

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # *B-2a.

Urgent Routine

AGENDA DATE November 20, 2007

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 07-265 at 3707 E. Monte Vista Avenue, Ceres, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 3707 E. Monte Vista Avenue, Ceres, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-903

On motion of Supervisor Mayfield, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This agenda item is important because it promotes a safe community, a healthy community, and the efficient delivery of public services, serves the public's interest, and fosters pride in our local community. The decision to be made by the Board of Supervisors is to adopt, modify, or reject the October 25, 2007 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 3707 E. Monte Vista Avenue, Ceres, California. The property is zoned A-2 (general agriculture district).

The property contains debris, refuse and rubbish, unlawful vacant structures and unlawful accumulation or storage of abandoned, wrecked, dismantled or inoperative vehicles or parts.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Gabriela Aldama, owner(s) of the property, will have to abate the nuisance within two weeks after the Board of Supervisors' decision by complying with the following actions:

1. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
2. Obtaining a building permit from the Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulations as set forth in §2.93.050 to secure the structure against unauthorized entry.

NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the structural hazards and attracted nuisances.

3. Removing all abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, from the property.

Should the owner(s) fail to comply within that two-week period, the County would proceed with the abatement process through a forced clean-up action, whereby the property will be cleared of all contributing factors to the public nuisance. The cost of the abatement will be charged to the owner(s). If the responsible person(s) fail to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

If the Board adopts the Nuisance Abatement Hearing Board's decision, this public nuisance can be abated in a timely and efficient manner thus providing for a safe and healthy community, allowing the public to take greater pride in the areas they live in and frequent.

POLICY ISSUE:

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Abatement Hearing No. CE07-265 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a safe community, a healthy community, and the efficient delivery of public services.

STAFFING IMPACT:

There is no staffing impact associated with this request.



NUISANCE ABATEMENT HEARING BOARD

DECISION

IN RE: 3707 E Monte Vista Avenue, Ceres, CA Abatement Hearing No. CE 07-265

The Nuisance Abatement Hearing Board heard the above-referenced matter on, October 25, 2007. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 3707 E Monte Vista Avenue, Ceres, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 022-016-039, is zoned A-2, general agriculture district.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property are identified and listed in the title report contained in the staff report regarding this matter. The title report lists as the owner(s) of record for the property as Gabriela Aldama.
4. All interested parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by Notice.
6. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.

Dated: October 25, 2007



Allen Layman, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on NOV 20 2007 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number : CE 07-265
Assessor's Parcel No : 022-016-039
Address : 3707 E MONTE VISTA AVE, CERES, CA

A. CONDITIONS OF VIOLATIONS:

Inspection of the above referenced property revealed the following violations of Stanislaus County Code §2.92.010:

1. Unlawful accumulation of debris, refuse, and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
2. Unlawful vacant structures. This is a violation of §2.93.040 of the Stanislaus County Code.
3. Unlawful accumulation or storage of abandoned, wrecked, dismantled or inoperative vehicles or parts. This is a violation of §11.28.020 of the Stanislaus County Code.

CORRECTIVE ACTION REQUIRED:

1. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
2. Obtaining a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulation as set forth in §2.93.050 (attached) to secure the structure against unauthorized entry.

NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the structural hazards and attracted nuisances.

3. Removing all abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, from the property.

PLEASE NOTE: A compliance inspection will be conducted on or after July 27, 2007. Please contact our office at (209) 525-6700 to provide an update with the corrective actions as requested above.

