

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

DEPT: Environmental Resources

BOARD AGENDA # *B-1(b)

Urgent Routine

AGENDA DATE April 22, 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. 06-0690 at 3948 Langworth Road, Oakdale, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 3948 Langworth Road, Oakdale, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-276

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 March 27, 2008 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 3948 Langworth Road, Oakdale, California. The property is zoned A-2-10 (general agriculture district).

The property contains a junkyard, debris, refuse, rubbish, a vehicle storage yard, an occupied recreational vehicle, unlawful land use (pool/construction business) and unlawful uses on lands subject to Williamson Act Contracts.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Hector Pelayo, 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. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Removing all but two unregistered, non-operative vehicles from the premises.
4. Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.
5. Immediately discontinuing the unlawful use (Pool/Construction Business). For information regarding the allowable uses on the property in question, you may consult the Stanislaus County Planning Department, located at 1010 10th Street, 3rd Floor, Modesto (525-6330).
6. Return your property to its' original permitted agricultural zoning. Non-compliance could result in the termination of the Williamson Act and fines.

Note: Items four and five were voluntarily abated prior to the Nuisance Abatement Hearing Board and are currently in compliance. We are requesting the Board of Supervisors make a determination in reference to items one, two, three and six.

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. CE06-0690 (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: 3948 Langworth Road, Oakdale, CA Abatement Hearing No. CE 06-0690

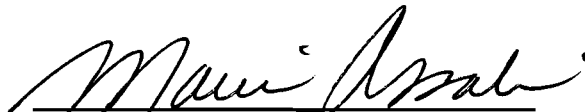
The Nuisance Abatement Hearing Board heard the above-referenced matter on, March 27, 2008. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 3948 Langworth Road, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 014-016-025, 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 tile report lists Hector Pelayo 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: March 27, 2008



Marie Assali, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on APR 22 2008 the Board of Supervisors will hear this matter as a consent item.

IN A 3-0 VOTE, THE NUISANCE ABATEMENT HEARING BOARD AMENDED THE DECISION AND FOUND ITEMS 1., 2., 3. AND 6. IN VIOLATION AND ITEMS 4. AND 5. IN COMPLIANCE.

Attachment "A"

RE: File Number CE 06-690
Assessor's Parcel 014-016-025
Address 3948 LANGWORTH ROAD, MODESTO, CA

A. CONDITIONS OF

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

1. 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.
2. Unlawful accumulation of debris, refuse, and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
3. Unlawful vehicle storage yard. This is a violation of §21.20.020 and §21.16.040 of the Stanislaus County Code.
4. Unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s). This is a violation of §18550 - §18607 of the California Health and Safety Code and §21.20.020 of the Stanislaus County Code.
5. Unlawful use (Pool/Construction Business). This is a violation of §21.20.020 and §21.16.040 of the Stanislaus County Code.
6. Unlawful uses on lands subject to Williamson Act Contracts. This is a violation of §21.20.045 of the Stanislaus County Code.

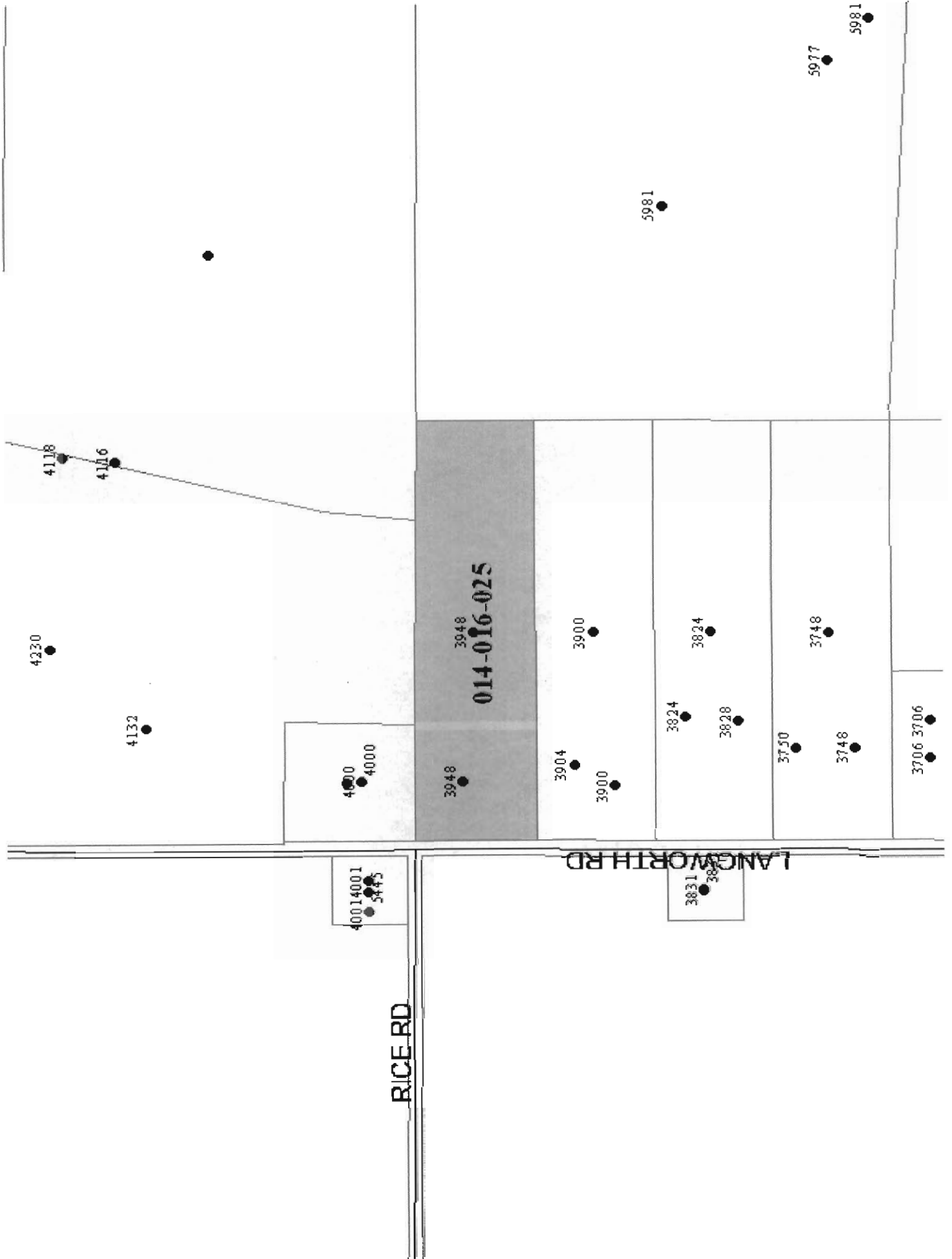
CORRECTIVE ACTION REQUIRED:

1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved
3. Removing all but two unregistered, non-operative vehicles from the premises.
4. Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.
5. Immediately discontinuing the unlawful use (Pool/Construction Business). For information regarding the allowable uses on the property in question, you may consult the Stanislaus County Planning Department, located at 1010 10th Street, 3rd Floor, Modesto (525-6330).
6. Return your property to its' original permitted agricultural zoning. Non-compliance could result in the termination of the Williamson Act and fines.

