant of Easement

(1) For valuable consideration, Grantor hereby grants to Grantee an easement as hereinafter described.

Character of Easement

(2) The easement granted herein is an easement in gross.

Description of Easement

(3) The easement granted herein is a right to come onto the property of Grantor and to bring associates and employees of the Sonoma County Public Health Department and/or the North Coast Regional Water Quality Control Board onto the property.

Location

(4) The easement granted herein is located as follows:

The entire Servient Tenement

Use by Grantee

(5) The easement granted herein includes the following use of the Servient Tenement; to come onto the property alone or accompanied as hereinabove set forth for the purpose of observing, testing, sampling, placing and removing of test devices and evaluating and monitoring Grantor's experimental individual sewage disposal system. Said activity shall be permitted on Servient Tenement only during normal business hours.

Exclusiveness of Easement

(6) The easement granted herein is not exclusive.

Entire Agreement

(7) This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

86010102

Attorney's Fees

(8) In the event of any controversy, claim or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

Binding Effect

(9) This instrument shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

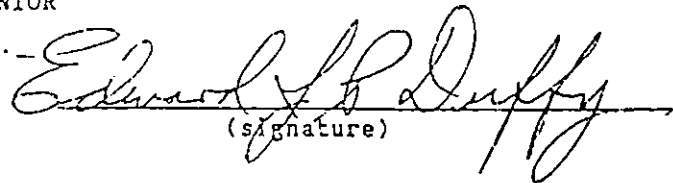
Operational Permit

(10) This instrument shall include the issuance of an operational permit for a non-standard sewage disposal system to be issued to the grantor at the time of installation of said sewage system and subsequent use.

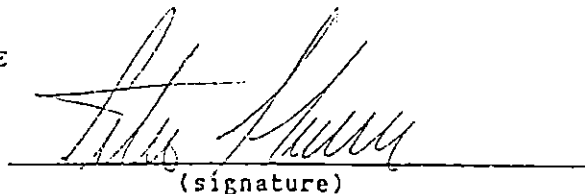
This operational permit shall be renewed on an annual basis by the current owners of the property, who shall be bound by all requirements and restrictions as set forth in Chapter 24 Sonoma County Code.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

GRANTOR


(signature)

GRANTEE


(signature)

PETER J. LESURE, P.E



ROBERT L. HOLTZER, M.D.
PUBLIC HEALTH OFFICER

SONOMA COUNTY
PUBLIC HEALTH DEPARTMENT

SUPPLEMENT TO
APPLICATION FOR PRIVATE
SEWAGE DISPOSAL PERMIT

3313 CHANATE ROAD
SANTA ROSA, CALIFORNIA 95404
PHONE: 527-2605

OWNER'S NAME: EDWARD J.P. & MARGARET K. DUFFY
MAILING ADDRESS: P.O. BOX 329 VALLEY FORD CA 94972
JOB ADDRESS: 14415 HIGHWAY #1 VALLEY FORD CA. 94972
A.P. NO.: 26-010-48

NOTICE This permit is issued upon the condition that applicant-owner acknowledges that this private sewage disposal system is an innovative/experimental system and the County of Sonoma makes no guarantee of satisfactory performance. In event of failure of the system, County of Sonoma may take action to abate the installation as a health hazard and a public nuisance.

Additionally, the undersigned owner agrees to:

1. Monitor the system three times a year by measuring the depth of water in monitoring wells, and observing the conditions of site and soils as specified on the monitoring form provided by the Public Health Department. These reports will be submitted to the Public Health Department on a tri-annual basis.
2. Annually renew the operational permit which is a required condition of issuance of the private sewage disposal system permit for which owner has applied and to continue the renewal as long as ownership is retained or until notified by the Public Health Department that renewal is no longer required.

Dated: 2/11/86

Edward J.P. Duffy
Owner

PHS-EH-49 (Rev. 6/84)

01131

Appendix III

SONOMA COUNTY PUBLIC HEALTH DEPARTMENT
1030 Center Drive, Suite A - Santa Rosa, CA 95403
(707) 525-6500

INNOVATIVE SEWAGE DISPOSAL SYSTEM
OPERATIONAL PERMIT APPLICATION

Application is made for an Operational Permit in compliance with Sonoma County Code, Chapter 24.

PRINT or TYPE:

PROPERTY ADDRESS: 14415 Coast Hwy Ave, Valley Ford Ca 94972

ASSESSORS PARCEL NUMBER: 26-010-48

OWNER(S) NAME(S): Bluffy's, Inc.

