



Legislation Details (With Text)

File #: 24-678 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 6/10/2024 **In control:** BOARD OF SUPERVISORS

On agenda: 7/9/2024 **Final action:**

Title: 9:25 A.M. - HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement; 3025 Spring Valley Road, Clearlake Oaks (APN 062-331-04); Property Owners: Misty Doig and Timothy Holbrook

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. A - Property Map, 2. B - Photos of Violation (12/5/23 and 2/29/24), 3. C - Notice of Nuisance and Order to Abate, 4. D - Post Abatement Site Photos, 5. E - Contractors' Invoices, 6. F - Task Sheet for Cost Recovery

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|--------|--------|
| 7/9/2024 | 1 | BOARD OF SUPERVISORS | | |

Memorandum

Date: June 25, 2024

To: The Honorable Lake County Board of Supervisors

From: Mireya G. Turner, Community Development Director
 Marcus Beltramo, Code Enforcement Manager

Subject: 9:30 A.M. - HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement; 3025 Spring Valley Road, Clearlake Oaks (APN 062-331-04); Property Owners: Misty Doig and Timothy Holbrook

Executive Summary: On March 12, 2024, Lake County Code Enforcement (CE) performed an abatement for the property located at 3025 Spring Valley Rd, Clearlake Oaks, CA (property) owned by Misty Doig (Doig) and Timothy Holbrook (Holbrook). In accordance with Lake County Code Chapter 13, Article I, Section 13-42, the Board of Supervisors shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just and may order the account and proposed assessment confirmed or denied, in whole or in part or as modified and revised.

Property Information:

Property Owners: Misty Doig; Timothy Holbrook
 Zoning Designation: "SR" Suburban Reserve
 Lot Type: Vacant lot / No improvements

Investigation Background and Fact(s):

Code Enforcement received two (2) complaints:

On November 11, 2023 - Couple moved 2 travel trailers onto open lot with no water, power or septic systems. They have no fences and now have chickens. They have garbage and junk along neighbors fence line and have both trailers within 15 feet of neighbors fence. They have a non running truck sitting on property line and use neighbors driveway to enter empty lot to drive thru to their campsite. They have been doing doughnuts in lot kicking up dirt and rocks. Loud arguing and yelling about nobody can stop them from doing anything they want on their property. Tall dry weeds within a few feet of bbq. No way to empty septic from trailers. Not sure if they bought the lot or are just homeless and squatting but this is going to be a mess and fire hazard.

On December 4, 2023 - People have moved two rv's onto the property within 10 feet of the neighbors fence and are living in them. They have a dog, a cat and chickens with no fencing. They have a truck that doesn't work and junk spread out along the neighbors property line. They have no way to get rid of trash or human waste. The only way to cook and stay warm is with a campfire that they have lit from morning to night with the smoke going thru the neighbors fence and into their house. Please do something about this and make them clean up the mess and build a legal house and fence in the yard.

On December 5, 2023, a site visit inspection was performed and observed on the vacant lot were miscellaneous items, trash, rubbish; two (2) recreational vehicles; and unpermitted electrical in the form of electrical cords, wiring, and solar panels on the ground. **(Attachment B)**

On December 8, 2023, a Notice of Nuisance and Order to Abate was issued against the property citing the following violation(s) of the Lake County Code: **(Attachment C)**

- Chapter 13, Article I, Section 13-10.1 - It is unlawful for any person owning, occupying, renting, managing, or controlling any real property in the County to cause or permit any weeds, dead trees, or brush to accumulate on said property or to place, cause or permit any rubbish or other refuse to be, accumulate, or remain on any real property in the County, on trailers, in vehicles, or on portions of streets adjoining such real property to the center line of such streets.
- Chapter 13, Article I, Section 13-3.1 (e) (5) - Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of Chapters 5, 13, 21.

