

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-2(d)

Urgent  Routine

AGENDA DATE March 25, 2008

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. 07-0238 at 9425 Yosemite Boulevard, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 9425 Yosemite Boulevard, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-200

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

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

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 February 28, 2008 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 9425 Yosemite Boulevard, Modesto, California. The property is zoned A-2-10 (general agriculture district).

The property contains a junkyard, debris, refuse, rubbish, unlawful public nuisance vehicles and a fire damaged structure deemed substandard and unsuitable for human habitation.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Joseph Miller, 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. Removing junk in excess of 200 square feet from the premises.
3. Removing the vehicles or restoring the vehicles to normal service and in running condition, including being currently registered.
4. Obtaining a demolition permit from the Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto (525-6557) and lawfully remove the structure and junk associated with 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. CE07-0238 (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.

ATTACHMENTS AVAILABLE  
FROM YOUR CLERK



## **NUISANCE ABATEMENT HEARING BOARD**

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### **DECISION**

#### **IN RE: 9425 Yosemite Blvd. Modesto, CA Abatement Hearing No. CE 07-0238**

The Nuisance Abatement Hearing Board heard the above-referenced matter on, February 28, 2008. 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 9425 Yosemite Blvd. Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 009-017-012, is zoned A-2-10, 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 as identified in the title report. The title report lists Joseph Miller as the owner(s) of record.
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: February 28, 2008



**Marie Assali, Chair**

**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on MAR 25 2008 the Board of Supervisors will hear this matter as a consent item.

## Attachment "A"

**RE:** File Number CE 07-238  
Assessor's Parcel Number: 009-017-012  
Address: 9425 Yosemite Blvd., Modesto

### A. CONDITIONS OF VIOLATIONS:

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010;

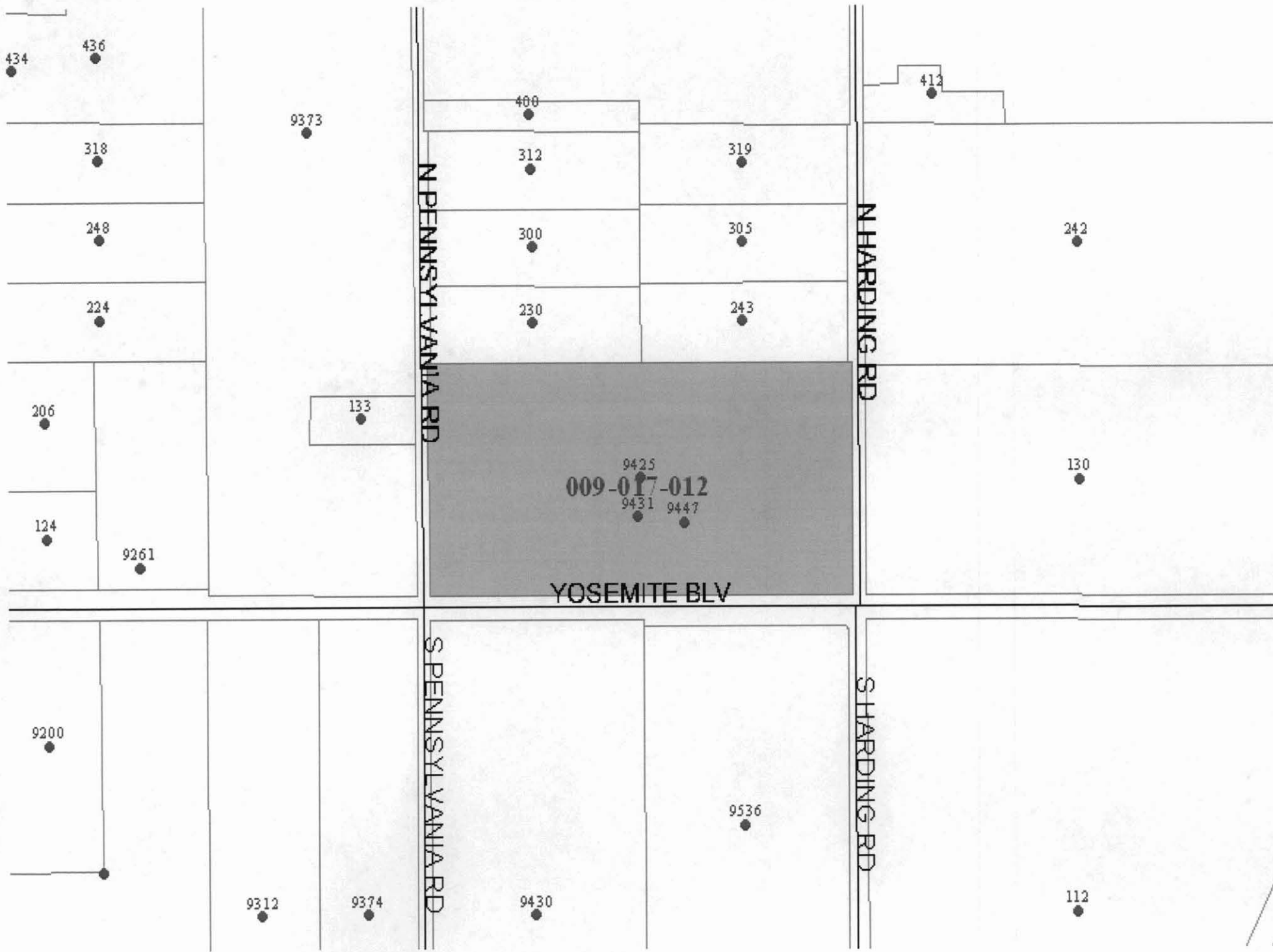
1. Unlawful accumulation of debris, refuse and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
2. Unlawful junkyard/accumulation of junk on the premises. This is a violation of §21.20.020 and §21.16.040 of the Stanislaus County Code.
3. Unlawful public nuisance vehicles. This is a violation of §11.28.030 of the Stanislaus County Code.
4. The structure on this property has burned. According to the Stanislaus County Building Department the structure suffered more than 70% damage and it is no longer reasonably financially repairable and deemed a DANGEROUS BUILDING. The conditions of the structure do not meet the minimum health and safety code requirements as set forth in the Uniform Housing Code, Uniform Plumbing and Mechanical Codes and the National Electrical Code, which are portions of the Title 16 of the Stanislaus County Code. The Building Department has made this finding and this Department agrees with the assessment of the Building Department and considers this structure substandard and unsuitable for human habitation and has been so posted.