OWNER MAILING ADDRESS: ~~14415~~ P.O. Box 329
Valley Ford, Ca ZIP 94972

OWNER(S) TELEPHONE NUMBER: (707) 876-3600

APPLICATION FOR YEAR 1991/92 FEE ENCLOSED: \$ 170⁰⁰

Fees are not prorated. Permits are issued for one year and are valid until suspended or revoked for good cause.

I (we) understand that the permit is valid for one year and is not transferable upon change of ownership. I (we) agree to operate in compliance with all applicable state or county codes and the rules and regulations promulgated by the County Public Health Officer including, but not limited to, performance of self-monitoring inspection on the sewage disposal system for which this Operational Permit is applied.

DATE: 7/23/91 SIGNATURE(S): Margaret K. Bluffy, Sect. P.H.

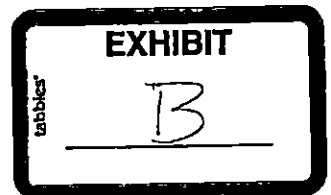
ORIGINAL APPLICATION ☐

CHANGE OF OWNERSHIP ☐
Date _____

RENEWAL ☒

Applicant: Answer all questions completely; sign and date above; retain yellow copy and submit top copy with payment to the Sonoma County Public Health Department.

PHS-EH-0209i (9/90)



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 VENTURA AVENUE, SANTA ROSA, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

Notice of Expiration of Operational Permit / Notice to Obtain Permit

June 1, 2005

VALLEY FORD HOTEL
P O BOX 573
VALLEY FORD CA 94972

Owner: VALLEY FORD HOTEL

System Location: 14415 HWY 1 VFR

Assessor's Parcel No: 026-010-048

System Type: Pressure Distribution System

Var-Insp: 1 Expiration: 06/30/2005

*Total Permit Fee NOW DUE: \$357.00

This notice is to advise you that your operational permit to use the sewage disposal system located on the above named property is due to expire. You are required to obtain your operational permit within thirty (30) days from the date of this notice. In order to obtain your permit, please return one copy of this notice, with your check, to PRMD, 2550 Ventura Ave., Santa Rosa, CA 95403. The check should be made payable to PRMD. If you no longer own this property, please advise the Department upon receipt of this notice.

DO NOT ALLOW YOUR OPERATIONAL PERMIT TO EXPIRE. You are required to have a valid operational permit to use the sewage disposal system on your property. The use of your system without a permit is a violation of Chapter 24 of the Sonoma County Code and subjects you to substantial civil penalties and the cost of abatement. These penalties are in addition to the operational permit fee.

Civil penalties under Section 1-7.1 of the Sonoma County Code for use of a sewage disposal system without a valid operational permit are imposed as follows:

Sec. 1-7.1(b)(1) - An amount equal to twenty-five percent (25%) of the operational permit fee if the violation has existed for less than sixty (60) days.

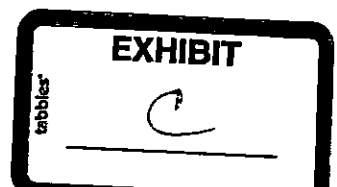
Sec. 1-7.1(b)(2) - An amount equal to fifty percent (50%) of the operational permit fee if the violation has existed for sixty (60) days or more but less than one hundred eighty (180) days.

Sec. 1-7.1(b)(3) - An amount equal to that provided under Section 1-7.1(a) if the violation has existed for more than one hundred eighty (180) days.

Total cost of permit plus penalties could exceed \$1,400.00 or \$450.00 for each month that the violation continues.

If you have any questions, please contact Wiles Edison at (707) 565-1691. Thank you for your continued cooperation with the monitoring program.

c: File No. OPR95-1079



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
2550 VENTURA AVENUE, SANTA ROSA, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

Notice of Violation

Wednesday, July 13, 2005

VALLEY FORD HOTEL
P O BOX 573
VALLEY FORD CA 94972

Use of a Nonstandard Sewage Disposal System Without Permit

Owner: VALLEY FORD HOTEL

System ID# OPR95-1079

System Location: 14415 HWY 1 VFR

Expiration: 06/30/2005

Assessor's Parcel No: 026-010-048

System Type: Pressure Distribution System

System ID No: OPR95-1079

Please remit a copy of this request for payment with your check for ----- **TOTAL AMOUNT NOW DUE: \$357.00**

DUE DATE: 30 DAYS FROM THE DATE OF THIS LETTER

PARTIAL PAYMENTS NOT ACCEPTED

According to County records, you have not renewed your annual operational permit to operate the sewage disposal system located on your property. Therefore, the permit has expired. As of this date, you do not have a valid permit to operate the sewage disposal system. The use of a nonstandard sewage disposal system for which monitoring is required without a valid operational permit is a violation of Sonoma County Code Section 24-33. You are required to abate this violation by obtaining an operational permit or by ceasing the use of this sewage disposal system.

