

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

DEPT: Environmental Resources *SLA*

BOARD AGENDA # \*B-5

Urgent

Routine

AGENDA DATE May 25, 2010

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 10-0064 at 5954 and 5960 Wilkins Avenue, Oakdale, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 5954 and 5960 Wilkins Avenue, Oakdale, California, as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-319

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:

*Christine Ferraro*  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

The Code Enforcement Unit responds to complaints throughout the unincorporated area of the County and attempts to gain voluntary compliance through education and personal contact by working with property owners and those persons responsible for creating nuisances. Compliance efforts include issuing Notice and Orders to abate, conducting inspections, granting extension requests, issuing administrative citations, recording Notices of Non-compliance with the Clerk-Recorder's Office, presenting cases before the Nuisance Abatement Hearing Board and the Board of Supervisors, obtaining inspection warrants, and conducting forced clean-ups.

On March 2, 2010, in response to a complaint, Department staff conducted an inspection at 5954 and 5960 Wilkins Avenue, Oakdale, and observed a temporary mobile home that was vacant and a permanent single-family home that was rented. Subsequently, the property owner confirmed that the mobile home had been vacant for approximately two months and they were renting out the permanent single-family home. In addition, the property owner was aware that the mobile home permit had expired on February 28, 2010, and while they were not desirous of renewing the permit, they did not have the funds to remove the temporary mobile home.

The parcel is zoned A-2 (General Agriculture) and contains a temporary mobile home (5954 Wilkins Avenue) and a permanent single-family home (5960 Wilkins Avenue). In February 2006, the temporary mobile home permit (TMHP) was issued which allowed a second mobile home to be moved onto the property on a temporary basis for the care of a family member. The permit was conditional and required annual renewals, prohibited renting or leasing the temporary mobile home or the permanent single-family home, and required the removal of the mobile home upon the expiration of the permit or at such time the care for the family member no longer existed.

After reviewing the permit, staff determined that the property owner violated the Zoning Ordinance and issued a Notice and Order to abate and filed a Notice of Non-compliance with the Clerk-Recorder's Office. This matter was considered by the Nuisance Abatement Hearing Board on March 25, 2010; the recommendations of which are included as Attachment 1. The Board of Supervisors may adopt, modify, or reject the recommendations, and if adopted, the property owner(s) will be required to abate the nuisance within two weeks of the Board's decision by complying with Attachment 1. Should the owner(s) fail to comply, due to the complexities of removing a temporary mobile home, staff will conduct quarterly site inspections and issue administrative citations as necessary to encourage compliance and to avoid the Board's Decision from becoming delinquent. The cost of abatement will be charged to the property owner(s) and if the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property. Additionally, the Notice of Non-compliance will remain filed in the Clerk-Recorder's Office until such a time as the temporary mobile home is removed from the property or a new temporary mobile home permit is issued.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding  
CE No. 10-0064 at 5954 and 5960 Wilkins Avenue, Oakdale, California

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**POLICY ISSUE:**

The Board of Supervisors should determine if adopting the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 10-0064 at 5954 and 5960 Wilkins Avenue, Oakdale, is consistent with the Board's priorities of a safe community, a healthy community and the efficient delivery of public services. The Board may also modify or reject the recommended decision of the Hearing Board.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this request.

**CONTACT PERSON:**

Sonya K. Harrigfeld, Director of Environmental Resources. Telephone: 209-525-6770.



## **NUISANCE ABATEMENT HEARING BOARD**

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### **RECOMMENDED DECISION**

**IN RE: 5960/5954 Wilkins Avenue Oakdale, CA  
Abatement Hearing No. CE#10-0064**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on March 25, 2010. Upon consideration of oral testimony and documentary evidence presented at the hearing, the Nuisance Abatement Board makes the following findings of fact and conclusions:

1. The property located at 5954/5960 Wilkins Avenue, Oakdale, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 006-004-028, is zoned A-2, general agriculture district.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes, (as listed in the County Code(s) or interpreted or determined to violate County Code(s)) occurring on the property, as noted in "Attachment A."
3. 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.
4. 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.
5. 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.
6. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
7. 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.
8. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

**ATTACHMENT**

The Nuisance Abatement hearing Board further recommends the Board of Supervisors adopt the following decision:



Approve Staff's recommendation and determine the use of the property described as a non-permitted or unlawful mobile home (violations of temporary mobile home permit no. 2006-05 (February) in the staff report is a violation of Stanislaus County Code Section 21.20.020 and 21.16.040.

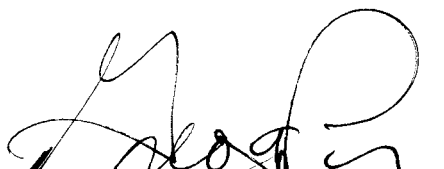
1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs 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.