Enclosures: Stanislaus County Code

Cc: Vicki Jones - Hazardous Materials Unit

Rick Rodrigues - Building Permits Division

CE # 07-265

3707 E Monte Vista Ave, Ceres

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3818

3707

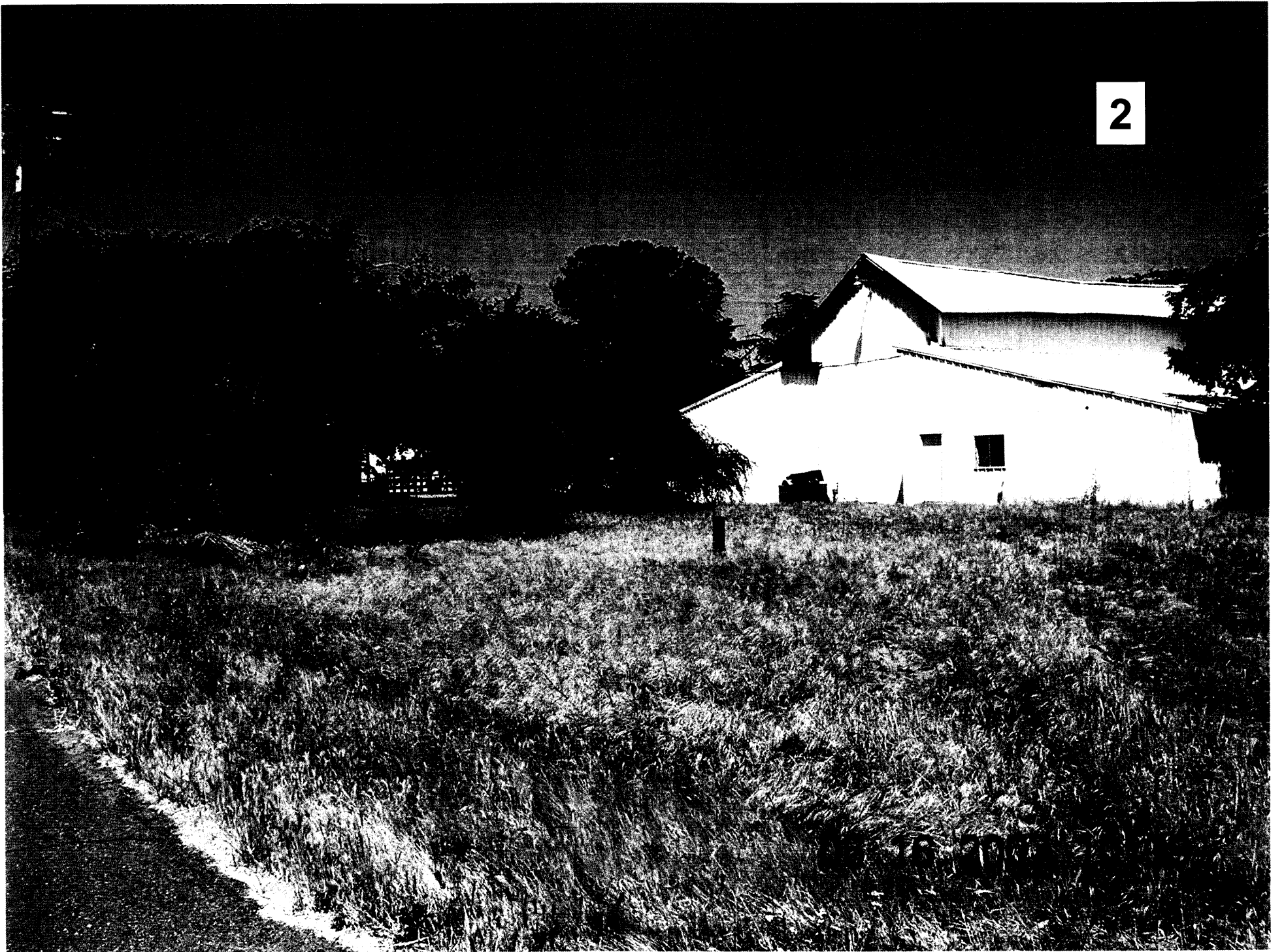
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EMONTE VISTA AVE