Enclosures Stanislaus County Code
 California Health and Safety Code

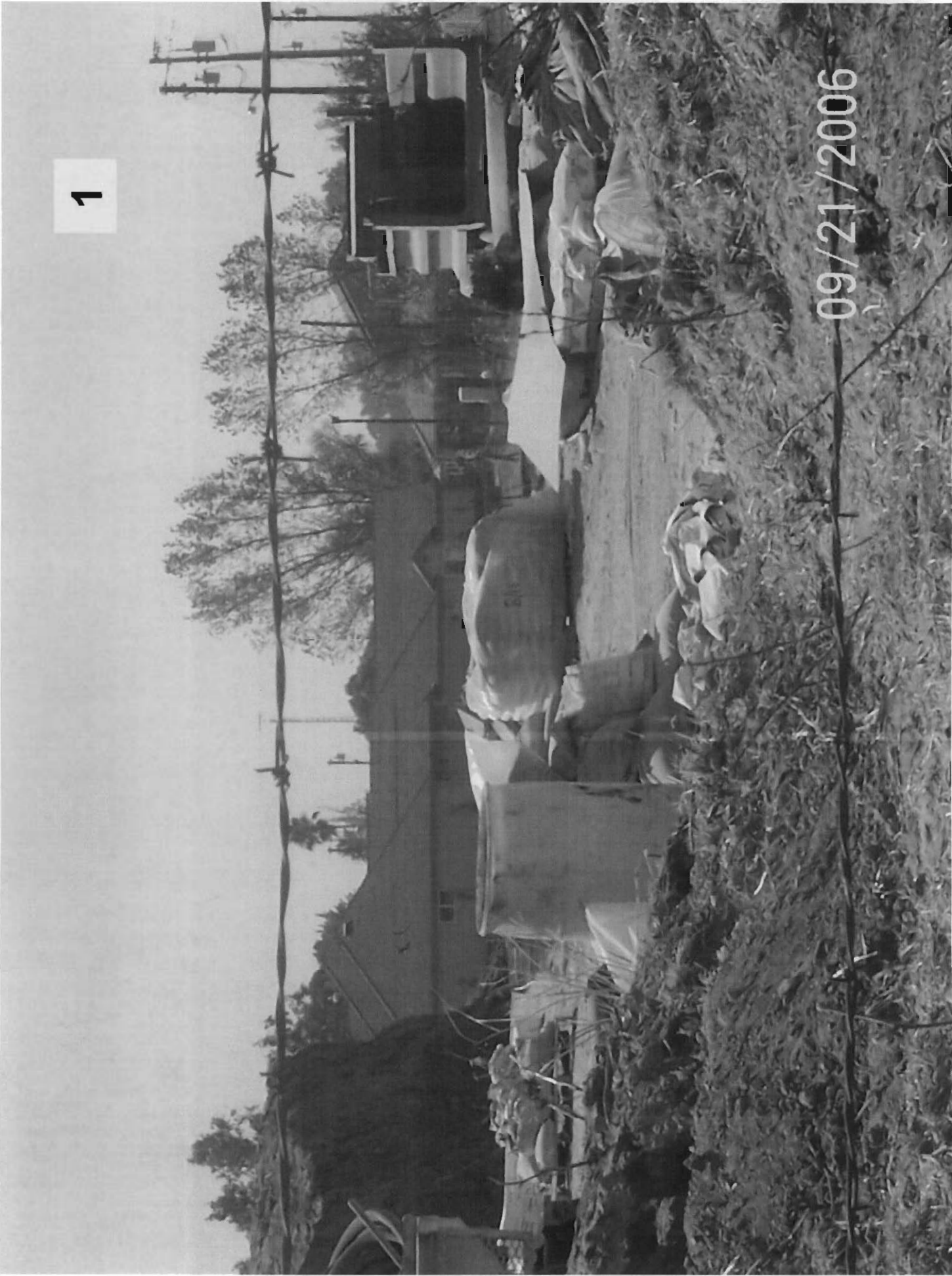
CE #06-0690