Violations of Section 24-33 of the Sonoma County Code subject you to civil penalties and the costs of abatement proceedings pursuant to Sonoma County Code Sections 1-7 and 1-7.1. If you remove the violation by obtaining the required operational permit within thirty (30) days, you will avoid civil penalties. Failure to obtain an operational permit within thirty (30) days will result in the assessment of penalties. We encourage you to obtain the required operational permit within this time period in order to avoid these penalties and other costs associated with this violation.

If you continue to operate the sewage disposal system without a valid operational permit, the Department will pursue this violation through the administrative abatement process as provided in Section 1-7.3 of the Sonoma County Code which will subject you to increased penalties and the assessment of costs of abatement. In addition, an abatement lien may be recorded against the title to your property and the County may seek legal action in Superior Court.

You have the right to appeal the Department's determination of a violation. Your appeal must be made in writing and submitted to the Code Enforcement Division Manager within twelve (12) calendar days of the date of this letter. If you have any questions, please contact this office at (707) 565-1691 immediately.

c: File No: OPR95-1079 1
Code Enforcement
Status: VIO_LTTR





COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

August 12, 2005

VALLEY FORD HOTEL
PO BOX 573
VALLEY FORD CA 94972

Re: OPR95-1079
Site: 14415 HWY 1
APN: 026-010-048

Dear Valley Ford Hotel:

On July 13, 2005, you were sent a Notice of Violation for operating the sewage disposal system on your property without a valid operational permit in violation of Sonoma County Code Section 24-33. You were also provided the opportunity to avoid the assessment of civil penalties imposed for this violation by obtaining the required operational permit within thirty (30) days. Further, you were advised of your right to appeal the Department's determination of a violation. According to County records, you did not appeal the Department's determination of a violation and have not obtained an operational permit.

The purpose of this letter is to inform you that we will have no other alternative but to proceed with an abatement hearing to compel you to correct this violation. In addition, we will seek civil penalties as well as the costs of abatement as set forth under Sections 1-7 and 1-7.1, Sonoma County Code.

Under Government Code Section 25845, the County may demand payment for the costs of abatement from the property owner and upon his or her failure to pay, cause a special assessment against the property. These assessments may be collected at the same time as ordinary County taxes subject to the same penalties and the same procedure and sale in case of delinquency.

Accordingly, this office is keeping a record of the time and costs spent in abating this violation. All costs associated with abating the violation will be submitted to the Hearing Officer conducting the Administrative Abatement Hearing. If the Hearing Officer finds that a violation of the Sonoma County Code exists on your property, all abatement costs incurred by the County, including the cost of the Hearing Officer, will be charged and referred to Central Collections for payment. If you have any questions, please contact this office.

Sincerely,

Wiles Edison, R.E.H.S. III
Systems Monitoring Specialist



Additional copies mailed to the following address(es):

Valley Ford Hotel
PO Box 573
Valley Ford CA 94972

Alvin W. and Jill Cooper
DBA Valley Ford Hotel
14415 Hwy 1
Valley Ford CA 94972



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

September 28, 2004

Alvin W. & Jill Cooper et al,
Malvina Cooper
DBA Valley Ford Hotel
322 Post Street
Petaluma CA 94952

Re: Abatement hearing; File: **VWS05-0171**

This office is scheduling an abatement hearing on Friday, **October 28, 2005**, regarding the abatement of the use of an on-site sewage disposal system without the required operational permit located on your property at **14415 Hwy 1, Valley Ford, California**, in violation of Chapter 24 Section 24-33 of the Sonoma County Code and the Uniform Building Codes adopted therein. APN **026-010-048**.

