



Legislation Text

File #: 20-907, Version: 2

Memorandum

Date: October 6, 2020

To: The Honorable Moke Simon, Chair, Lake County Board of Supervisors

From: Scott De Leon, Community Development Interim Director
Tocarra Thomas, Deputy Community Development Director
Andrew Williams, Code Enforcement Manager
Marcus Beltramo, Code Enforcement Officer

Subject: Notice of Lien Hearing for Darryl Wienke; 12942 Second St., Clearlake Oaks, CA

Exhibits:

1. Zoning Map
2. Photos of Property Before Abatement Action
3. Notice of Nuisance and Order to Abate
4. Contractor Quotes Received
5. Abatement Action Photos
6. Task Sheet

Executive Summary: (include fiscal and staffing impact narrative):

I. PROPERTY DESCRIPTION:

Property Owner: Wienke, Darryl
Location: 12942 Second St., Clearlake Oaks, CA
APN: 035-374-170
Zoning: "R1" Single Family Residential District

II. ABATEMENT SUMMARY:

Subject/Purpose:

Pursuant to Chapter 13, Article VII, Section 41.1 - Upon the completion of the abatement, the Enforcement Official shall cause a notice to be prepared, specifying the work done, an itemized account of the costs and receipts of performing the work, an address, legal description or other description sufficient to identify the premises, the amount of the assessment proposed to be levied against the premises, and the time and place when and where the enforcement official will submit the account to the Board for confirmation.

Pursuant to Chapter 13, Article VII, Section 42.1 - At the time and place fixed in the notice, the Board

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. The determination of the Board as to all matters contained therein shall be final and conclusive.

Issue(s)/Complaint(s):

Code Enforcement received several complaints concerning the subject property:

- *“The residence/abandoned house is a magnet for trash and trespassers. A few days ago a car was dumped there also. Yet, people are throwing their trash there now. Some blew across the street to my residence. The trash stinks and attracts rats, vagrants and more trash.” (SR20-00067)*
- *“Garbage everywhere. The front door is open and all the windows are open. People are coming and going. Looks abandon[ed]. Nuisance to the city of Clearlake Oaks and home owners.” (SR20-00013 / ENF20-178)*
- *“Garbage everywhere! Abandoned property possible illegal occupancy. Nuisance to the neighborhood.” (SR19-00484)*
- *“Property looks abandoned. Trash Everywhere. People squatting and drug use. Nuisance to the neighborhood.” (SR19-00462)*
- *“Garbage laying everywhere, dirty needles laying around, grass 3 ft. tall and side of building is falling apart.” (ENF19-00174)*
- *“There is garbage all over the house and property. It seems like people dump more trash there. There are syringes laying around in certain areas of the property. The house on the property seems like it's falling apart. Fencing falling over and weeds are over grown. (ENF19-00107)*

Property:

The property is zoned “R1” Single Family Residential. Existing on the property is a single family dwelling and detached accessory structure.

Enforcement Action:

On November 5, 2020, a determination was made that the property was not in compliance (*Exhibit 2-photos*). A “Notice of Nuisance and Order to Abate” (NONOTA-Exhibit 3) was issued against the property. The property was deemed to be in violation of the Lake County Vacant Structure Ordinance, Chapter 5, Section VII. The property is considered a Vacant Structure as it: (1) is lacking habitual presence of persons who have a legal right to be on the premises or residential occupancy has ceased; and (2) whose doors, windows or other openings are broken or missing, so as to allow uncontrolled access to the interior or exposure to the elements.

The NONOTA cited violations of the Lake County Code (LCC) and Lake County Zoning Ordinance (LCZO) for:

(1) LCC Chapter 5, Article VII, Section 5-34 - Failure of "Duty to Maintain":

- (a) Any vacant structure that is not secured by boarding in compliance with Section 5-35;
- (c) Any vacant structure whose premises contain any waste, rubbish, debris, or excessive vegetation.

(2) LCZO Chapter 21, Article 41, Section 42.11 - Unpermitted fence located in the required front yard setback that exceeds four (4) feet in height. (Fence height was approximately six (6) feet in height).

Service/Notification to Property Owner, Wienke:

Based upon County records, it was determined the property owner is Darryl Wienke (Wienke). Several attempts were made to contact the legal property owner, Wienke. The NONOTA was mailed via certified mail to the address as reflected on the assessors roll and by posting the NONOTA at/on the property. In addition, multiple "Final Notice"(s) were mailed via certified mail informing the property owner that the County was pursuing an abatement action to bring the property into compliance.

Note of Interest - property taxes have been delinquent since 2015 in the amount of \$10,278.13 (as of the date of this report). (The property is not eligible for a tax lien sale until June 30, 2021 at which time the property will have been delinquent in paying its property taxes for five (5) years.), thus giving further credence, the property owner has abandoned the property.

Due to the failure and unresponsiveness of the property owner, Wienke, to correct the issues existing and persisting on the property, the Code Enforcement Division determined an abatement action was necessary to eliminate the public health issues (garbage, rubbish); the hazardous vegetation/fire issue (overgrown vegetation); and attractive nuisance/safety issue/neighborhood blight issue (unsecured dwelling/ substandard dwelling/vacant structure). Local residents, neighbors, and property owners expressed their frustration and strife concerning the subject property and the affect/impact of the subject property on their property and the standard of living in the neighborhood.

Competitive Bidding Process: (Exhibit 4)

On July 2, 2020, the contract for abatement work was sent out for bid to the list of registered contractors with the County as part of the competitive bidding process. Code Enforcement received three (3) quotes:

- o JDM Earthworks - \$5,400.00
- o Cook Construction - \$6,150.00
- o Leonard's Hauling - \$3,700.00 - (Bid selected and awarded contract)

Abatement Action:

On August 5, 2020, a warrant was signed by a Lake County Superior Court Judge allowing access onto the property in order to perform the contracted work. On August 7, 2020, 24 hour notices were posted at/on the property and mailed via certified mail to the address of the property owner as listed on the assessors roll. Between August 10, 2020 to August 17, 2020, work was conducted to secure the property by boarding, remove the overgrown vegetation, and to install a compliance fence (in order to discourage illegal dumping of garbage and vehicles). On August 17, 2020, the abatement was completed, the subject property was secured and all nuisance and blight issues were resolved and compliance was achieved with the Lake County Code and Lake County Zoning Ordinance. (Exhibit 5 - Abatement Photos)

If not budgeted, fill in the blanks below only:

Estimated Cost: \$5,834.46 Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

- | | | | |
|---|--|---|---|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Technology Upgrades</i> |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> <i>Revenue Generation</i> |
| | | | <input type="checkbox"/> <i>Cost Savings</i> |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?
How long has Agreement been in place?
When was purchase last rebid?
Reason for request to waive bid?

Recommended Action:

Staff recommends the Board of Supervisors confirm the assessment of \$5,834.46 and direct staff to Record a Notice of Lien against the property. The cost of abatement services was \$5,389.31. The administrative costs on this case amounted to \$445.15.