3948 LANGWORTH ROAD
OAKDALE, CA



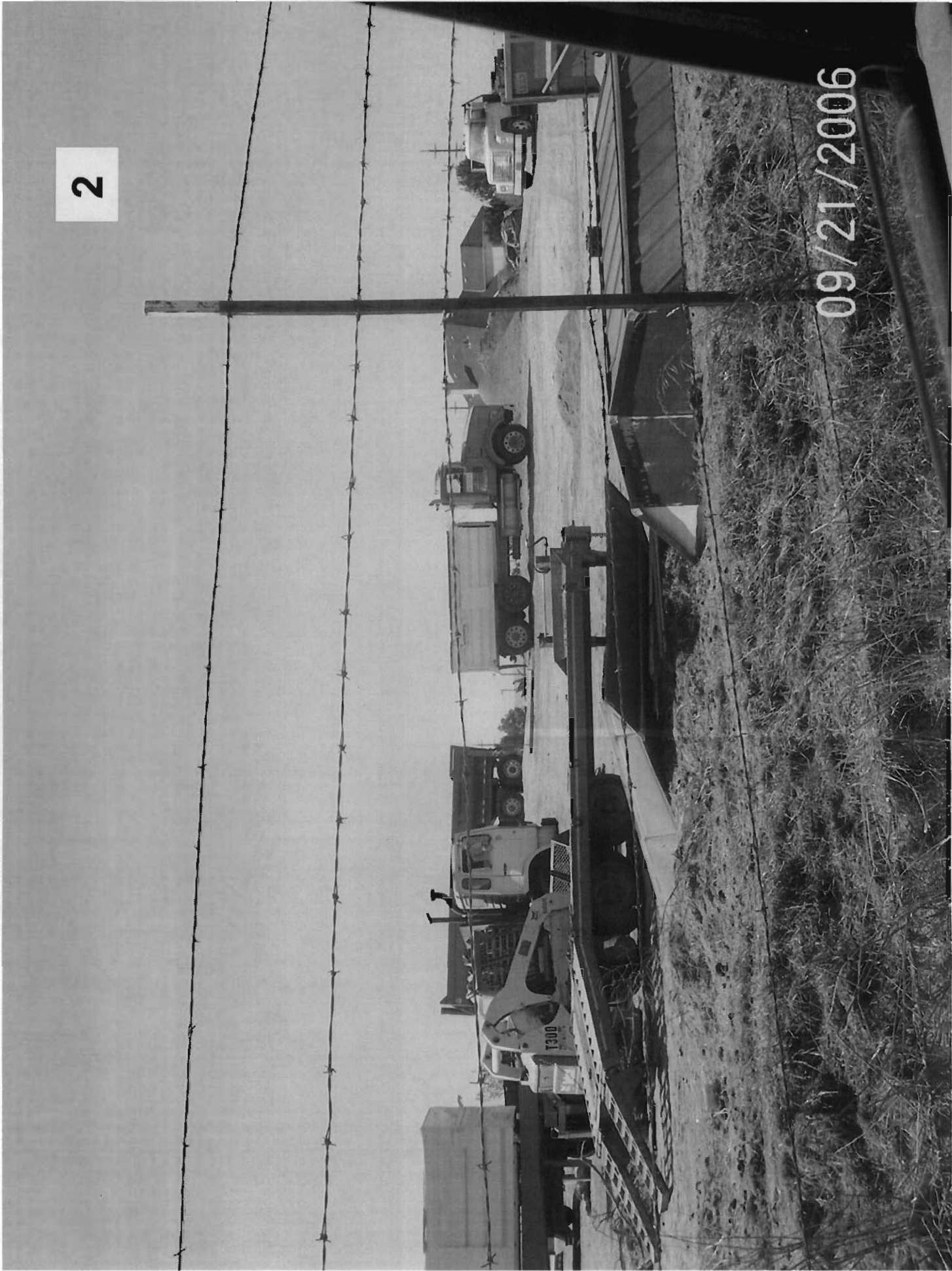
1

09/21/2006



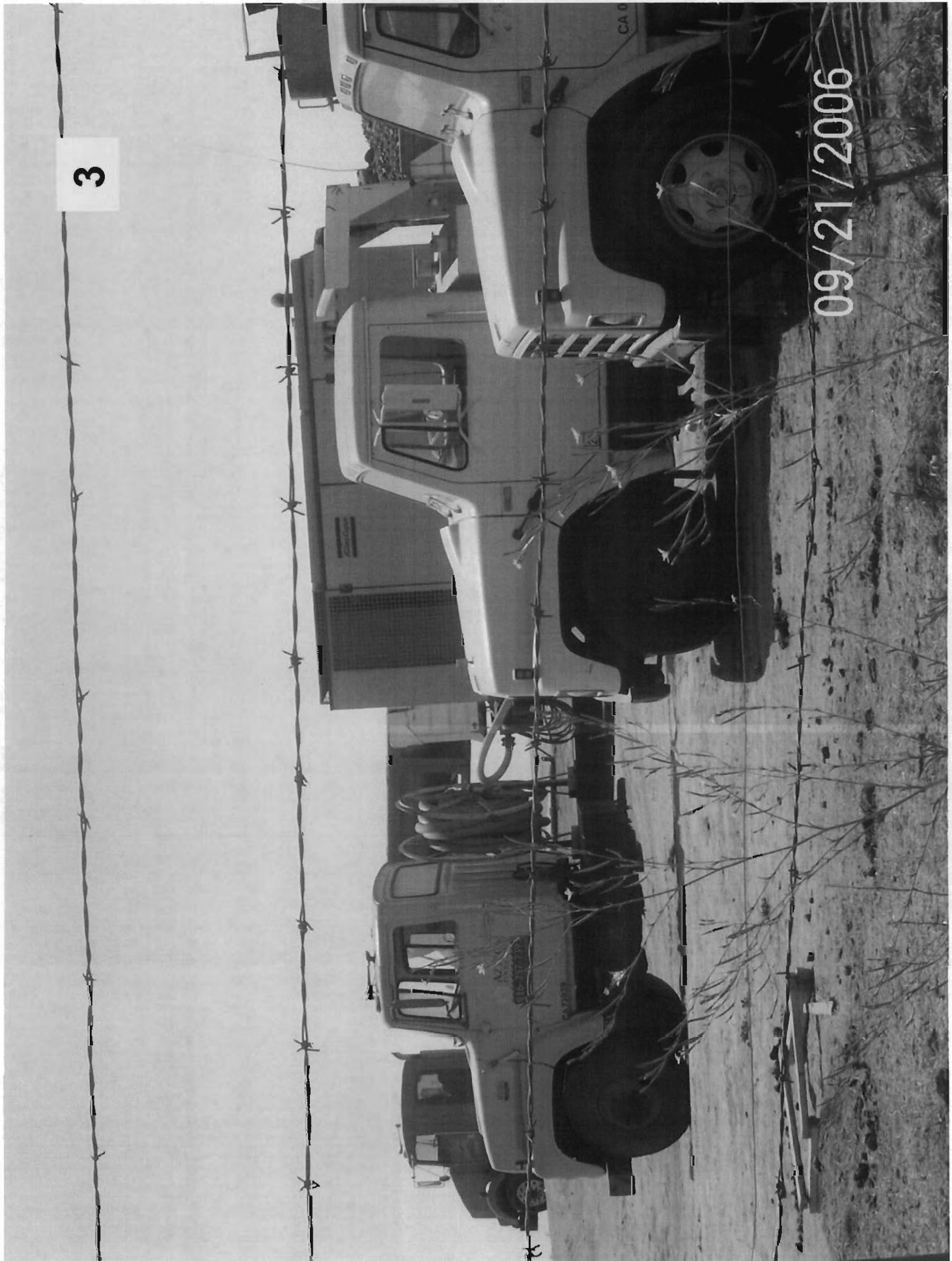