More specifically (below are the related code section(s) cited in connection or under Chapter 13, Article I, Section 13-3.1 (e) (5)):

- Chapter 5, Article I, Section 5-4F; CA Fire Code Chapter 6, Section 603.1.1 - All electrical equipment, wiring, devices and appliances shall be tested; listed and labeled; and installed, used and maintained in accordance with the California Electrical Code and all instructions included as part of such listing.
- Chapter 5, Article I, Section 5-4F; CA Fire Code Chapter 6, Section 603.2 - Conditions that constitute an electrical shock or fire hazard shall be abated.
- Chapter 5, Article I, Section 5-4F; CA Fire Code Chapter 6, Section 603.2.1 - Electrical wiring, devices, equipment and appliances that are modified or damaged, and constitute an electrical shock or fire hazard, shall not be used until repaired or replaced in accordance with this code and the California Electrical Code.
- Chapter 5, Article I, Section 5-4F; CA Fire Code Chapter 6, Section 603.2.2 - Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
- Chapter 21, Article 10, Section 21.10 - Purpose: To establish areas for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevail.
- Chapter 21, Article 68, Section 68.4 (a) (8) - Accessory uses and structures, residential: Those uses and structures customarily incidental and subordinate to the residential use of the land.

Abatement:

As of March 12, 2024, the violations existing on the property were not corrected, nor was a request for hearing in front of the Board of Supervisors made by the property owners. Over several months, Code Enforcement had several communications with the property owners regarding a compliance plan, which only one (1) recreational vehicle was removed. The property owners failed to demonstrate substantial progress and Code Enforcement had no confidence in the property owners real intention and capabilities to correct the violations. On March 12, 2024, Code Enforcement obtained an Inspection and Abatement warrant and moved forward with an abatement to correct the violations existing on the property by removal (**Attachment D**). Code Enforcement contracted with 360 Junk and Removal to perform the abatement. The cost of the total summary abatement is \$5,120.80 = \$3,125 (abatement costs) + \$1,000 (storage costs for recreational vehicle) (**Attachment E**) plus administration fees in the amount of \$995.80 (**Attachment F**).

Other Information:

An interested party for the recreational vehicle that was removed was identified as Redwood Credit Union (lender). Code Enforcement contacted Redwood Credit Union and provided information and an opportunity to retrieve the vehicle. Redwood Credit Union declined to retrieve the vehicle.

The recreational vehicle was stored for sixty (60) days at a secure site. The property owners were given information on how to retrieve the recreational vehicle but have not made arrangements to pay for the abatement costs and retrieve the vehicle.

Evidence:

- Attachment(s) - A - Property Map
- B - Photos of violation 12/5/2023 to 2/29/2024
- C - Notice of Nuisance and Order to Abate
- D - Post Abatement Photos
- E - Contractor Invoice (2)
- F - Task Sheet (cost recovery)

County Witness(es):

Marcus Beltramo, Code Enforcement Manager
Norman Valdez, Code Enforcement Supervisor
Christopher Colen, Code Enforcement Office

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Purchasing Considerations (check all that apply):

Not applicable

Fully Article X. <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeld=COOR_CH2AD_ARTXPU_S2-38EXCOBI>- and/or Consultant Selection Policy <[http://lcnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+\\$!26+Procedures+Manual/Ch4_2021v2.pdf](http://lcnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+$!26+Procedures+Manual/Ch4_2021v2.pdf)>-Compliant (describe process undertaken in "Executive Summary")

Section 2-38 <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeld=COOR_CH2AD_ARTXPU_S2-38EXCOBI> Exemption from Competitive Bidding (rationale in "Executive Summary," attach documentation, as needed)

For Technology Purchases: Vetted and Supported by the Technology Governance Committee <<http://lcnet.co.lake.ca.us/Assets/Intranet/Intranet+Forms/Information+Technology/AdvPlan.pdf>> ("Yes," if checked)

Other (Please describe in Executive Summary)

Consistency with Vision 2028 <<http://www.lakecountyca.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

Not applicable

Well-being of Residents

Public Safety

Disaster Prevention, Preparedness, Recovery

Economic Development

Infrastructure

County Workforce

Community Collaboration

Business Process Efficiency

Clear Lake

Recommended Action: Staff recommends the Board of Supervisors approve a lien in the amount of \$5,120.80 and direct staff to record the lien against the property with the Lake County Records Office, and furthermore, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.