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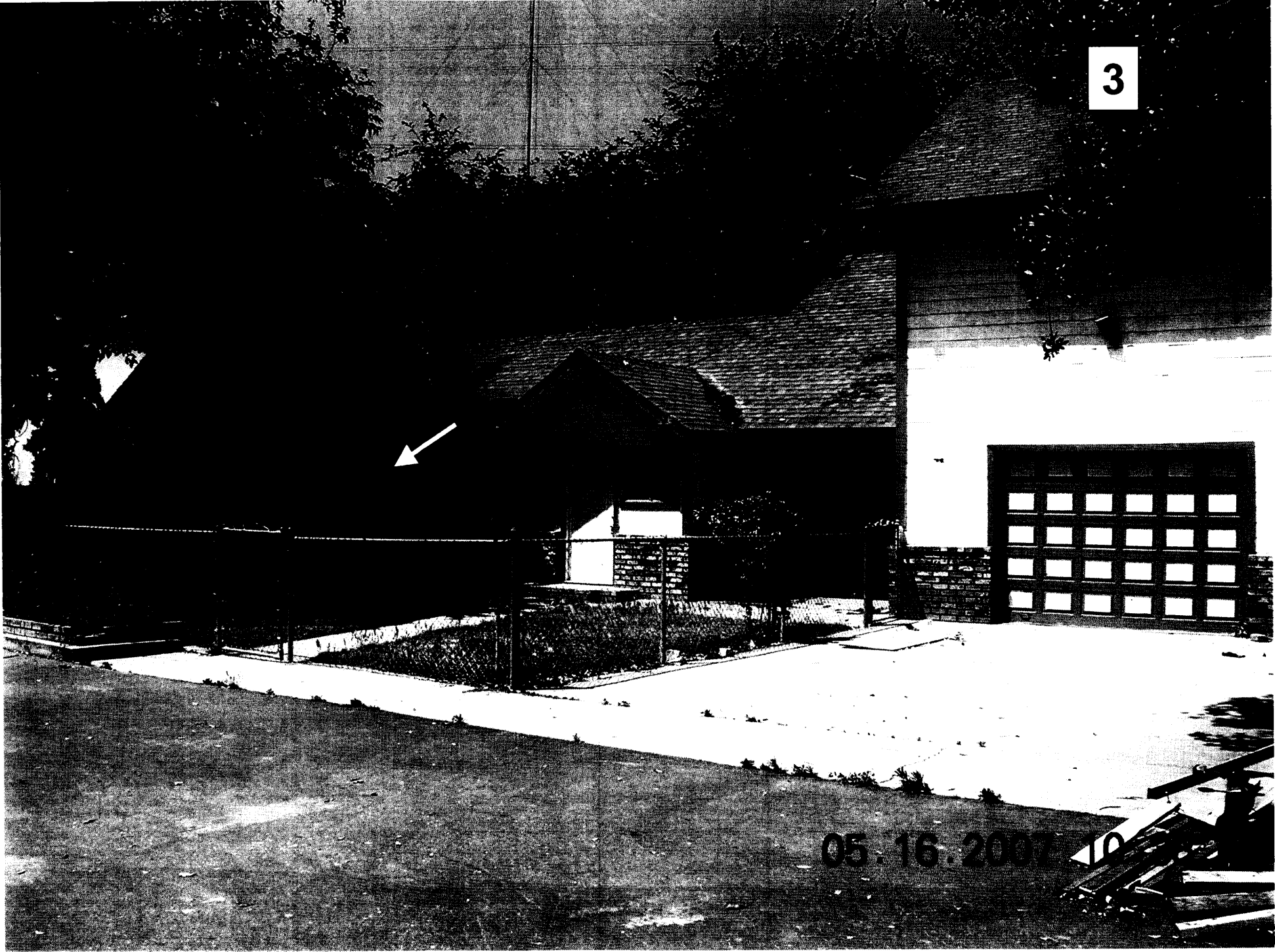
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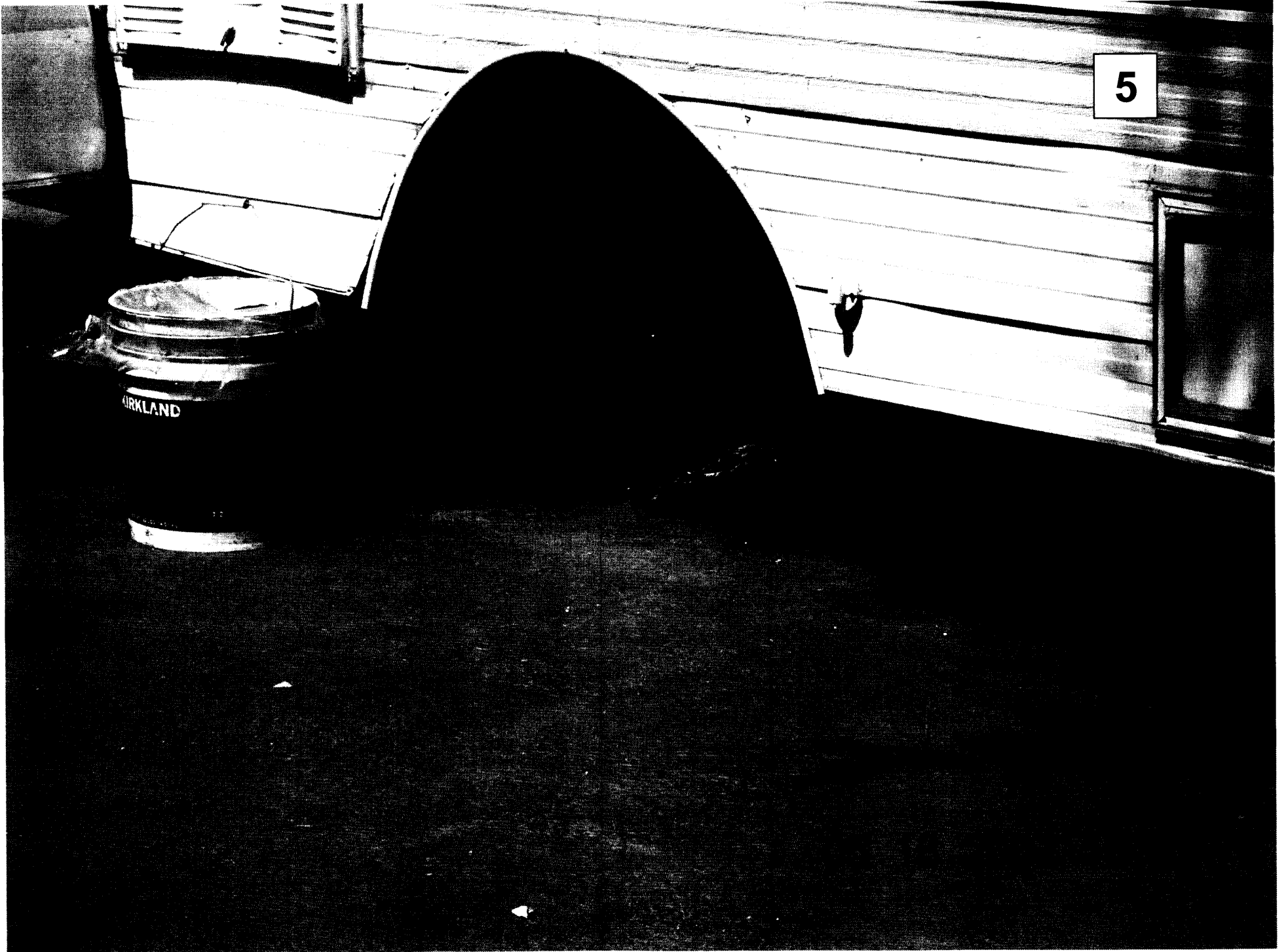