One of the following Hearing Officers will be presiding at the hearing:

- | | |
|-----------------------------|-------------------------|
| 1. Lynda Millspaugh | 5. Ira Leslie Lowenthal |
| 2. Joseph Forest | 6. Rachel J. Sater |
| 3. Vanessa Aching Davenport | 7. Douglas A. Thiele |
| 4. Tom Harriman | |

One of the individuals set forth above will be acting in the capacity of a Hearing Officer in connection with the alleged violation on your property. If you object to having any one of these individuals sit as a Hearing Officer, you must advise the Code Enforcement Division in writing of your objection, together with specific reasons why such officer could not impartially conduct the administrative abatement hearing, no later than ten (10) days from the date of this letter. Failure to file a timely objection with the Code Enforcement Division or failure to set forth good cause as to why any such individual should not serve as a Hearing Officer in connection with your property shall be deemed a waiver of any right to object to or recuse such Hearing Officer at the time of the abatement hearing.

You will be notified by certified letter of the hearing date and time. Once the hearing has been scheduled, all County costs incurred by the abatement hearing process will be assessed against the subject property if found to be in violation.

Sincerely,

Wiles Edison

Wiles Edison
Code Enforcement Division

nda

c: 14415 Hwy 1, Valley Ford
PO Box 573, Valley Ford
C/E File: VWS05-0171
W/S File: OPR95-1079



Additional copies mailed to the following address(es):

Alvin W. & Jill Cooper et al,
Malvina Cooper
DBA Valley Ford Hotel
PO Box 573
Valley Ford CA 94972

Alvin W. & Jill Cooper et al,
Malvina Cooper
DBA Valley Ford Hotel
14415 Hwy 1
Valley Ford CA 94972

Name: COOPER ALVIN W & JILL ET AL		Asmt #: 026-010-048-000	Fee #: 010-048-000
Addr1: DBA VALLEY FORD HOTEL		Status: ACTIVE	Status Date:
Addr2: 322 POST ST		Tax: 001 BUSINESS OWNERSHIP	TRA: 057-002
Addr3: PETALUMA CA 94952		Situs: 14415 VALLEY FORD RD VALLEY FORD	
Addr4:		Base Dt: 01/01/2005	TAXROLL
Comments: BUSINESS FROM BULK SALE GJM		<input type="checkbox"/> Timber Preserve	Land: 300,000
Creating Doc#: 199219999999 Date:		<input type="checkbox"/> AgPres	Structure: 495,000
Current Doc#: 2004R117463 Date: 07/30/2004		<input checked="" type="checkbox"/> Etal	Fixtures: 73,015
Killing Doc#: Date:		<input type="checkbox"/> Bonds	Growing: 0
Asmt Desc: 1974 FORM 26-010-08 SuplCnt: 2		<input type="checkbox"/> Multi Situs	Total L&I: 868,015
Zoning:	Dwell: 1	<input type="checkbox"/> Flag1	Fix. RP: 0
Acres/Sq Ft: 0.75	N/C: UBV	<input type="checkbox"/> Flag2	MH PP: 0
		<input type="checkbox"/> 910 MH	PP: 62,882
		<input type="checkbox"/> Asmt RP Pen	Exempt: 0
		<input type="checkbox"/> Tax PP Pen	Net: 930,897
		<input type="checkbox"/> Appeal Pending	R/C#:
		<input type="checkbox"/> Split Pending	T/R Dt:
			R/C Stat:
PHY	OWN	EXP	TAX
HON	ATT	SIT	APR
PCL			
Find			

2005 | lperez_07/14/2005 2:18:40 PM

EXHIBIT

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ASMT	026-010-048-000	Fee #	026-010-048-000	Owner	COOPER ALVIN W & JILL ET AL		
Owner		Set/Seq	HW	Primary	Title Attchd	GrantingDocNum	Ownership %
COOPER ALVIN W		1/1	H	<input checked="" type="checkbox"/>		2004R117463	25.000000%
COOPER JILL ET AL		2/1	W	<input checked="" type="checkbox"/>		2004R117463	25.000000%
COOPER MALVINA		3/1		<input type="checkbox"/>		2004R117463	50.000000%



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT
DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

October 17, 2005

Alvin W. & Jill Cooper et al,
Malvina Cooper
DBA Valley Ford Hotel
322 Post Street
Petaluma CA 94952

*** CERTIFIED MAIL ***

NOTICE TO ABATE NUISANCE

You are being noticed as Record Owner of real property described on the latest equalized Sonoma County tax roll located at **14415 Hwy 1, Valley Ford, California**, Sonoma County Assessor's Parcel Number **026-010-048**, to appear before a Hearing Officer of the County of Sonoma at the Permit and Resource Management Department Hearing Room, 2550 Ventura Avenue, Santa Rosa, CA 95403, on Friday, **October 28, 2005**, at the hour of **2:15 pm [C]** to show cause, if any there be, why the use of said real property for the use of an on-site sewage disposal system without the required operational permit located on the subject property without permits should not be found to be a violation of Sonoma County Code Chapter 24 Section 24-33 and the Uniform Codes adopted therein, and abated pursuant to the Sonoma County Code.