2

09/21/2006



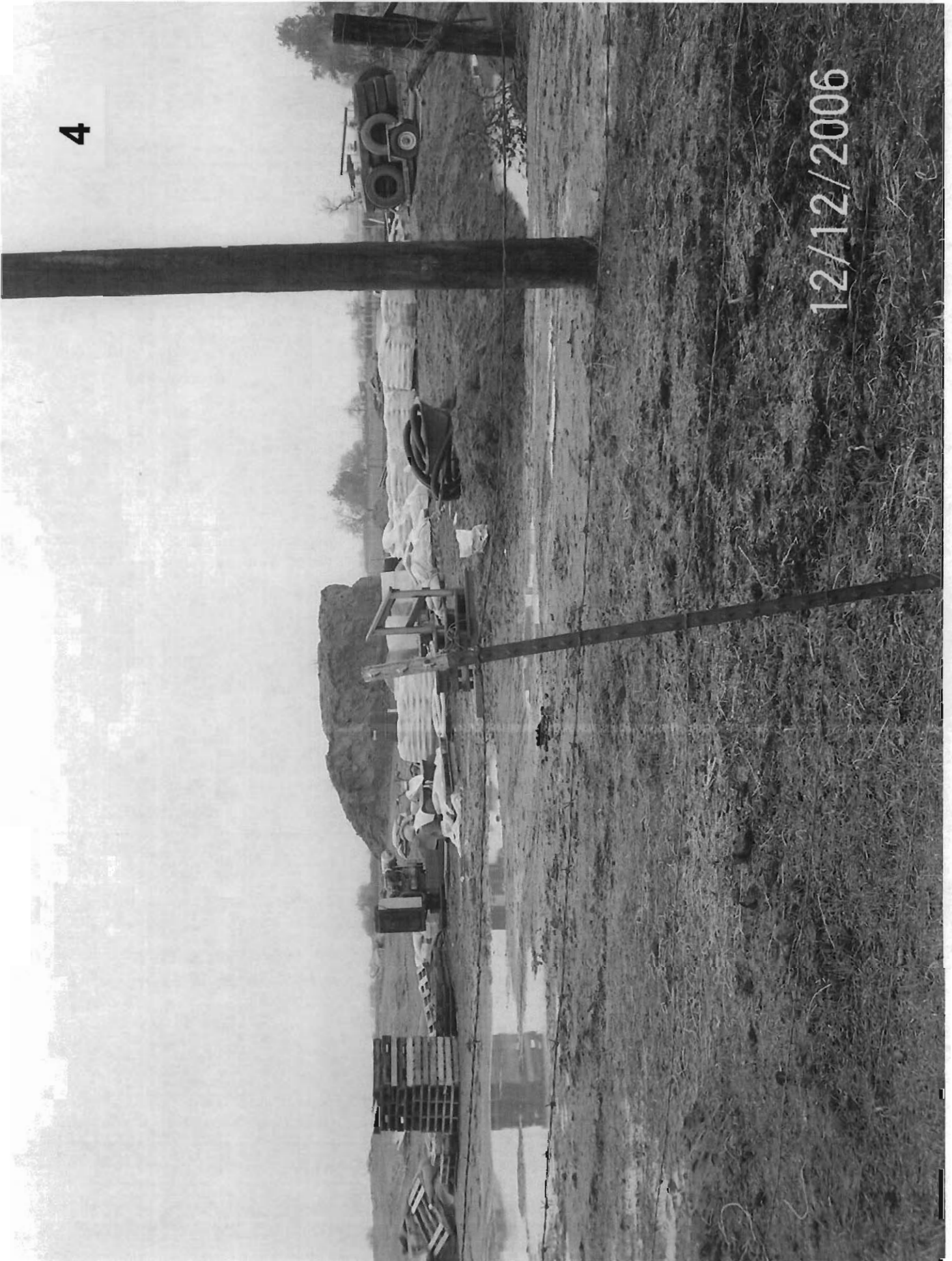
3

09/21/2006



4

12/12/2006