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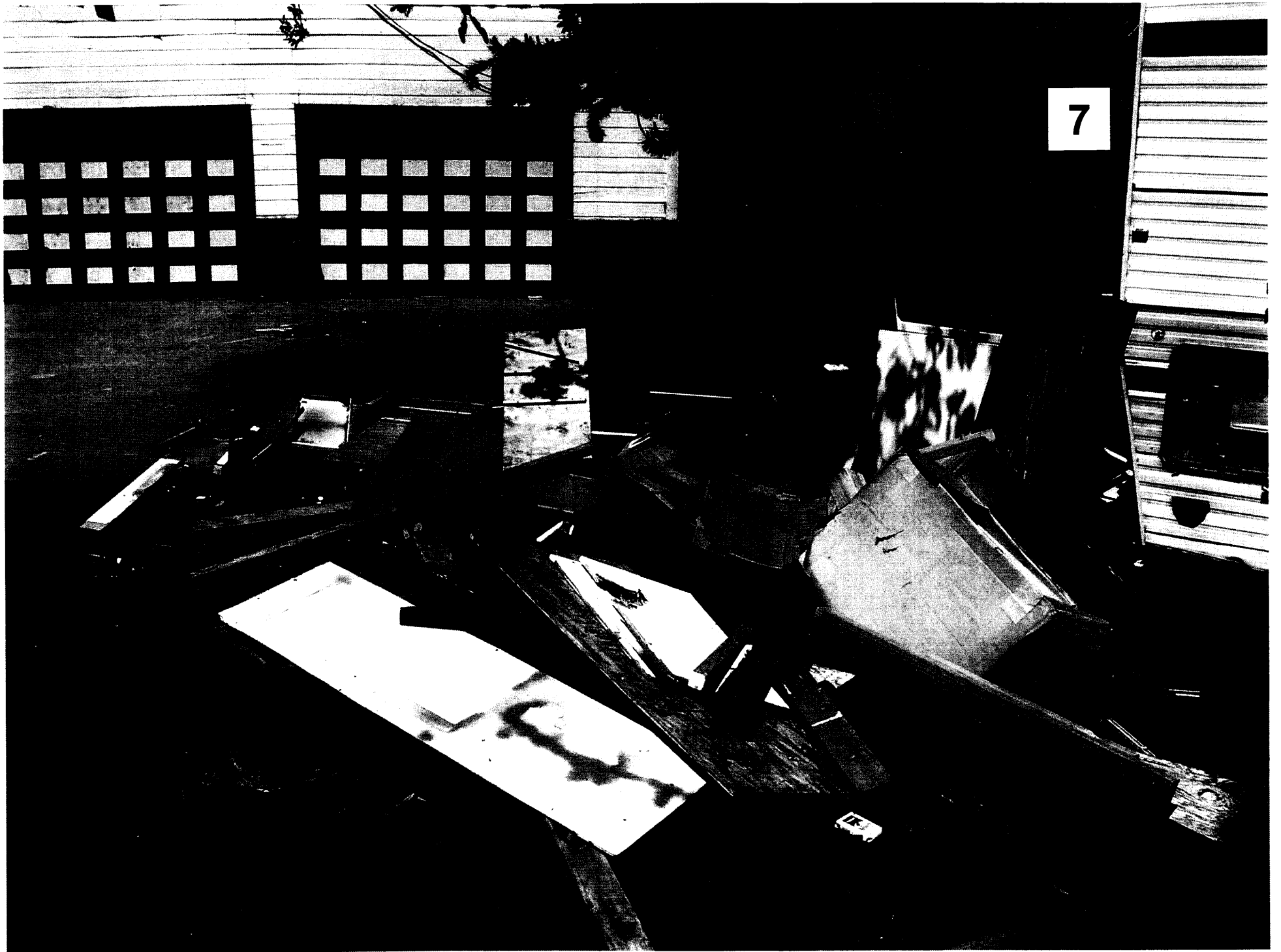