After an initial showing by the Permit and Resource Management Department, you have the burden of proving that no violation exists on said real property. In this connection, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, the use of said real property is not in violation of the Sonoma County Codes. A copy of the County's procedural rules and ordinance relating to abatement hearings are enclosed.

One week prior to this hearing, the Department will submit to the Hearing Officer a written report setting forth the basis upon which the Department has determined that a violation exists. A copy of the report will also be mailed to you. Prior to the scheduled hearing date, you may submit documentary evidence to the Hearing Officer at the following address:

Rachel J Sater
Law Offices of Moscone, Emblidge & Quadra, LLC
180 Montgomery Street, Ste 1240
San Francisco CA 94104-4238

In order for any oral or written evidence or any claim, defense or privilege to be considered it must be presented to the Hearing Officer at or before the time of the hearing and that failure to do so will

EXHIBIT

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constitute a waiver and may prevent such evidence or claim, defense or privilege from being considered in any later proceeding.

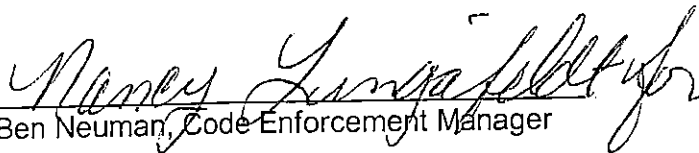
After the hearing, the Hearing Officer will issue a written decision. If the decision of the Hearing Officer finds that a violation exists, you will be responsible for paying the County's administrative costs, including, but not limited to, any administrative overhead, salaries and expenses incurred by the following departments: Permit and Resource Management Department, Public Health, Transportation and Public Works, County Counsel and the District Attorney as well as any penalties assessed pursuant to Sonoma County Code Section 1-7.1. If you are responsible for any administrative costs and/or penalties, such costs of abatement and/or penalties shall become a lien against the property and also assessed against the property in the same manner as taxes as is authorized by the Government Code and Sonoma County Code Section 1-7.3. The abatement lien to be recorded shall have the same force and effect pursuant to a money judgement obtained in a court of law.

If you fail to appear at the hearing or fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

If you fail to sustain the burden of proving that no violation exists on the property, that will result in an administrative decision ordering the abatement of the unlawful use of this property that is found to be in violation of the Sonoma County Code and may also result in a later judicial order to the same effect. If the Hearing Officer finds that the property is in violation of the Sonoma County Code, the County will contend that you are bound by such finding in any subsequent judicial action to enforce the Hearing Officer's order.

IMPORTANT: Read this notice carefully. Failure to appear and respond at the time set forth in this notice will likely result in administrative and judicial abatement and termination of uses of this property that the Department contends is in violation of the Sonoma County Code.

Sonoma County Permit and Resource
Management Department Director

By: 
Ben Neuman, Code Enforcement Manager

:nda

Enclosures: Procedural Rules
Administrative Abatement Ordinance

c: 14415 Hwy 1, Valley Ford
PO Box 573, Valley Ford
C/E File: VWS05-0171
W/S File: OPR95-1079

Additional copies mailed to the following address(es):

Alvin W. & Jill Cooper et al,
Malvina cooper
DBA Valley Ford Hotel
14415 Hwy 1
Valley Ford CA 94972

Alvin W. & Jill Cooper et al,
Malvina Cooper
DBA Valley Ford Hotel
PO Box 573
Valley Ford CA 94972

AFFIDAVIT OF NOTICING

FILE: VWS05-0171

SITE ADDRESS: 14415 Hwy 1

I, Wiles Edison,
Name of responsible investigator

on Oct. 18, 05,
Date

Posted three (3) copies of the attached poster on or near the subject property at the following locations:

- 1) telephone pole to left of hotel parking
- 2) " " in front of Bank of Petaluma
- 3) " " at property to ~~west~~ east of hotel

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

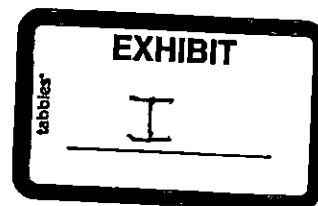
Signature: Wiles Edison

I, Carrie Muller,
Name of responsible secretary

on October 18, 2005,
Date

Mailed the attached notice to each owner of record within 300 feet of the subject property. I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Signature: Carrie Muller



NOTICE OF PUBLIC HEARING

IMPORTANT NOTICE: You are receiving this notice because you reside or own property near the property in question and have the right to attend.