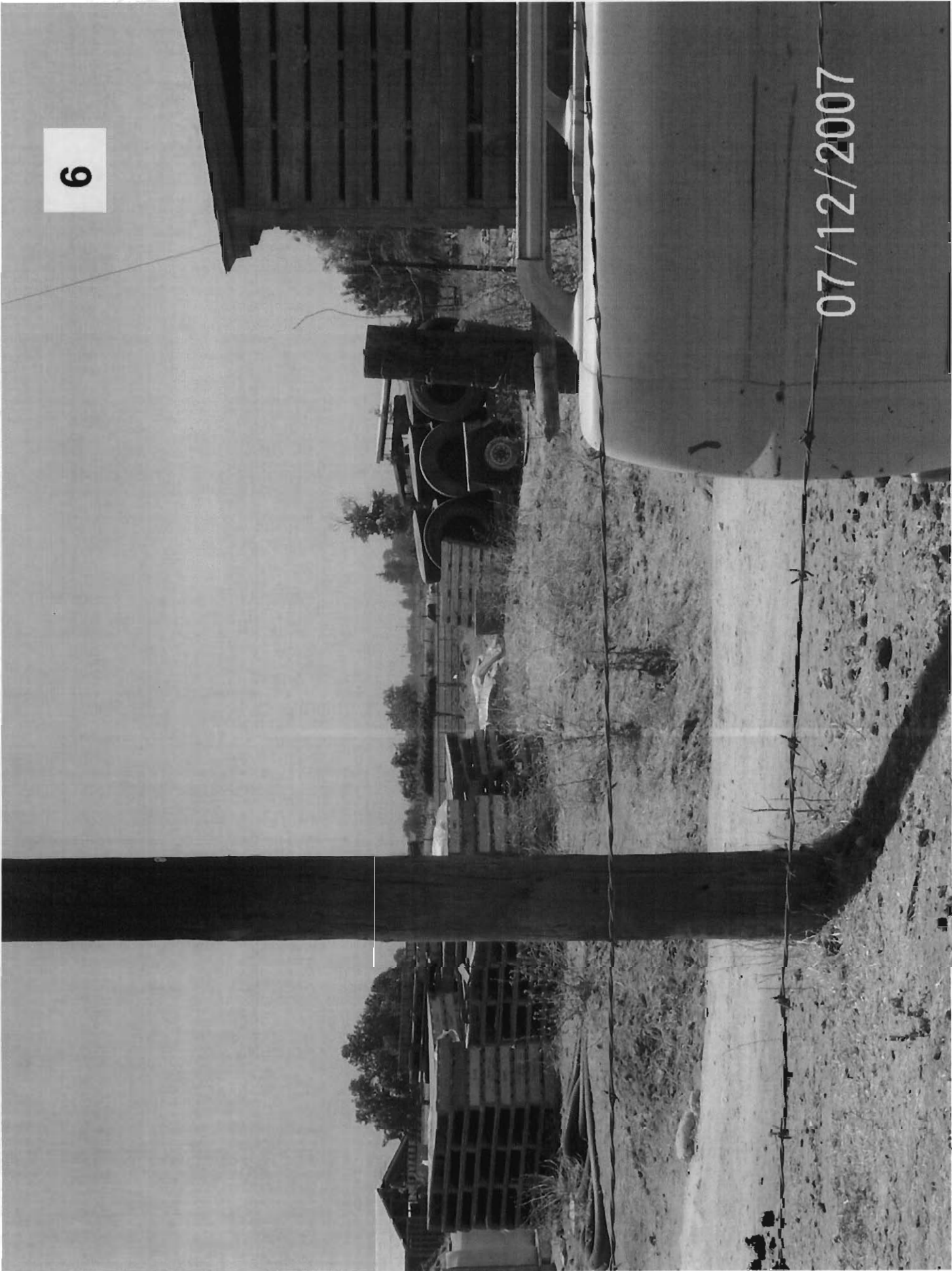
5

12/12/2006



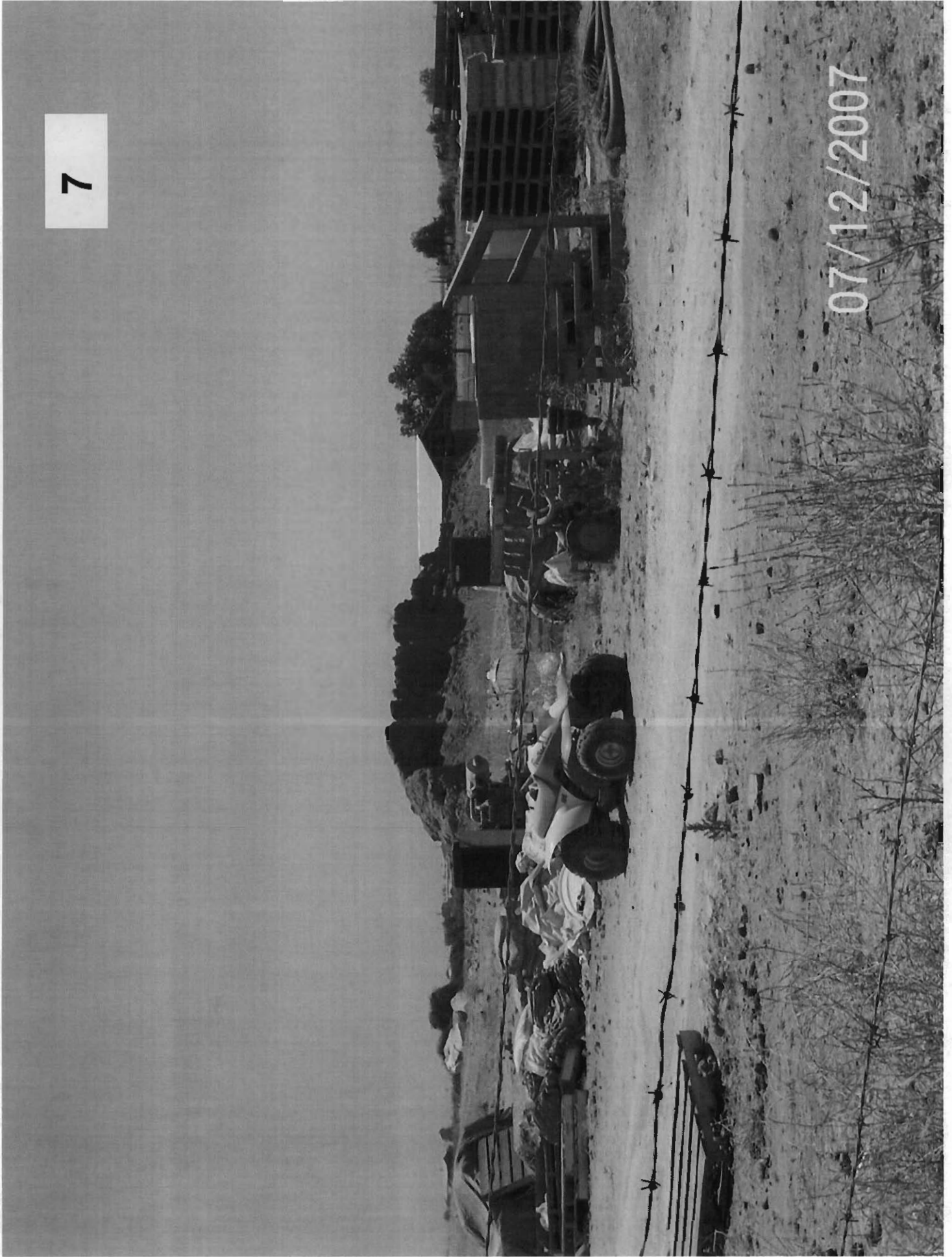
6

07/12/2007

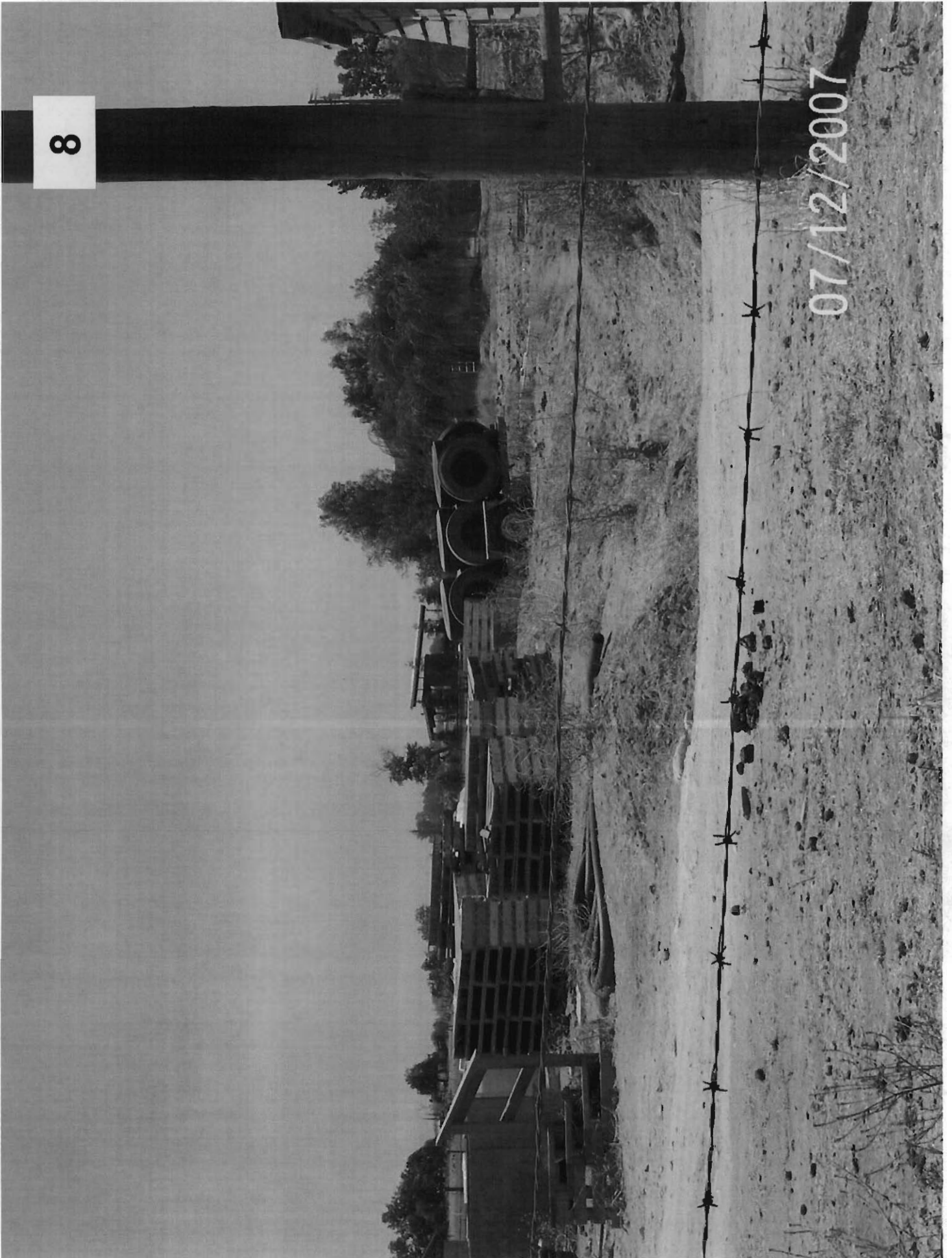