Deny Staff's recommendation and determine the use of the property described as a non-permitted or unlawful mobile home (violations of temporary mobile home permit no. 2006-05 (February) in the staff report is a violation of Stanislaus County Code Section 21.20.020 and 21.16.040.

NOW THEREFORE, the Nuisance Abatement Hearing Board orders the Director to forward these findings and conclusions and its recommended decision to the Stanislaus County Board of Supervisors within 30 days.

Dated: March 25, 2010

  
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**Greg Pires, Chair**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on APR 20 2010 the Board of Supervisors will hear this matter as a consent item.

**Attachment "A"**

RE: File Number CE 10-0064  
 Assessor's Parcel Number: 006-004-028  
 Address: 5954 WILKINS AVE, OAKDALE, CA

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

Code Section Violation:	Corrective Action:	Compliance Date:
<p>§21.20.020 and §21.16.040 of the Stanislaus County Code.</p> <p>Violations of Temporary Mobile Home Permit No. 2006-04 (February). Non permitted or unlawful mobile home.</p> <p>Condition of Approval #4 lists the permit expiration date as the last day of February. To date, no required renewal paperwork has been received and the permit is expired.</p> <p>Condition of Approval #5 prohibits renting or leasing the approved mobile home(s) or the single family home to which it is accessory. Currently, the single family home is rented.</p> <p>Condition of Approval #7 requires the temporary mobile home be removed at such time as the need for housing for the care of the approved person(s) no longer exists. An inspection verified the person no longer lives on the property.</p>	<p>Contact the Stanislaus County Planning and Community Development, located at 1010 10th Street, 3rd Floor, Modesto (525-6557), and renew the expired permit. If the permit can not be renewed and a new permit is not issued, the mobile home must be removed from the property by the compliance date.</p>	<p>03/25/2010</p>