The owners and occupants of real property described on the latest equalized Sonoma County tax roll as APN 026-010-048, and having a street address of 14415 Hwy 1, Valley Ford, California are hereby notified to appear before a Hearing Officer of the County of Sonoma at the Permit and Resource Management Department Hearing Room, 2550 Ventura Avenue, Santa Rosa, CA 95403, on Friday, **October 28, 2005**, at the hour of **2:15 pm [C]** to show cause, if any there be, why the use of said real property for the use of an on-site sewage disposal system without the required operational permit located on the subject property without permits should not be found to be a violation of Sonoma County Code Chapter 24 Section 24-33 and the Uniform Codes adopted therein, and abated pursuant to the Sonoma County Code.

After an initial showing by the Permit and Resource Management Department, the owner/occupant will have the burden of proving that no violation exists on the property. In this connection, they should be prepared to introduce oral and documentary evidence proving why, in their opinion, the use of the property is not in violation of the Sonoma County Codes. A copy of the County's procedural rules and ordinance relating to abatement hearings are available for review at the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

After the hearing, the Hearing Officer will issue a written decision. If the decision of the Hearing Officer finds that a violation exists, the owners of the property shall be responsible for paying the County's administrative costs, including, but not limited to, any administrative overhead, salaries and expenses incurred by the following departments: Permit and Resource Management Department, Public Health, Transportation and Public Works, County Counsel and the District Attorney as well as any penalties assessed pursuant to Sonoma County Code Section 1-7.1. If the owner of the property is responsible for any administrative costs and/or penalties, such costs of abatement and/or penalties shall become a lien against the property and also assessed against the property in the same manner as taxes as is authorized by the Government Code and Sonoma County Code Section 1-7.3.

If the owners/occupants or any interested parties fail to appear at the hearing or fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that all rights have been waived to assert such defenses or such points.

The owner/occupant's failure to sustain the burden of proving that no violation exists on the property will result in an administrative decision ordering the abatement of the unlawful use of this property that is found to be in violation of the Sonoma County Code and may also result in a later judicial order to the same effect. If the Hearing Officer finds that the property is in violation of the Sonoma County Code, the County will contend that the property owners are bound by such finding in any subsequent judicial action to enforce the Hearing Officer's order.

Sonoma County Permit and Resource
Management Department Director

By: 
Ben Neuman, Code Enforcement Manager

c: 14415 Hwy 1, Valley Ford
PO Box 573, Valley Ford
C/E File: VWS05-0171
W/S File: OPR95-1079

AFFIDAVIT OF NOTICING

FILE: VWS05-0171

SITE ADDRESS: 14415 Hwy 1

I, Wiles Edison,
Name of responsible investigator

on Oct. 18, 05,
Date

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- 2) " " in front of Bank of Petaluma
- 3) " " at property to ~~west~~ east of hotel

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Signature: Wiles Edison

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Name of responsible secretary

on October 18, 2005,
Date

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After an initial showing by the Permit and Resource Management Department, the owner/occupant will have the burden of proving that no violation exists on the property. In this connection, they should be prepared to introduce oral and documentary evidence proving why, in their opinion, the use of the property is not in violation of the Sonoma County Codes. A copy of the County's procedural rules and ordinance relating to abatement hearings are available for review at the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

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Sonoma County Permit and Resource
Management Department Director

By: 

Ben Neuman, Code Enforcement Manager

c: 14415 Hwy 1, Valley Ford
PO Box 573, Valley Ford
C/E File: VWS05-0171
W/S File: OPR95-1079

524

AGENDA REQUEST SHEET - ALL INFORMATION MUST BE FILLED IN

Applicant: _____ File No: VWS05-
Owner: Cooper, Alvin W & Jill ET AL (DBA Valley Ford Hotel) Date accepted: _____
Appellant: _____ Staff member: W. L. Edison
Mailing Address: 322 Post St. Petaluma ZIP: 94952 Sup. Dist: _____
APN: 026 010-048 Zoning: _____
Site Address: 14415 Hwy 1 Valley Ford 94972

Agenda Wording: To consider the abatement of the use of an on-site sewage disposal system without the required operational permit located on the subject parcel in violation of chapter 24 Section 24-33 of the Sonoma County Code and the Uniform Building Codes adopted therein.

