



Legislation Details (With Text)

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Title: 10:45 A.M. – HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement-11625 Garden Court, Lucerne, CA / APN# 035-263-27

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment A, 2. Attachment B, 3. Attachment C, 4. Attachment D, 5. Attachment E, 6. Attachment F, 7. Attachment G, 8. Attachment H

Date	Ver.	Action By	Action	Result
8/6/2024	1	BOARD OF SUPERVISORS		

Memorandum

Date: August 6, 2024

To: The Honorable Bruno Sabatier, Chair, Lake County Board of Supervisors

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

Subject: 10:45 A.M. - HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement-11625 Garden Court, Lucerne, CA / APN# 035-263-27

Executive Summary:

On August 9, 2023, Lake County Code Enforcement (CE) performed an abatement for the property located at 11625 Garden Ct, Clearlake Oaks, CA (property) owned by Richard Waters (deceased) and Lisa Renne Waters Vanenziano. 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: Richard Waters (deceased)
 Lisa Renee Waters Vanenziano (living)

Zoning Designation: "R1" Single Family District

Lot Type: Improved, with two structures

Investigation Background and Fact(s):

From June 24, 2022, to August 9, 2023 - Code Enforcement received numerous complaints alleging: “Massive piles of trash, building materials, vehicle parts, dried weeds and downed tree branches. Falling down fences, broken windows, extension cords running throughout property, open fires for 'cooking' due to no working stove in house. Broken water pipes have resulted in occupant carrying water in jugs from neighboring houses. Constant accumulation of 'dumpster finds' in public street. Several non-operable vehicles on property. Chickens and roosters kept in cages filled with mountains of feces INSIDE the house and throughout the yard. Estimated 20 cats and kittens also kept in cages or left to fend for themselves frequently with no food or water.”

On May 19, 2023, Code Enforcement conducted a site inspection, the property owner, Lisa Water, signed a “Right-of” Entry” form to allow inspection of the interior and exterior of the property. **(Attachment B)**

On March 22, 2023, 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) (4) - Condition dangerous to human life, unsafe or detrimental to the public health or safety.
- 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) (8) - Any items causing an unsightly appearance which is visible from the scenic corridor or 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.
- LCC 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.
- 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:

- LCC 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.

Around June 29, 2023, one of the structures incurred fire damage. Two individuals have been charged with responsibility for causing the fire. Code Enforcement posted a “Do Not Occupy / Unsafe” red tag. **(Attachment D)**

On July 5, 2023, the property owner was mailed and served via personal service a “Last and Final Notice”, along with a request for “Right-of-Entry / Consent to Inspect” form, informing the property owner that the violations noted in the March 23, 2023, NONOTA had not been corrected and that Code Enforcement was pursuing an abatement of the violations. The property owner, Lisa Waters, provided verbal consent, but did not sign the form. Code Enforcement also had concerns regarding the property owner’s capacity to legally provide consent. Due to the beforementioned, On August 4, 2023, Code Enforcement obtained an Inspection and Abatement warrant. **(Attachment E)**

Abatement:

As of August 9, 2023, the violations existing on the property had not been corrected, nor was a request for hearing in front of the Board of Supervisors made by the property owners. The property owner(s) failed to demonstrate any good faith intention or the ability to correct the violations. Due to the fact the property created a health and safety and public nuisance issue for the surrounding properties, 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 **(Attachment F)**. The cost of the abatement is \$6,438.00 **(Attachment G)** plus

administration fees in the amount of \$802.30 (**Attachment H**). The following were removed and disposed of:

- 1 Tire
- 4 refrigerators
- 4 mattresses
- Approximately 6,540 lbs of trash, rubbish, and debris

Evidence:

- Attachment(s) -
- A - Property Map
 - B - Photos from Inspection
 - C - Notice of Nuisance and Order to Abate
 - D - Red Tag
 - E - Last and Final Notice
 - F - Post Abatement Photos
 - G - Contractor Invoice
 - H - Task Sheet (cost recovery)

County Witness(es):

Marcus Beltramo, Code Enforcement Manager
Norman Valdez, Code Enforcement Supervisor

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://lcnnet.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://lcnnet.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 \$7,240.30 and direct staff to record the lien against the property with the Lake County Recorders Office, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.