



## COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Building & Safety Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2382 FAX 707/263-2225

### MEMO

**TO:** Board of Supervisors

**FROM:** Robert Massarelli, Community Development Director  
By: Michael Penhall, Code Enforcement Officer

**SUBJECT:** Nuisance Abatement Hearing Request for Stiritz/The Precious Forest  
January 24, 2017 BOS Agenda, at 9:45 A.M.

**DATE:** December 20, 2016

### SUMMARY

On October 26, 2016, Community Development staff received a Nuisance Abatement Hearing Request Form from the property owner representative Ken Stiritz; **see Attachment 1**. The Hearing Request form listed the reasons why Mr. Stiritz believes the property should not be considered a public nuisance. The Hearing Request was received due to a Notice of Nuisance and Order to Abate; **see Attachment 2**, being posted on the property and sent certified mail to the property owner(s) of record.

This property is 1.5 acres, zoned "CR" Resort Commercial with only a permitted single family residence located in the Lakeview Pines Subdivision No 1 of Lake County. This property also has multiple "previously occupied", unpermitted, tent like structures/cabins that were being used for special events without the proper permits.

A Major Use permit was applied for on February 6, 2015 but has "not" been approved to date. This has been due to insufficient information submitted by the applicant on the project and due to multiple changes by the applicant to the project after initial submittal to the Community Development Department.

The Lake County Zoning Ordinance; Chapter 21, Sections 2.4, 2.6, 17.5 and 2013 and 2016 California Building Code; Chapter 1, Section 1.8.4.1 does not allow for building without permits.

The construction that has been performed is substandard due to the lack of permits and could be difficult to bring into compliance with the current California Building Code(s). And since no building permit application(s) have been submitted, or a building permit obtained, staff does not have information concerning compliance with any setbacks, seasonal streams, driveway, parking or requirements from other local and state agencies.

A drive-by site visit was conducted on October 17, 2016 and it was confirmed that many violations of Lake County and California Codes existed. On October 25, 2016, Code Enforcement staff obtained an Inspection Warrant from a Lake County Superior Court Judge to enter the property and inspect for violations. Code Enforcement staff also coordinated with Lake County Environmental Health and the Lake County Sheriff's office to assist in the inspection. On October 26, 2016, staff from Code Enforcement, Environmental Health and a Deputy from the Lake County Sheriff's Office entered the property without resistance. Upon Code Enforcements inspection, many violations were observed. Environmental Health will be conducting a separate investigation and determination of this property.

On December 7, 2016 a permit; #16-17-0859 was issued for the demolition of two (2) tent structures, three (3) cabins and illegal electrical.

**Due to the Nuisance Abatement Hearing Request received on October 26, 2016 any future abatement actions are stayed until otherwise resolved before or at the hearing**

### **RECOMMENDATION**

Therefore, Code Enforcement Staff recommends that the Board uphold the Notice of Nuisance and Order to Abate dated October 26, 2016 and authorize staff to move forward with the abatement process and clean up the property of any remaining open and outdoor storage, demolish any/all remaining unpermitted or substandard building(s) located on the property unless directed by the Board to do otherwise.



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RECEIVED

OCT 26 2016

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

**NUISANCE ABATEMENT HEARING REQUEST FORM  
TO BOARD OF SUPERVISORS**

Pursuant to Section 13-7 of the Lake County Code

Date Request for Hearing Form Submitted: 10.26.16

Site Address: 7180, 7120 Bartlett Springs Rd

Assessor's Parcel Number: 027 135 01, 03, 04 / 027 134 02

Property Owner's Name: Wendy FETZU WALT Nieson

Mailing Address: PO box 114 Upper Lake CA.

Phone #: 707 701 1487 95485

Tenant's or Representative's Name (If applicable) J. Ken STIRITZ

Mailing Address: PO 114 Upper Lake Calif. 95485 Phone #: 707 701 1487

Reason(s) why the property should not be considered a public nuisance: (Attach extra sheets if necessary)

- #2 ALL Tent Like structures CAN be ~~removed~~ ~~can~~  
NOT USED. - UNTIL they meet building approval.
- #3 ALL EXTENSION CORDS HAVE been Removed  
UNPERMITTED ELECTRICAL CAN be INSPECTED AND  
Approved, OR NOT USED.
- #4 See BACK

Signature

FOR OFFICE USE ONLY

Case Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Attachment 1, 1 of 2

#4 wood stoves can be removed easily

#5 in process

# NOTICE OF NUISANCE AND ORDER TO ABATE

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

**A**    **CASE NUMBER:**                    16-0187  
      **OWNER(S) NAME:**            Walter A. Niesen and/or Wendy Fetzner  
      **SITE ADDRESS:**                7180 Bartlett springs Road, Lucerne CA  
      **MAILING ADDRESS:**        4530 Feliz Creek Road, Hopland CA 95449

**ASSESSORS PARCEL NUMBER: 027-135-03**

**B**    **CONDITION CAUSING NUISANCE:** The above referenced property was inspected by the Code Enforcement Officer and determined to have substandard structure(s) in violation of the State of California Health and Safety Code section 17920.3. This property also has construction without permits, unpermitted electrical, unpermitted plumbing, unpermitted “tent like” cabins/structures, occupied RV(s), open and outdoor storage of scrap metal, scrap wood, household items, and other miscellaneous debris, and operating a commercial operation/event without the proper permits resulting in violations of the Lake County Code.

Specifically, your property is in violation of the following Sections of the Lake County Codes; Lake County Zoning Ordinance: 21- 2.4(a) and 2.6(a); 21-17; 21-41.12 and 21-68.4(a)8; Chapter 5-14 Lake County Building Regulations; Section 105.1 and 116 of the 2013 California Building Code. These conditions constitute a public nuisance in accordance with Chapter 13, Section 3.3(e) of the Lake County Code.

**C**    **ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE WITHIN 30 DAYS ( November 26, 2016 ) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:**

- 1)    IMMEDIATELY cease all event operations.
- 2)    IMMEDIATELY vacate all unpermitted “tent like” cabin and/or structures

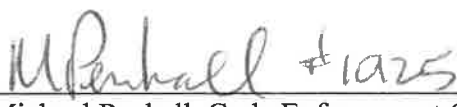
Attachment 2, 1 of 2

- 3) IMMEDIATELY disconnect all extension cords and unpermitted electrical
- 4) IMMEDIATELY discontinue usage of all fire pits, fire places and use of any other wood or alternate fuel type equipment.
- 5) Obtain a building permit within thirty (30) days of the date of this notice to either repair, rehabilitate, remove or demolish the above referenced dwelling/structure in compliance with the California Health and Safety Code section 17920.3 and the 2013 California Residential Code section 105.1.
- 6) Contact a County of Lake, Community Development Department Planner within thirty (30) days of the date of this notice and obtain any necessary use permits required for this property.

**D YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING A NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE SUBMITTED ON OR BEFORE November 16, 2016. IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.**

**E IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:**

- 1) **A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. 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 AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.**
- 2) **PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER – TAX COLLECTOR.**
- 3) **REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).**

  
Michael Penhall, Code Enforcement Officer  
COMMUNITY DEVELOPMENT DEPARTMENT  
STATE OF CALIFORNIA  
COUNTY OF LAKE

DATED: October 26, 2016