Project Name: _____ Env. Status: N.D. _____ C.E. _____ EIR _____
Public Hearing: yes _____ no _____ Continued Hearing: yes _____ no _____ from _____
Requested date and amount of time: 10/28/05

Other parties to be notified and mailing addressed: (i.e.: agent; appellant; owners)

NAME: <u>Valley Ford Hotel</u>	NAME: _____
ADDRESS: <u>PO Box 573</u>	ADDRESS: _____
CITY: <u>Valley Ford CA 94972</u>	CITY: _____

NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY: _____	CITY: _____

REFERRALS AND NOTICING:

Number of Posters?: _____ Which Newspaper?: _____
Need B/S time?: _____ Special Ad Size?: _____

Ref.	Not.	Ref.	Not.
____ Public Works-County Surveyor	____	____ Fire Marshal	____
____ Environmental Health	____	____ Fire Dist.	____
____ Public Works-Sanitation	____	____ School Dist.	____
____ Public Works-Land Develop.	____	____ Water Dist.	____
____ Ag. Commissioner	____	____ Coastal Commission	____
____ Water Agency	____	____ Cal Trans (State)	____
____ PRAC Planner	____	____ State Fish & Game	____
____ General Plan Staff	____	____ State Dept. of Forestry	____
____ Dr. Fredrickson, Archaeologist	____	____ State Dept. of Health	____
____ Betty Guggolz, Native Plant Society	____	____ State Parks & Recreation	____
____ Public Works (Transit)	____	____ Regional Water Quality Control Board	____
____ " (Traffic) Attn: Dave Wallace	____	____ Regional Air Pollution Control Board	____
____ Building Inspection	____	____ Regional Parks Department	____
____ Army Corps of Engineers	____	____ City of _____ Dept.	____
____ P.G. & E.	____	____ Alcoholic Beverage Control	____
____ Pacific Bell	____	____ Treasurer/Special Assessment	____
____ Sheriff-Crime Prevention	____	____ Assessor	____
____ LAFCO	____	____ Farm/Home Advisor - Rick Bennett	____
____ ALUC	____	____ Other: _____	____
____ Other: _____	____	____ Other: _____	____

Taxroll Inquiry

Asmt 026-010-048-000 Taxyear 2005

Prior Years Exists

Desc

Situs1 14415 VALLEY FORD RD VALLEY FORD* CA

Fee Parcel 026-010-048-000 Original Asmt 026-010-048-000

Event Date Printed Date 9/8/2005

Doc # 2004R117463 Doc Date 7/30/2004

Supl. Count 7 Acres 0.75

Status C TRA 057-002

Taxability 001 Bill Type SP

Roll Category CS Roll Type S

Taxes	1	2	Total
	DUE	DUE	
Date	12/12/2005	4/10/2006	
Total Due	\$5,182.36	\$5,182.36	\$10,364.72
Total Paid	\$0.00	\$0.00	\$0.00
Balance	\$5,182.36	\$5,182.36	\$10,364.72

Address

COOPER ALVIN W & JILL ET AL
DBA VALLEY FORD HOTEL
322 POST ST
PETALUMA CA 94952

Cortac

Agency 5000
Lender # 06025
Loan # 45205
Name EXCHANGE BANK
Phone (707) 524-3069

Taxroll Inquiry

Asmt 990-158-227-030 Taxyear 2003

Prior Years Exists	Roll Changes
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Desc SB813 SUPLS FOR TRANSFERS

