



Legislation Text

File #: 20-908, Version: 1

Memorandum

Date: October 6, 2020

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

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

Subject: Notice of Lien Hearing for Pattie Antalek, Bart Clanton, Marcia Clanton, Lani Ironberg, Nadine L. Ironberg, Keven Peck, Mildred Peck; 6355 Soda Bay Rd., Kelseyville, CA

Exhibits: 1. Zoning Map
2. Photos 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(s): Antalek, Pattie (5% ownership); Clanton, Bart (14.17% ownership); Clanton, Marcia (14.17% ownership); Ironberg, Lani (5% ownership); Ironberg, Nadine L. (28.33% ownership); Peck, Keven (5% ownership); Peck, Mildred (28.33% ownership)

Location: 6355 Soda Bay Rd., Kelseyville, CA

APN: 044-141-290

Zoning: "R1" Single Family 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.

Complaints:

Code Enforcement received the following complaint:

“Squatters living on land that isn’t theirs. Trash all along trail going up to their illegal living area. With the cold weather neighbors are worried they will start FIRES to keep warm. Neighbors feel unsafe, thinking these squatters will come behind our houses on Oak Dr. looking for supplies. I pay Property Taxes to live here. Why do they get to live here for free.”

Property:

The property is zoned “R1” Single Family Residential. The primary zoning purpose of an “R1” zoned property, is *“To establish areas for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevail.”* The property is a vacant lot with no existing residential dwelling(s) or structure(s) situated on the property.

Enforcement Action:

On December 13, 2019, a site visit was conducted and the property was inspected. Observed on the property were several camping/living areas (approximately three (3)), with pathways connecting each of the camping/living areas, complete with makeshift toilets. **(Exhibit 2)**

On December 17, 2019, a “Notice of Nuisance and Order to Abate” **(Exhibit 3)** was issued against the property for violation of the Lake County Code (LCC) and Lake County Zoning Ordinance (LCZO). The existing structures (camping tents and covered areas) and/or uses on the property are considered to be accessory structures or accessory uses. Pursuant to current policy of the Planning Division, the existing accessory structures or uses cannot exist/persist on the property until the primary purpose has been met. Accessory structures and uses are subordinate to the primary zoning purpose. The following violation(s) were cited:

- Chapter 21, Article 10 - “R1” Single Family Residential Zoning Designation
- Chapter 21, Article 34 - “SC” Scenic Combining Zoning Designation
- Chapter 21, Article 41, Section 41.12 - Open and Outdoor Storage
- 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) (7) - The existence of garbage, rubbish, refuse, upon the premises and/or which creates a fire hazard.
- 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.

Service/Notification:

Based upon County records, it was determined the property owner(s) are Antalek, Pattie (5% ownership); Clanton, Bart (14.17% ownership); Clanton, Marcia (14.17% ownership); Ironberg, Lani (5% ownership); Ironberg, Nadine L. (28.33% ownership); Peck, Keven (5% ownership); Peck, Mildred (28.33% ownership). Several attempts were made to contact the legal property owners: (1) The NONOTA was mailed via certified mail to the address as reflected on the assessors roll; and (2) by posting the NONOTA at/on the property. In addition, (3) a "Final Notice"(s) was mailed via certified mail, to the address listed on the assessors roll and any addresses that could be identified from past recorded grant deeds, informing the property owner that the County was pursuing an abatement action to bring the property into compliance.

Due to the failure and unresponsiveness of the property owners to correct the issues existing and persisting on the property, the Code Enforcement Division determined an abatement action was necessary to eliminate the zoning violations and public health.

Note of Interest - property taxes have been delinquent since 2008 in the amount of \$15,173.53 (as of the date of this report, but the property has not been included on the auction list for the sale of tax lien properties) thus giving further credence the property owner(s) have abandoned the property.

Competitive Bidding Process: (Exhibit 4)

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

- o Leonard's Hauling - \$3,700.00

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 5, 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, abatement work was conducted to remove all materials and items located on the property, in order to restore the property to its original state of a vacant lot. On August 17, 2020, the abatement was completed, all zoning violations and public nuisance violations were corrected and compliance was achieved with the Lake County Code and Lake County Zoning Ordinance. (Exhibit 5)

If not budgeted, fill in the blanks below only:

Estimated Cost: \$4,023.82 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"/> Technology Upgrades |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> Revenue Generation |
| | | | <input type="checkbox"/> Cost Savings |

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 \$4,023.82 and direct staff to Record a Notice of Lien against the property. The cost of abatement services was \$3,700.00. The administrative costs on this case amounted to \$323.82.