



Legislation Text

File #: 24-736, Version: 1

Memorandum

Date: July 9, 2024

To: The Honorable Lake County Board of Supervisors

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

Subject: 10:40 A.M. - HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement; Location: 15892 Kugelman Street, Lower Lake (APN 012-025-86); Property Owners Salome and Patricia Lazo Hernandez

Executive Summary: On November 13, 2023, and March 5, 2024, Lake County Code Enforcement (CE) performed two abatements for the property located at 15892 Kugelman St, Lower Lake, CA (property) owned by Patricia Lazo Hernandez and Salome Lazo Hernandez. 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: Salome Lazo Hernandez
Patricia Lazo Hernandez

Zoning Designation: "SR" Suburban Reserve

Lot Type: Improved with single family dwelling home

Lot Size: approx. 3.97 acres

Investigation Background and Fact(s):

From November 2021 to February 2024, Code Enforcement received eleven (11) written complaints and several phone call and walk-in complaints alleging the subject property had violations ranging from numerous vehicles that are dismantle or wrecked; person(s) living in a recreational vehicle; junk, debris, and trash all over the property; and temporary tent structures had been erected.

1st Code Enforcement Action:

On January 12, 2022, Code Enforcement conducted an inspection of the property from a public vantage point. Observed on the property were trash and rubbish, a person living in a recreational vehicle, unpermitted structures, and open and outdoor storage not maintained in compliance with Chapter 21, Article 41.12. A red tag to not occupy the recreational vehicle was posted. **(Attachment B)**

On January 21, 2022, Code Enforcement issued a "Notice of Nuisance and Order to Abate" (NONOTA) against the property. The NONOTOA cited the following violation(s) of the Lake County Code: **(Attachment C)**

- LCC Chapter 13, Article, I, Section 13-3.1 (e) (7) - The existence of garbage, rubbish
- LCC 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 Chapter 21.

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

- LCC Chapter 21, Section 41.12 - Open and Outdoor storage
- LCC Chapter 21, Article 48.1 - Zoning clearance
- LCC Chapter 5-4A, 2019 CA Bldg Code Section 105.1 - Permits required

On July 25, 2023, an Inspection warrant was obtained to fully understand the extent and scope of the violation (s) in detail and any additional violation(s) not able to be seen from a public-right-of-way. **(Attachment D)**

On July 31, 2023, based on the inspection conducted on July 25, 2023, a request was made for summary abatement of the unpermitted electrical. The violations related to the summary abatement were voluntarily corrected.

On August 8, 2023, based on the July 25, 2023 inspection, Code Enforcement issued a "Superseding Notice of Nuisance and Order to Abate" (NONOTA) against the property. The NONOTOA cited the following violation (s) of the Lake County Code: **(Attachment E)**

- Chapter 13, Article I, Section 13-3.1 (e) (1) - Any condition declared by any statute of the State of California or code of the County of Lake to be a nuisance
- Chapter 13, Article I, Section 13-3.1 (e) (2)-Any public nuisance known at common law or equity
- Chapter 13, Article I, Section 13-3.1 (e) (3)-Any attractive nuisance which may prove dangerous
- Chapter 13, Article I, Section 13-3.1 (e) (4) - Any condition dangerous to human life, unsafe, or detrimental to the public health or safety
- Chapter 13, Article I, Section 13-3.1 (e) (8) - Any items causing an unsightly appearance or which provides harborage for rats and/or other vermin, or creates other potential health hazard
- Chapter 13, Article I, Section 13-3.1 (e) (9)- Foul or noxious odors
- Chapter 13, Article I, Section 13-3.1 (e) (13) - Abandoned, dismantled, wrecked, or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof
- Chapter 13, Article I, Section 13-10.1 - It is unlawful 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 this Chapter or Chapters 5, 9, 17, 21, 23, 29, or 30 of this Code:

More specifically (the following are the related code section(s) cited in connection or pursuant Chapter 13,

Article I, Section 13-3.1 (e) (5):