7

07/12/2007

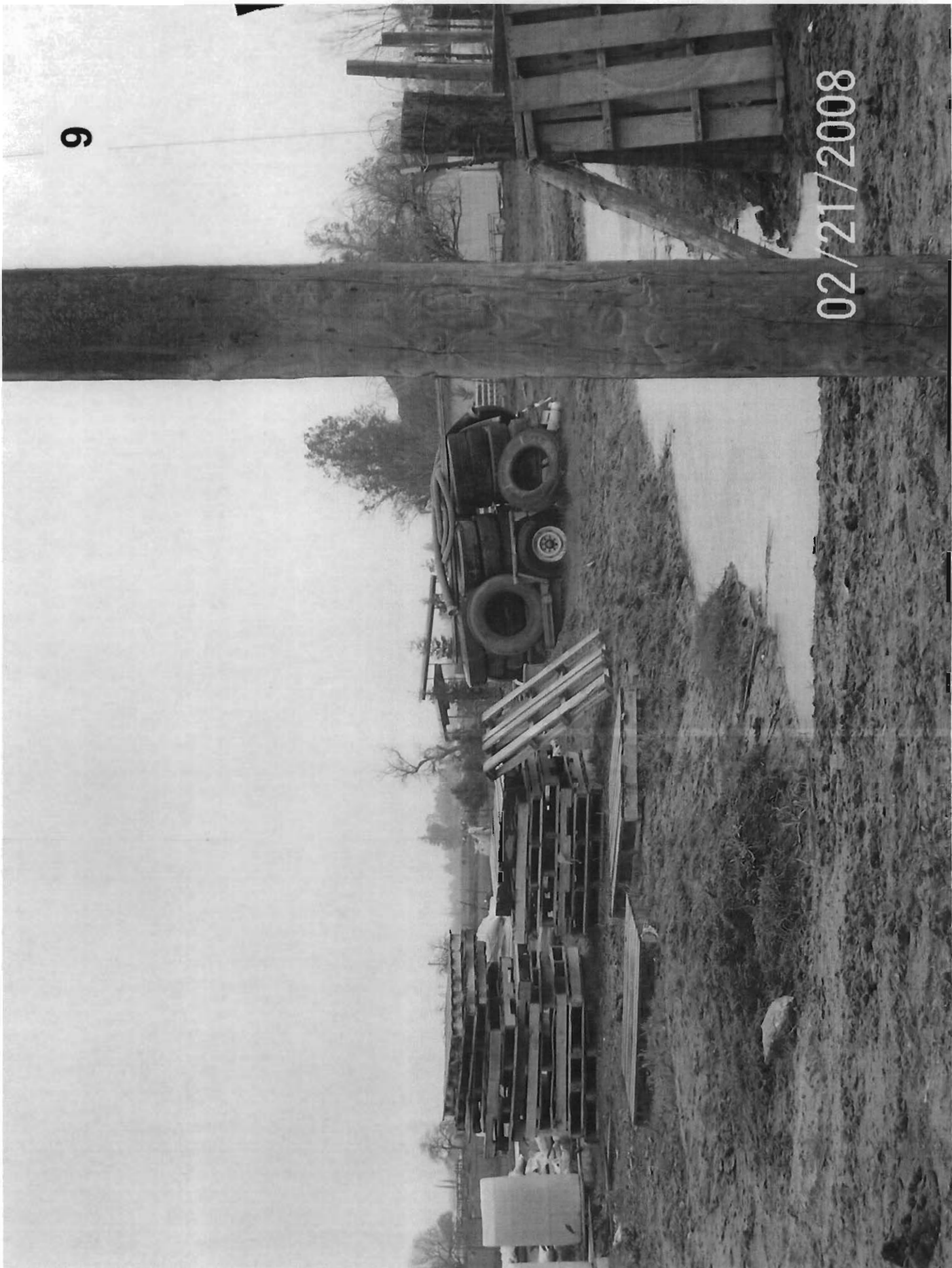


07/12/2007



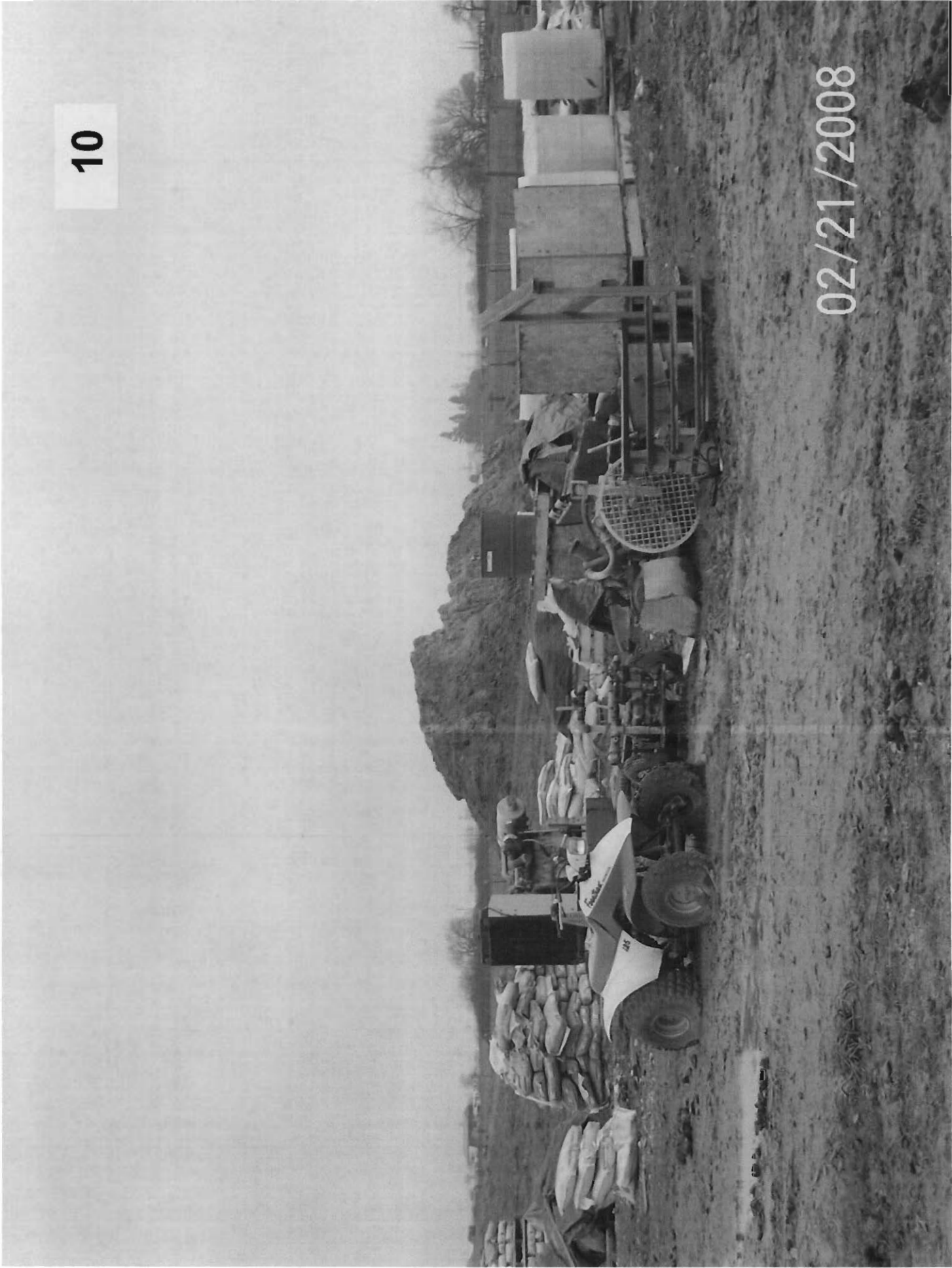