Situs1 14415 VALLEY FORD RD

Fee Parcel 026-010-048-000 Original Asmt 026-010-048-000

Event Date Printed Date 7/26/2005

Doc # Doc Date

Supl. Count 0 Acres 0.75

Status C TRA 057-002

Taxability 001 Bill Type CB

Roll Category SS Roll Type C

Taxes	1	2	Total
-------	---	---	-------

Date

Total Due	\$0.00	\$0.00	\$0.00
-----------	--------	--------	--------

Total Paid	\$0.00	\$0.00	\$0.00
------------	--------	--------	--------

Balance	\$0.00	\$0.00	\$0.00
---------	--------	--------	--------

Address

COOPER ALVIN W & JILL ET AL

DBA VALLEY FORD HOTEL

322 POST ST

PETALUMA CA 94952

Cortac

Agency

Lender #

Loan #

Name

Phone

Taxroll Inquiry

Asmt 990-158-227-100 Taxyear 2003

Roll Changes

Desc	SB813 SUPLS FOR TRANSFERS		
Situs1	14415 VALLEY FORD RD		
Fee Parcel	026-010-048-000	Original Asmt	026-010-048-000
Event Date	3/10/2004	Printed Date	8/3/2005
Doc #		Doc Date	
Supl. Count	0	Acres	0
Status	<u>C</u>	TRA	057-002
Taxability		Bill Type	<u>NB</u>
Roll Category	<u>SU</u>	Roll Type	<u>Q</u>

Taxes	1	2	Total
	DUE		
Date	9/30/2005		
Total Due	\$534.65	\$0.00	\$534.65
Total Paid	\$0.00	\$0.00	\$0.00
Balance	\$534.65	\$0.00	\$534.65

Address

WILS MATERIALS INC
C/O WILLIAM LAWRENCE MORROW
DBA VALLEY FORD HOTEL
PO BOX 38
DILLON BEACH CA 94929

Cortac

Agency
Lender #
Loan #
Name
Phone

Taxroll Inquiry

Asmt 991-158-227-030 Taxyear 2004

Prior Years Exists	Roll Changes
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Desc	SECOND SUPLS (JAN-MAY)		
Situs1	14415 VALLEY FORD RD		
Fee Parcel	026-010-048-000	Original Asmt	026-010-048-000
Event Date		Printed Date	7/26/2005
Doc #		Doc Date	
Supl. Count	0	Acres	0.75
Status	<u>C</u>	TRA	057-002
Taxability	<u>001</u>	Bill Type	<u>CB</u>
Roll Category	<u>SS</u>	Roll Type	<u>C</u>
Taxes	1	2	Total
Date			
Total Due	\$0.00	\$0.00	\$0.00
Total Paid	\$0.00	\$0.00	\$0.00
Balance	\$0.00	\$0.00	\$0.00

Address

COOPER ALVIN W & JILL ET AL
DBA VALLEY FORD HOTEL
322 POST ST
PETALUMA CA 94952

Cortac

Agency
Lender #
Loan #
Name
Phone

Taxroll Inquiry

Asmt 991-158-227-100 Taxyear 2004

Roll Changes

Desc	SECOND SUPLS (JAN-MAY)		
Situs1	14415 VALLEY FORD RD		
Fee Parcel	026-010-048-000	Original Asmt	026-010-048-000
Event Date	3/10/2004	Printed Date	8/3/2005
Doc #		Doc Date	
Supl. Count	0	Acres	0
Status	<u>C</u>	TRA	057-002
Taxability		Bill Type	<u>NB</u>
Roll Category	<u>SU</u>	Roll Type	<u>Q</u>
Taxes	1	2	Total
	DUE		
Date	9/30/2005		
Total Due	\$161.58	\$0.00	\$161.58
Total Paid	\$0.00	\$0.00	\$0.00
Balance	\$161.58	\$0.00	\$161.58

Address

WILS MATERIALS INC
C/O WILLIAM LAWRENCE MORROW
DBA VALLEY FORD HOTEL
PO BOX 38
DILLON BEACH CA 94929

Cortac

Agency
Lender #
Loan #
Name
Phone

Taxroll Inquiry

Asmt 991-158-227-200 Taxyear 2004

Prior Years Exists	Roll Changes
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Desc	SECOND SUPLS (JAN-MAY)		
Situs1	14415 VALLEY FORD RD		
Fee Parcel	026-010-048-000	Original Asmt	026-010-048-000
Event Date	3/10/2004	Printed Date	8/3/2005
Doc #		Doc Date	
Supl. Count	0	Acres	0
Status	<u>C</u>	TRA	057-002
Taxability		Bill Type	<u>NB</u>
Roll Category	<u>SS</u>	Roll Type	<u>C</u>
Taxes	1	2	Total
	DUE	DUE	
Date	12/12/2005	4/10/2006	
Total Due	\$936.04	\$936.04	\$1,872.08
Total Paid	\$0.00	\$0.00	\$0.00
Balance	\$936.04	\$936.04	\$1,872.08

Address

COOPER ALVIN W & JILL ET AL
 DBA VALLEY FORD HOTEL
 322 POST ST
 PETALUMA CA 9952

Cortac

Agency
 Lender #
 Loan #
 Name
 Phone