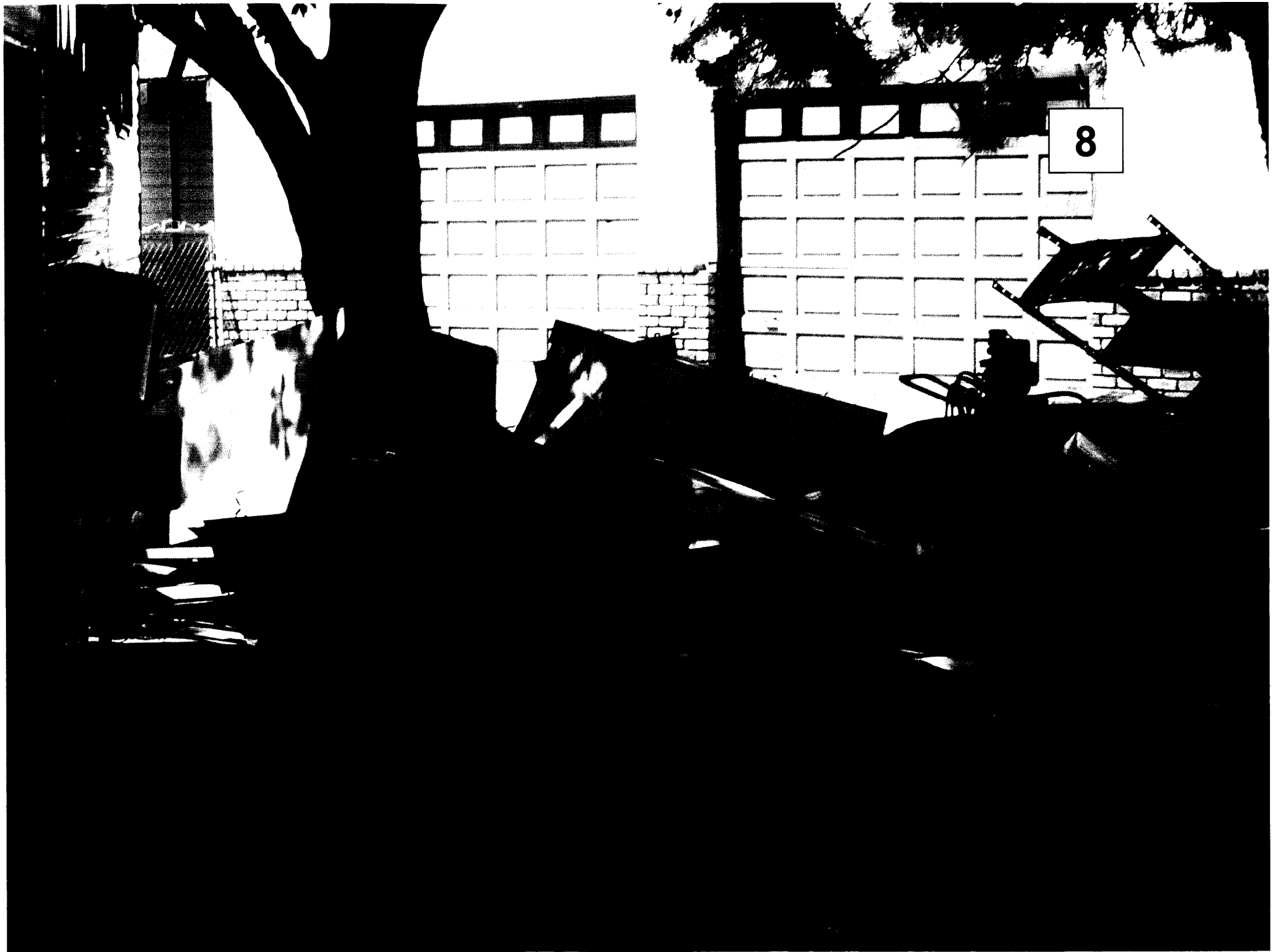


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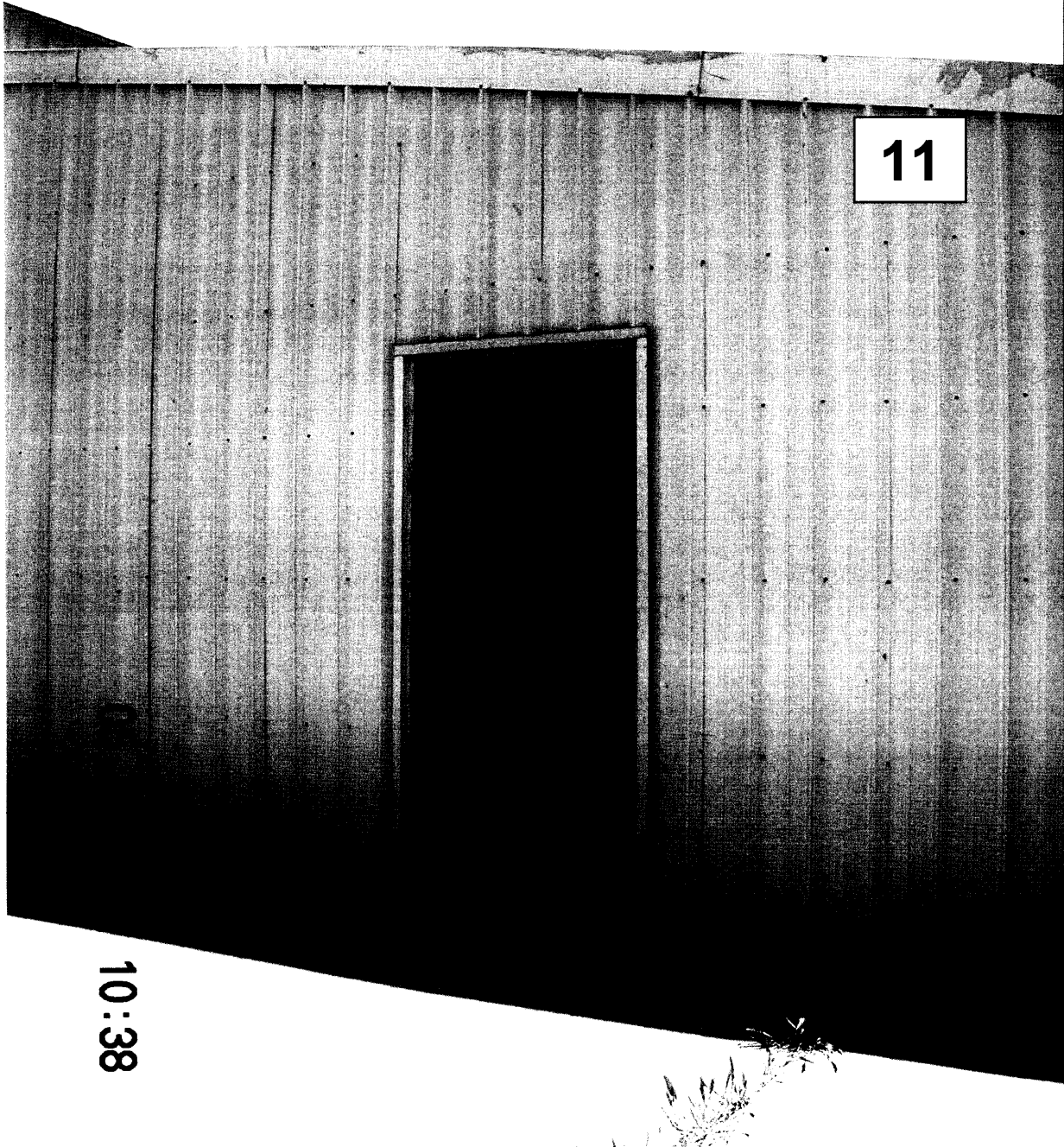


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A black and white photograph showing a field of tall grass or reeds in the foreground. In the middle ground, there is a pile of debris or a small structure. In the background, a dark, dense area of trees or a building is visible. A white box with the number '10' is in the upper right.