9

02/21/2008

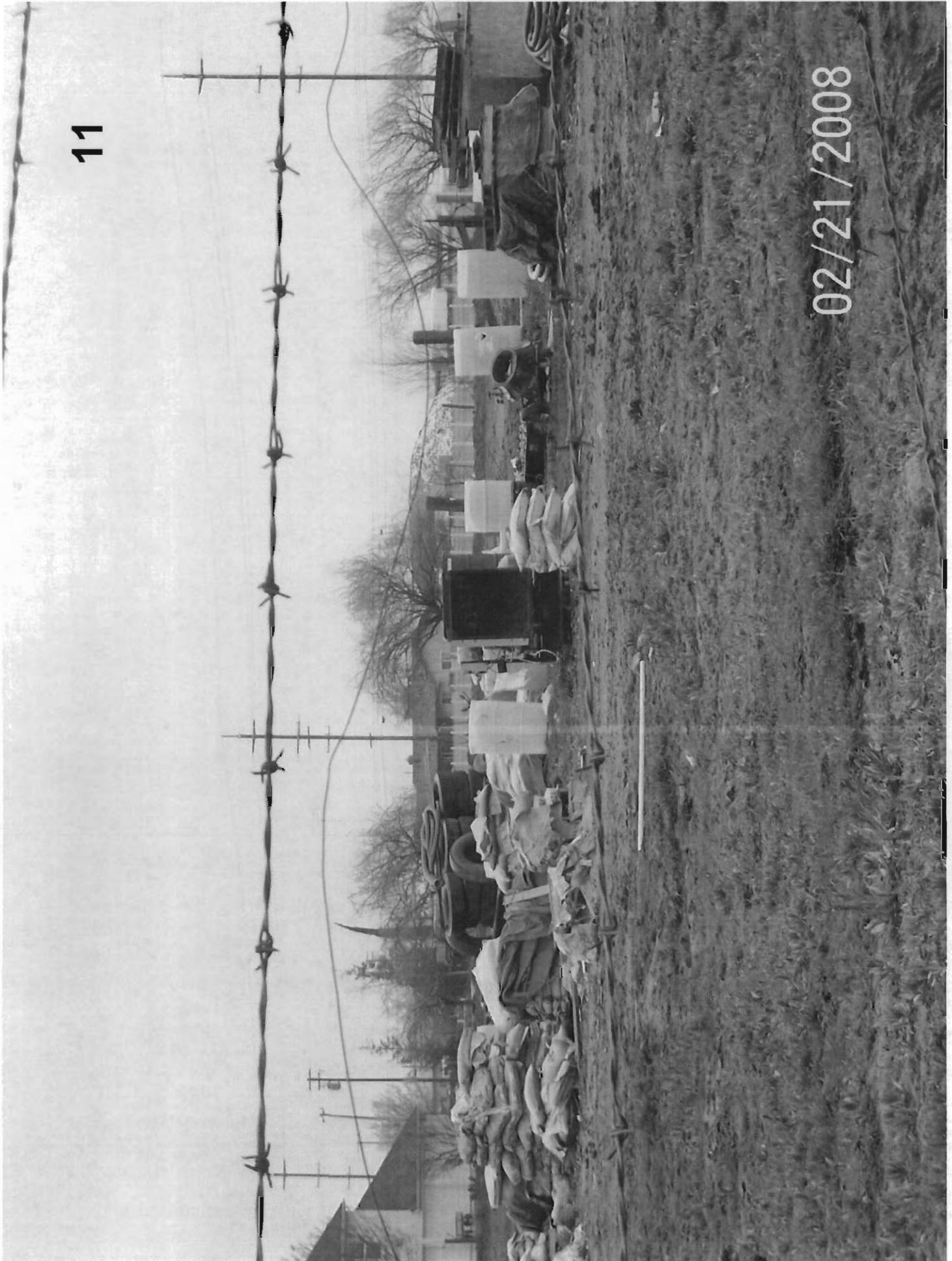


10

02/21/2008



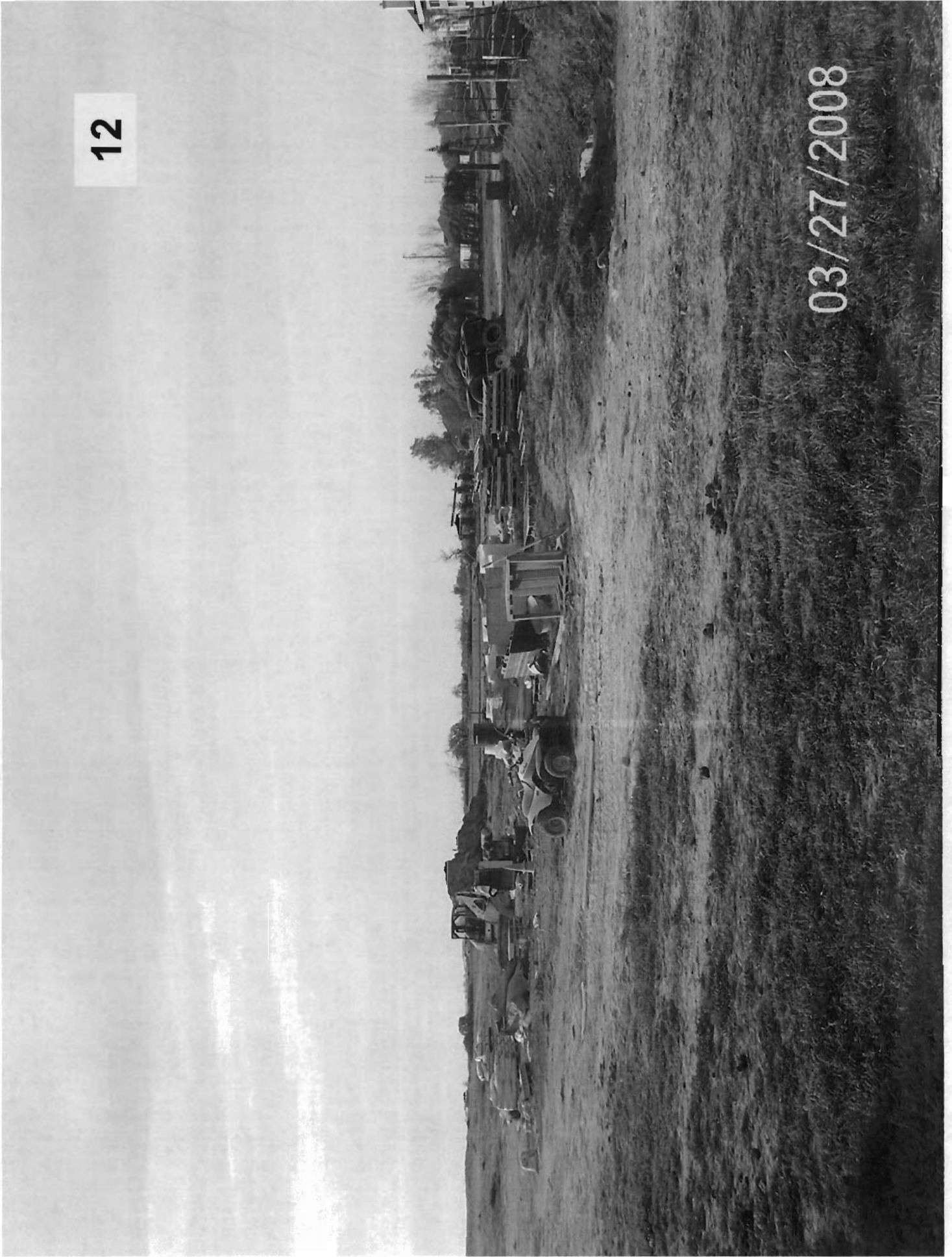