- Chapter 21, Article IO, Section 10.20 - Minimum residential construction standards:
- Chapter 21, Article 41, Section 41.12 (a) - Outdoor storage in any district shall be maintained in an orderly manner and shall not create a fire, safety, health or sanitary hazard
- Chapter 21, Article 41, Section 41.12 (b) (1) - Outdoor storage shall not exceed four hundred (400) square feet of aggregate area
- Chapter 21, Article 41, Section 41.12 (b) (3) - Outdoor storage shall be completely screened from public view from all exterior property lines and any public roadway within one half (1/2) mile of the pen storage area
- Chapter 21, Article 41, Section 41.12 (b) (4)-There shall be no outdoor storage in any required front yard in the case of interior lot, or required street-side setback area in the ease of corner lot, or in an area three (3) feet wide along one (1) side lot line
- Chapter 5, Article I, Section 5-4F: 2022 CA Fire Code 603.2.2 - Open junction boxes and open-wiring splices shall be prohibited.
- Chapter 5, Article I, Section 5-4F: 2022 CA Fire Code 603.6 - Extension cords shall not be a substitute for permanent wiring. Extension cords marked for indoor use shall not be used outdoors.
- Chapter 5, Article I, Section 5-4F: 2022 CA Fire Code 603.6.1 - Extension cords shall be plugged directly into an approved receptacle
- Chapter 5, Article I, Section 5-4F: 2022 CA Fire Code 603.6.2 - The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord
- Chapter 5, Article I, Section 5-4F: 2022 CA Fire Code 603.6.3 - Extension cords shall be maintained in good condition without splices, deterioration or damage
- Chapter 5, Article I, Section 5-4F: 2022 CA Fire Code 603.6.4 - Extension cords shall be grounded where serving grounded portable appliances
- Chapter 21, Article 48, Section 48.1 - A zoning clearance permit
- Chapter 5, Section 5-4A; 2022 CBC IAI 105.1 - Bldg permits required

On September 19, 2023, an interested party, Richard Saunders (son in law to the Patricia Hernandez) requested an appeal hearing in front of the Board of Supervisors (BOS). The Board of Supervisors moved to uphold the NONOTA and directed staff to move forward with the abatement process within seven (7) days.

On June 12, 2023 and October 25, 2023, a request for permission and consent to access the property to inspect and abate were made to the property owner and to the occupant, Richard Saunders. A "Right-of-Entry, Consent to Inspect form was handed directly to the property owner, Patricia Hernandez.

First Abatement:

As of November 13, 2023, the violations existing on the property had not been corrected. Neither the property owners or any other interested property demonstrated substantial progress to correct the violation(s) or provided any indication of their intent to correct the existing violation(s). Code Enforcement determined the

existing violation(s) created a public nuisance to surrounding properties and the general welfare of the public and that an abatement was necessary to attain compliance. Code Enforcement received guidance from the County Counsel's for the abatement, as the abatement would create the existence of new violation(s) on the property that were not in violation at the time the superseding NONOTA was issued. For example: the unpermitted structures were being used for storage, after the structure was removed, the items contained inside would now be in violation for open and outdoor storage; the existence of trash and rubbish; and / or unsightly appearance. Code Enforcement obtained an Inspection and Abatement warrant and moved forward with an abatement to correct the violations existing on the property by removal. Code Enforcement enlisted the services of Cook Construction to perform the abatement. The cost of the abatement is \$5,800 plus administration fees in the amount of \$2,113.90 for the removal of: **(Attachment F)**

- 20 tires
- 540 lbs of scrap metal
- 2 televisions
- 2 gallons of paint
- 2.78 tons of rubbish, garbage and miscellaneous materials
- Approx three (3) tent structures and one (1) lean-to structure were removed.

2nd Code Enforcement Action:

From 11/20/2023 to 12/22/2023, Code Enforcement documented the existing violation(s) on the property. **(Attachment G)**

On December 22, 2023, Code Enforcement issued a NONOTA for those issues in violation after the abatement on November 13, 2023 abatement was completed and for new violation(s) discovered on the property and cited the following: **(Attachment H)**

- Chapter 13, Article I, Section 13-3.1 (e) (1) - Any condition declared by any statute of the State of California or code of the County of Lake to be a nuisance
- Chapter 13, Article I, Section 13-3.1 (e) (2) - Any public nuisance known at common law or equity
- Chapter 13, Article I, Section 13-3.1 (e) (8) - Any items causing an unsightly appearance which is visible from the public right of way or sites of neighboring properties or which provides harborage for rats and/or other vermin, or creates other potential health hazard or public nuisance
- Chapter 13, Article I, Section 13-3.1 (e) (13) - Abandoned, dismantled, wrecked, or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof
- Chapter 13, Article II, 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 II, Section 13-10.2 (a) - The owner or tenant of any premises, business establishment or industry shall be responsible for the satisfactory removal of all garbage and/or refuse accumulated on such premises. To prevent propagation, harborage or attraction of flies, rodents or other vectors and the creation of a nuisance, garbage and/or refuse, excepting nonflammable inert material, shall not be allowed to remain on the premises for more than seven (7) days
- Chapter 13, Article II, Section 13-10.2 (b) - All garbage and/or refuse shall be drained, wrapped, and stored in durable, rust-resistant, nonabsorbent, watertight containers not to exceed ninety-six (96) gallons capacity and which have tight-fitting covers. Plastic garbage bags are not to be used for outside storage of garbage at any time

- Chapter 13, Article II, Section 13-10.2 (c) - No garbage and/or refuse, with the sole exception of non-flammable inert materials, maybe stored for any period of time, on a trailer. Said garbage and/or refuse may be placed on a trailer only for the purpose of transporting said materials for purposes of disposal in a legally authorized manner.
- Chapter 13, Article II, Section 13-10.2 (d) - No garbage and/or refuse may be stored in a vehicle. Said garbage and/or refuse may be placed in a vehicle only for the purpose of transporting said materials for purposes of disposal in a legally authorized manner.
- 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 this Chapter or Chapters 5, 9, 17, 21, 23, 29, or 30 of this Code:

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

- Chapter 21, Article 41, Section 41.12 (a) - Outdoor storage in any district shall be maintained in an orderly manner and shall not create a fire, safety, health or sanitary hazard
- Chapter 21, Article 41, Section 41.12 (b) (1) - Except for farm products, supplies or equipment when incidental to a working farm or ranch, construction materials during authorized construction, or firewood; outdoor storage of materials, including but not limited to junk, construction materials, scrap metal, wood, petroleum based materials or products, paper products, waste or trash materials on parcels of one (1) acre or less shall not exceed an aggregate area of one hundred (100) square feet per lot
- Chapter 21, Article 41, Section 41.12 (b) (3) - Except for farm products, supplies, or equipment; construction materials during authorized construction; or firewood for personal consumption on the premises, outdoor storage shall be completely screened from public view from all exterior property lines and any public roadway within one half (1/2) mile of the pen storage area by the use of sight obscuring fences, hedges, or other measures determined to be effective by the Planning Director. Securely fastened tarps may be utilized for screening of open storage areas of one hundred (100) square feet or less.
- Chapter 21, Article 41, Section 41.12 (b) (4) - There shall be no outdoor storage in any required front yard in the case of interior lot or required street-side setback area in the case of corner lot, or in an area three (3) feet wide along one (1) side lot line.
- Chapter 21, Article 42, Section 42.11 (a) - Fences, walls, and hedges not exceeding four (4) feet in height may be placed in the required front yard (setback) of an interior lot
- Chapter 21, Article 42, Section 42.11 (b) - A maximum six (6) foot high fence, wall or hedge may be located within the required side or rear yard (setback) of an interior lot or corner lot.
- Chapter 21, Article 68, Section 68.4 (f) (11) - Fence: A wall or a barrier connected by boards, masonry, rails, panels, wire or any other materials approved by the Community Development Department for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, plastic, tarp, bamboo coverings, corrugated metal, or other materials not designed or manufactured for use as a fence.
- Chapter 21, Article 48, Section 48.1 - A zoning clearance permit shall be required for all buildings and structures
- Chapter 5, Section 5-4A; 2022 CBC [A] 105.1 - Bldg permits required

On February 9, 2024, A Last and Final Notice was mailed to the property owner along with a "Right-of-Entry" form, providing a final request to correct the violations and meeting the requirements of California Code of Civil Procedure 1822.51 requesting consent from the responsible parties prior to obtain an inspection and abatement warrant. **(Attachment I)**

2nd Abatement:

As of March 7, 2024, the violations existing on the property were not corrected. Neither the property owners or any other interested property demonstrated substantial progress to correct the violation(s) or provided any

indication of their intent to correct the existing violation(s). Code Enforcement determined the existing violation(s) created a public nuisance to surrounding properties and the general welfare of the public and that an abatement was necessary to attain compliance. 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 J**). Code Enforcement enlisted the services of Cook Construction and Jones Towing to perform the abatement. The total cost of the second abatement is \$11,519.27 (Cook) plus \$300.00 (Jones Towing) (**Attachment K**) plus administration fees in the amount of \$1,899.27 minus \$300.00 for reimbursement of the tow for the removal of: (**Attachment L**)

- 21,820 lbs of miscellaneous materials removed
- Removal of one vehicle (van)

Evidence:

- Attachment(s) -
- A - Property Map
 - B - Photos (of violations 1/12/2022)
 - C - 1st Notice of Nuisance and Order to Abate
 - D - Photos from Inspection Warrant
 - E - Superseding Notice of Nuisance and Order to Abate
 - F - Contractor Invoice
 - G - Photos (violations 11/20/23 to 12/22/23)
 - H - 2nd 1st Notice of Nuisance and Order to Abate
 - I - Last and Final with Right-of-Entry
 - J - Post Abatement Photos
 - K - Contractor invoice
 - L - Task Sheet (cost recovery)

County Witness(es):

Marcus Beltramo, Code Enforcement Manager
Norman Valdez III, Code Enforcement Supervisor
Christopher Colen, Code Enforcement Officer

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?nodeId=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](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?nodeId=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.lakecountycalifornia.gov/Government/Directory/Administration/Visioning/Vision2028.htm) <<http://www.lakecountycalifornia.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Disaster Prevention, Preparedness, Recovery |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> County Workforce |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake |

Recommended Action: Staff recommends the Board of Supervisors approve a lien in the amount of \$21,332.44 = (\$5,800 + \$11,519.27 + \$2,113.90 + \$1,899.27 + \$300 - \$300) and direct staff to record the lien against the property with the Lake County Recorders Office, and deliver recorded lien to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.