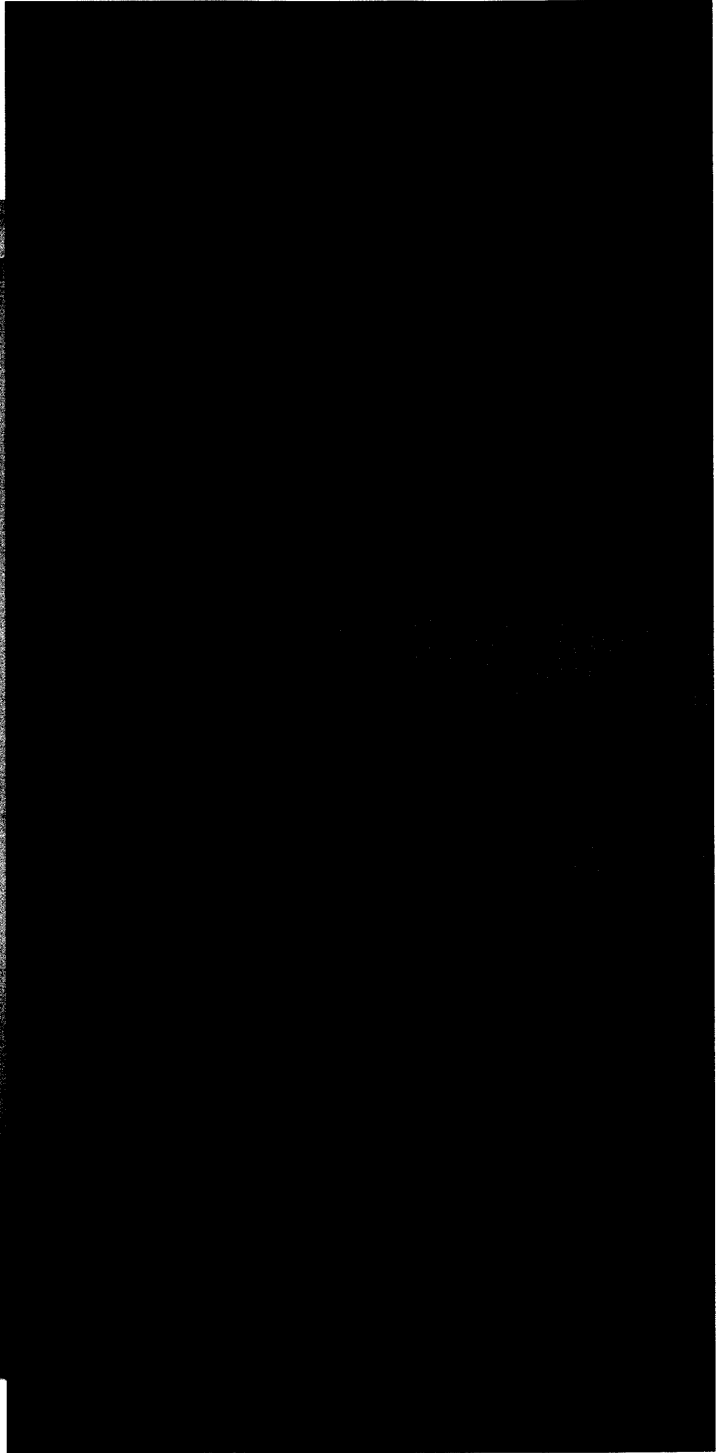
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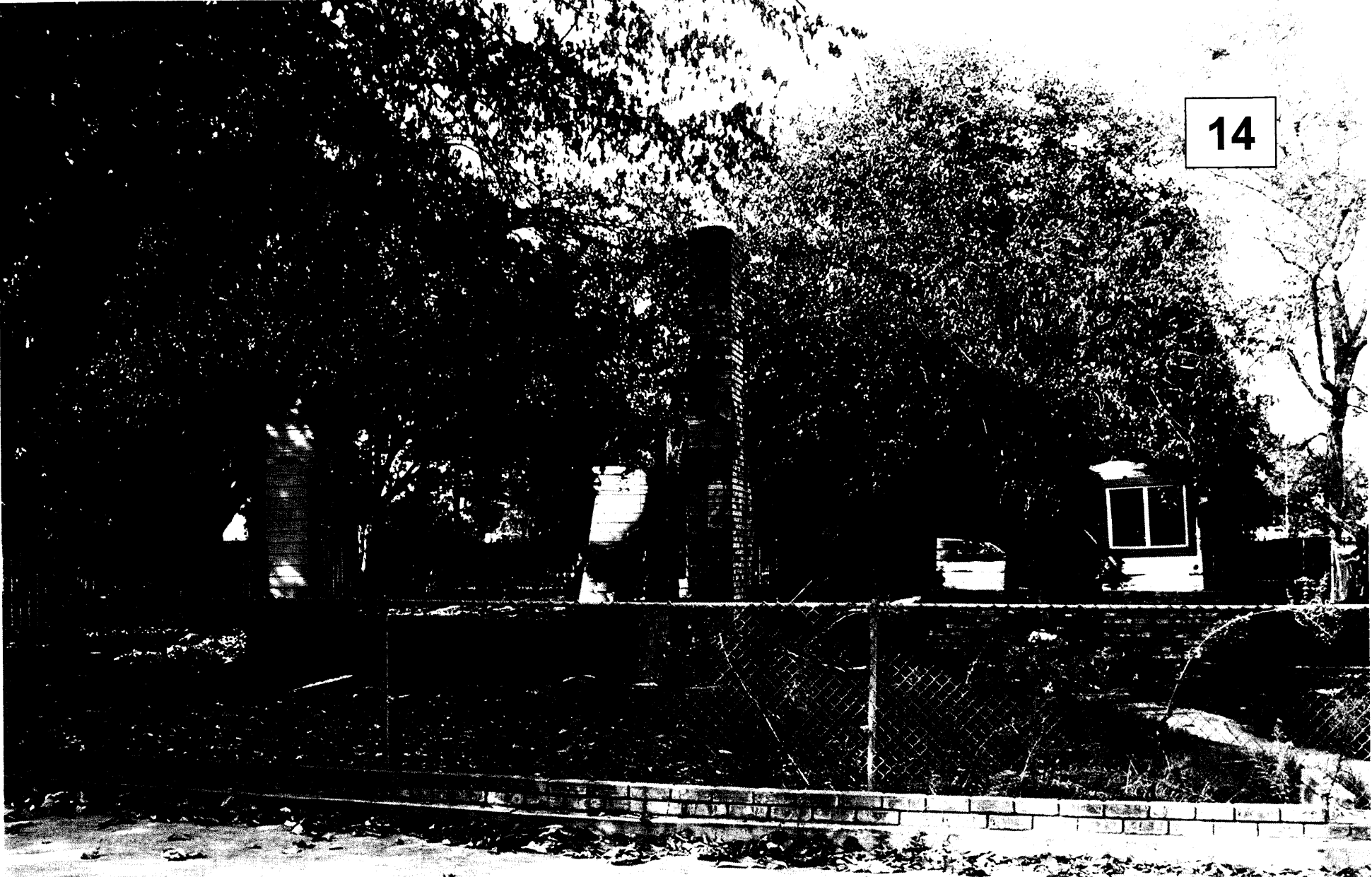


