



Agenda Date: 5/23/2006  
Agenda Placement: 8A  
Set Time: 9:00 AM PUBLIC HEARING  
Estimated Report Time: 30 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Jill Pahl - Acting Director  
Environmental Management  
**REPORT BY:** Jill Pahl, Acting Director , 253-4410  
**SUBJECT:** Public Hearing - Nuisance Abatement (Tompkins)

---

### **RECOMMENDATION**

Conduct a Nuisance Abatement Hearing pursuant to County Code Section 1.20.060 to hear and consider all objections or protests, if any, to the notice of nuisance abatement issued for the property located at 455 Tompkins in Angwin, Napa County, California, (Assessor's Parcel No. 024-121-002), and at the conclusion of the hearing take one of following two actions:

1. Terminate the abatement proceedings; or
2. Find that a nuisance exists and adopt a Resolution Declaring the Existence of Public Nuisance and Ordering its Abatement, and directing the owner or other interested persons to abate the nuisance within 30 days of service of the order.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption Class 1/Categorical Exemption Class 21: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") and Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and 15321; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

### **EXECUTIVE SUMMARY**

The property at 455 Manzanita in Angwin, Napa County has been the subject of code enforcement efforts by the County for some time due to the storage of inoperative vehicles, vehicle parts, as well as the presence of junk and debris, including potentially hazardous and combustible materials. If the Board of Supervisors affirms the determination of a public nuisance and the property owner fails to comply with the Board's order, County staff may abate the nuisance and levy an assessment against the property to recover the County's costs.

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	The Code Enforcement budget unit contains funds set aside for the abatement of code violations when private property owners fail to act. Funds will be recovered by placing a lien on the subject property.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This action is consistent with previous Board direction concerning enforcement actions for code violations.
Is the general fund affected?	No
Future fiscal impact:	None.
Consequences if not approved:	The noticed code violations will not be abated.
Additional Information:	None.

**ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption Class 1/Categorical Exemption Class 21: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") and Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and 15321; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

**BACKGROUND AND DISCUSSION**

The property at 455 Manzanita in Angwin, Napa County has been the subject of code enforcement efforts by the County for many years due to the storage of inoperative vehicles, vehicle parts, as well as the presence of junk and debris, including potentially hazardous and combustible materials. The hearing before the Board of Supervisors is to determine whether conditions in the unincorporated area of the County on Assessor's Parcel 024-121-002, located at 455 Manzanita Drive, Angwin constitute a nuisance and whether the owner should be ordered to abate the nuisance. In the event the owner does not abate the nuisance, the County would abate the nuisance and levy an assessment against the property to recover the County's costs for doing so.

The subject property, comprised of a parcel totaling 0.46 acres, is located within a Residential Zoning District and has been the site of Napa County Code violations in the past. The owners of the subject property, as shown on the latest equalized assessment role, are Amelia Sewell, Danielle Herman, and Daniel Tompkins.

The violations again came to the attention of the County in October 2002. It was reported by an anonymous citizen that the property owner, Mr. Tompkins was accumulating combustible rubbish in a hazardous fire area and storing approximately 16-22 vehicles on the site at 455 Manzanita Drive in Angwin. Staff worked with the property owners in 2003-2004 in attempt to resolve the ongoing nuisance, but to no avail. Environmental Management has conducted multiple inspections on this property, the most recent of which was in March 2006 with the Fire Department.

County staff has made numerous inspections and/or observations of the progress made by Mr. Tompkins to clean up his property. Mr. Tompkins has been sent many letters from the County and has discussed his proposed plans to resolve the violations. These, as well as other actions by the County (contacting other nonresident owners of the property and their legal representatives), have had little positive results. The lack of any real progress on the part of the property owners to abate the violations has finally resulted in the Departments' initiating this request.

As required by Chapter 1.20 of the Napa County Code, a Notice of Nuisance was mailed, regular and certified, on March 17, 2006, to Amelia Sewell, Danielle Herman and Daniel Tompkins at their respective addresses and was also posted on the subject property. The Notice of Nuisance described the subject property, the nature of the nuisance and the violations of applicable regulatory codes. It also ordered that said nuisance be abated by April 16, 2006.

No abatement activities occurred by the noticed date of April 16, 2006, and on May 4, 2006 a Notice of Nuisance Abatement was issued and a hearing was scheduled for May 23, 2006 at 9:00 a.m. to show cause why the noted conditions were not a nuisance, and why the County should not abate the nuisance and levy an assessment against the property to recover the County's costs in the event the owners did not abate the nuisance on their own initiative.

At the conclusion of the hearing, the Board of Supervisors may terminate the proceedings or find that the conditions on the subject property constitute a nuisance and order abatement of thereof and specify a reasonable time to do so (30 days after service of the order is recommended). If the owner does not commence, conduct or complete the abatement within the specified time the Board may authorize County staff to proceed to abate the nuisance and levy an assessment against the property to recover the County's costs. In August 2005, the Board of Supervisors stated their desire to create a fund for nuisance abatement activities, and \$200,000 has been set aside in budget unit 12700 for this purpose.

### **SUPPORTING DOCUMENTS**

- A . March 17, 2006 Notice of Nuisance
- B . May 4, 2006 Notice of Nuisance Abatement
- C . Resolution

CEO Recommendation: Approve

Reviewed By: Andrew Carey