11



02/21/2008

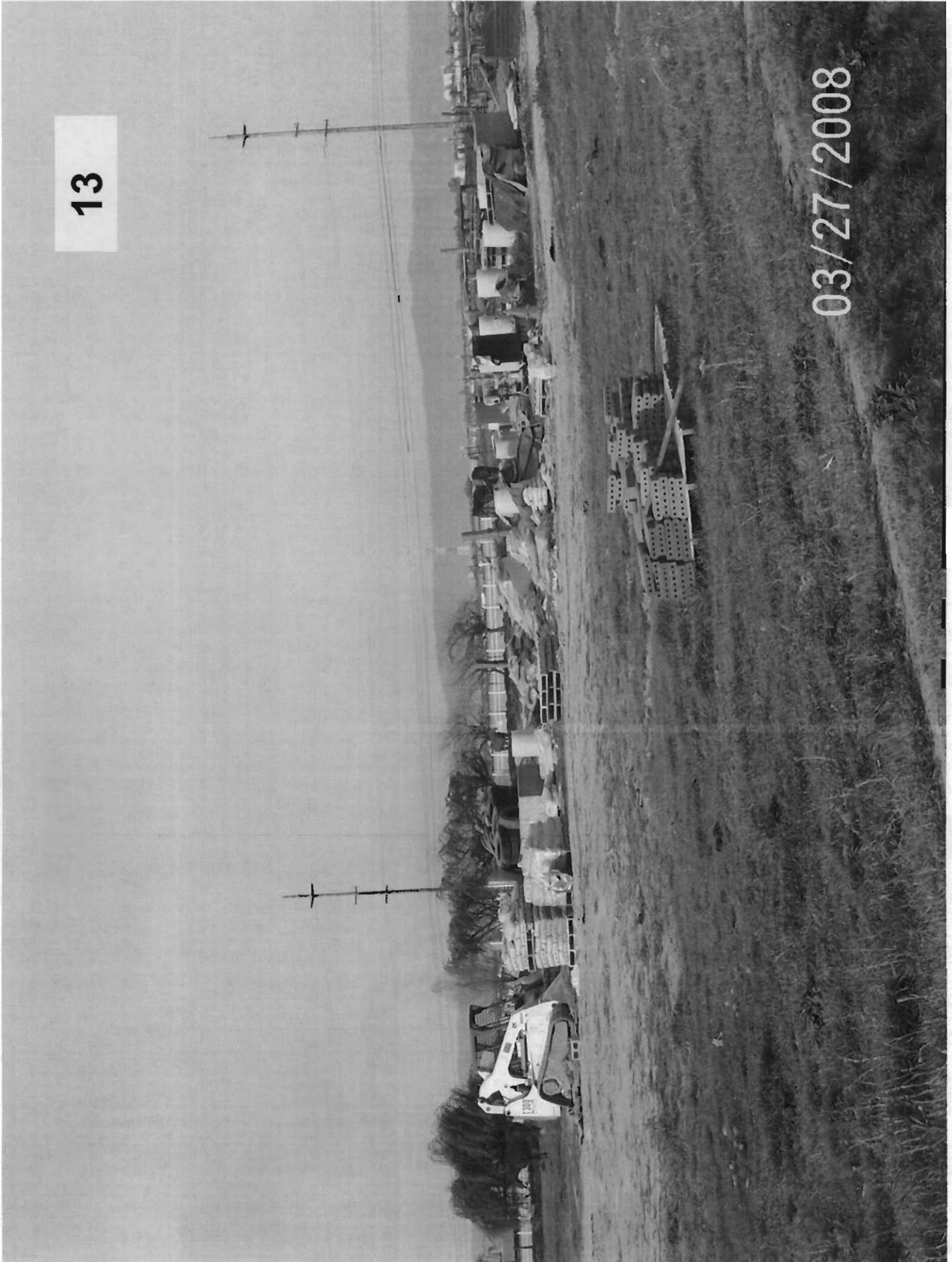
12

03/27/2008



13

03/27/2008



14

03/27/2008