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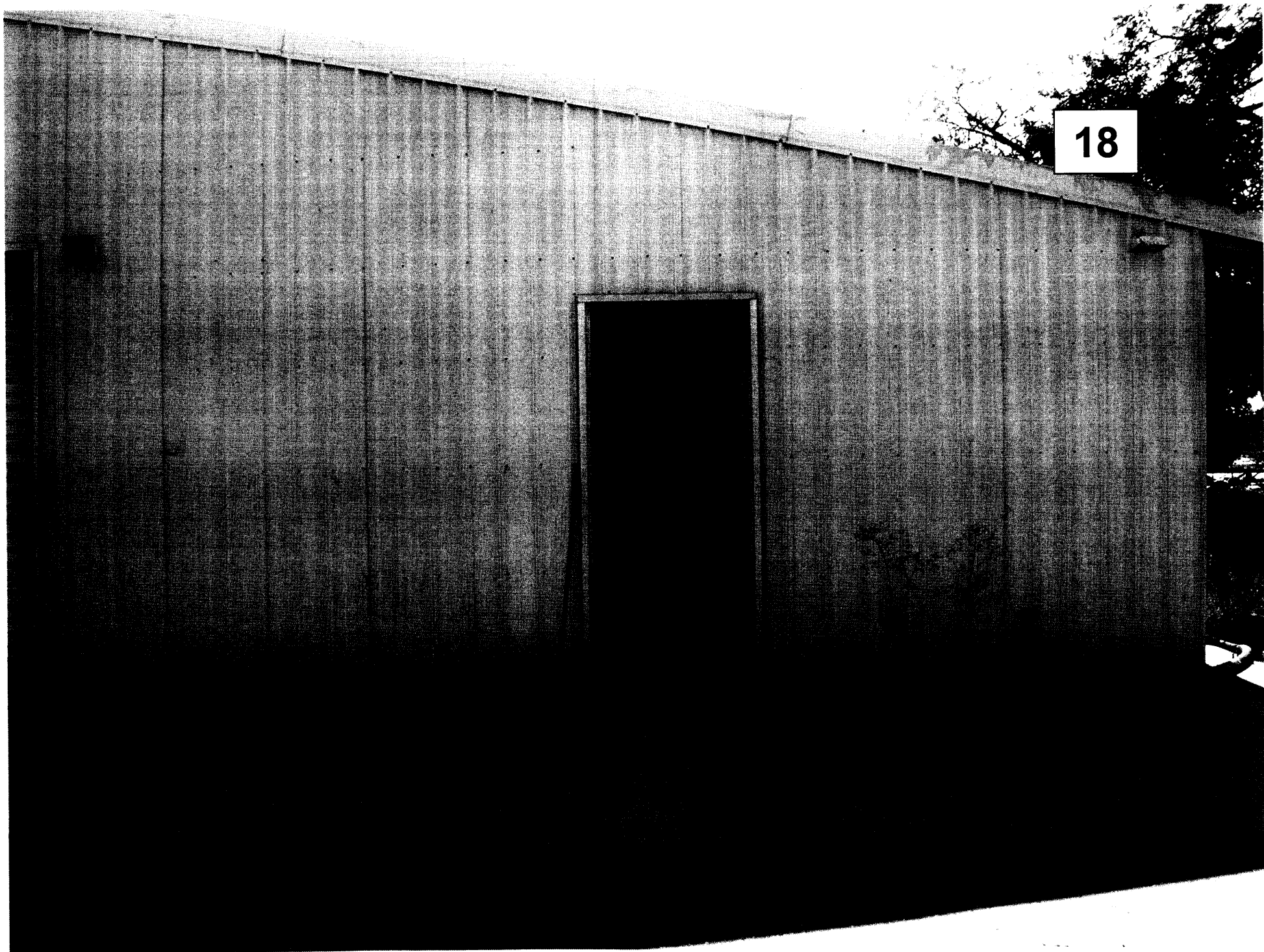
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