### CORRECTIVE ACTION REQUIRED:

1. Collecting and disposing of all debris, refuse and rubbish to an approved location.
2. Removing junk in excess of 200 square feet from the premises.
3. Removing the vehicles or restoring the vehicles to normal service and in running condition, including being currently registered.
4. Obtain a demolition permit from the Stanislaus County Department of Public Works, Development Services Division (525-667) and lawfully remove the structure and junk associated with the property.

**CE #07-238**

**9425 YOSEMITE BLVD.  
MODESTO, CA**







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05/30/2007





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# DO NOT ENTER Unsafe To Occupy

by Order of the

Stanislaus County Development Services Division

This notice shall not be removed until the required repairs, demolition, or removal are completed, and then only upon receipt of written permission.

No person shall enter the premises except for the purpose of making the required repairs or of demolishing the building.

UNIFORM BUILDING CODE, VOL. 1, CHAPTER 1, SEC. 102  
UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS, CHAPTER 2, SEC. 202

Date of Notice 1-17-07 Address 9413 Yosemite

Owner \_\_\_\_\_ Address \_\_\_\_\_

Letter to be sent to owner at this address giving additional details.

By DeJou

Unlawful to remove Posted Notices - Penal Code 616  
Punishable by \$100.00 fine or one month in jail.

05/30/2007

# NO ENTRE PELIGROSO PARA HABITAR

por Orden de la

**División de Servicios de Desarrollo del Condado de Stanislaus**

Este aviso no debera ser quitado hasta que las reparaciones, demoliciones, o eliminaciones requeridas esten completas, y entonces solo con permiso por escrito.

Ninguna persona debe entrar al local excépto para el proposito de reparar o derrumbar lo necesario en el local.

CODIGO UNIFORME DE EDIFICACION VOL. 1, CAPITULO 1, SEC. 102  
CODIGO UNIFORME PARA SUPRESION DE EDIFICIOS PELIGROSOS, CAPITULO 2, SEC. 202.

Fecha de Aviso 1-17-07 Dirección 9431 Yosemite

Dueño \_\_\_\_\_ Dirección \_\_\_\_\_

Una carta se mandara al dueño de esta direccion dando detalles adicionales.

Por *Debra Jones*

**Illegal quitar Avisos Fijos -Codigo Penal 616  
Castigable con una multa de \$100.00 o un mes de carcel.**

05/30/2007

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05/30/2007





Swainson County Development

This notice shall not be construed as a guarantee, or warranty, or any other form of assurance. No person shall enter the premises for the purpose of making improvements or alterations to the building.

Date of Notice: \_\_\_\_\_

Address: \_\_\_\_\_

Swainson County Development

Penalties by \$100.00 fine or 10 days in jail

05/30/2007

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01/31/2008



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01/31/2008

A black and white photograph showing the interior of a damaged boat hull. The hull is light-colored and appears to be made of metal or fiberglass. A large, dark steering wheel is mounted on the deck. The interior is cluttered with debris, including a large bundle of sticks or reeds, a small cylindrical object, and other unidentifiable items. The boat is resting on a dirt or gravel surface. In the background, another boat hull and some wooden planks are visible. The overall scene suggests a state of disrepair or abandonment.

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1/31/2008

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MASON FRUIT INC.  
LODI, CAL. 932

01/31/2008



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