Enclosures: Stanislaus County Code

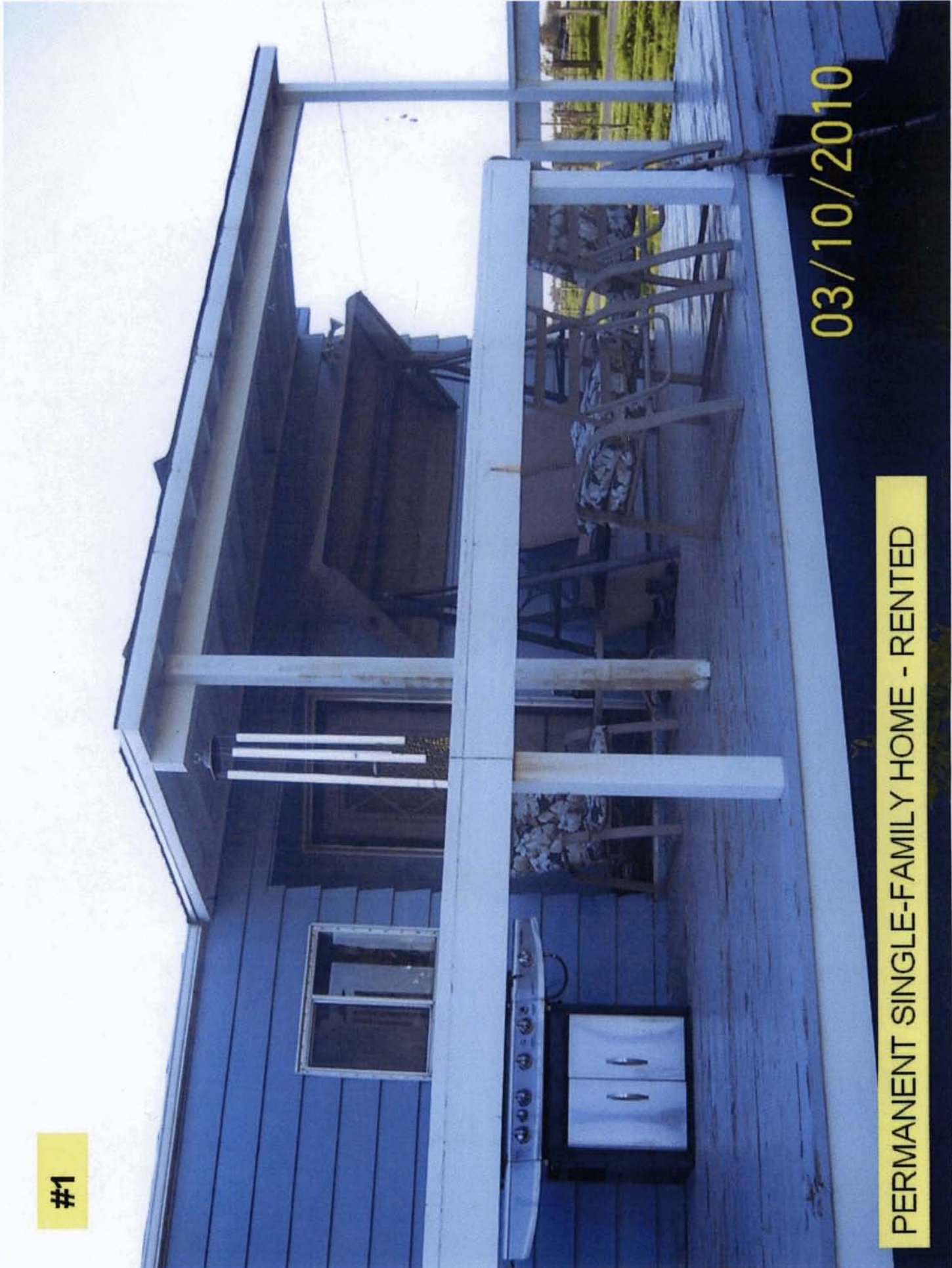
**CE #10-0064**

**5954/5960 WILKINS AVENUE,  
OAKDALE**





#1



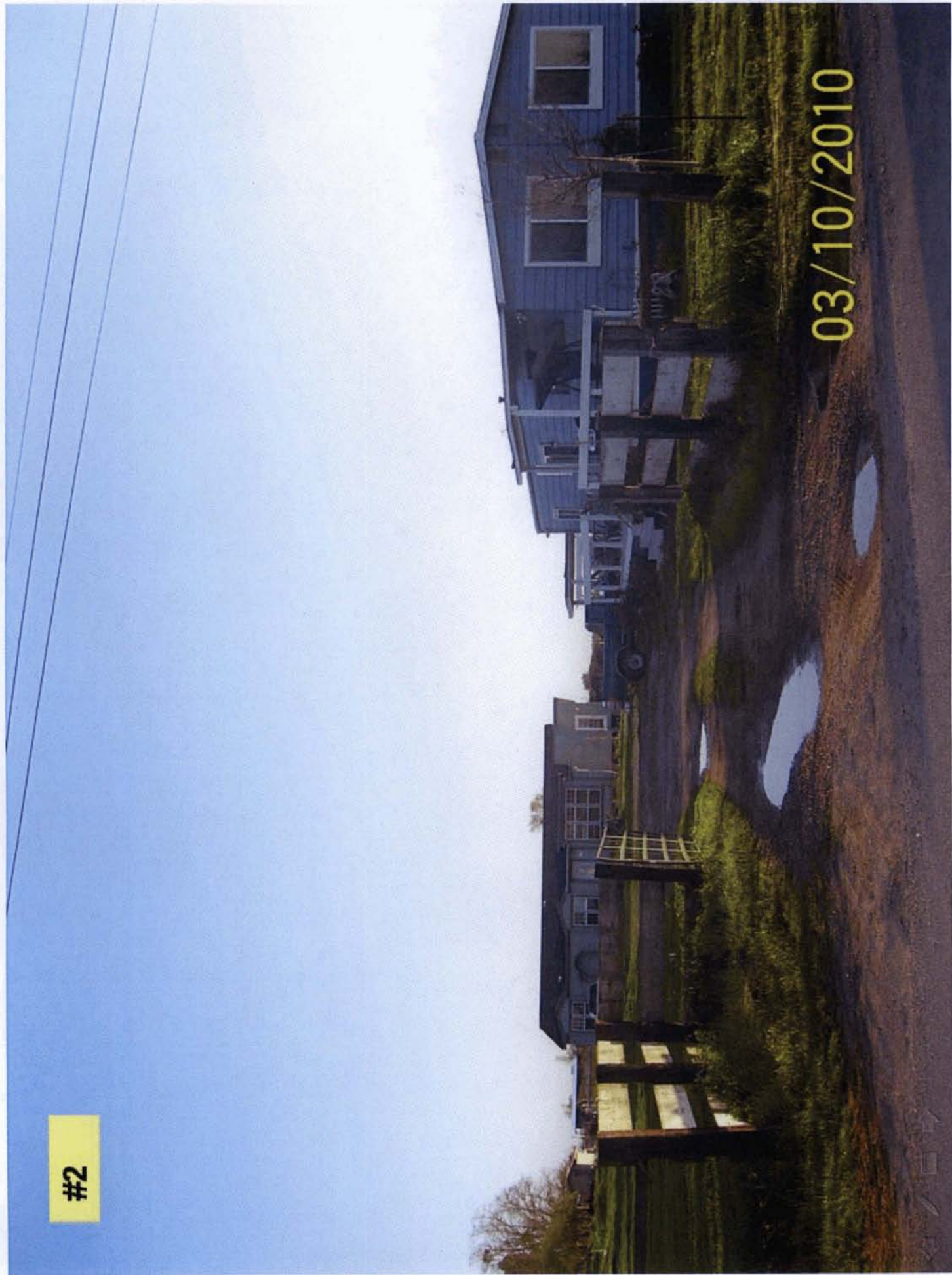
03/10/2010

PERMANENT SINGLE-FAMILY HOME - RENTED



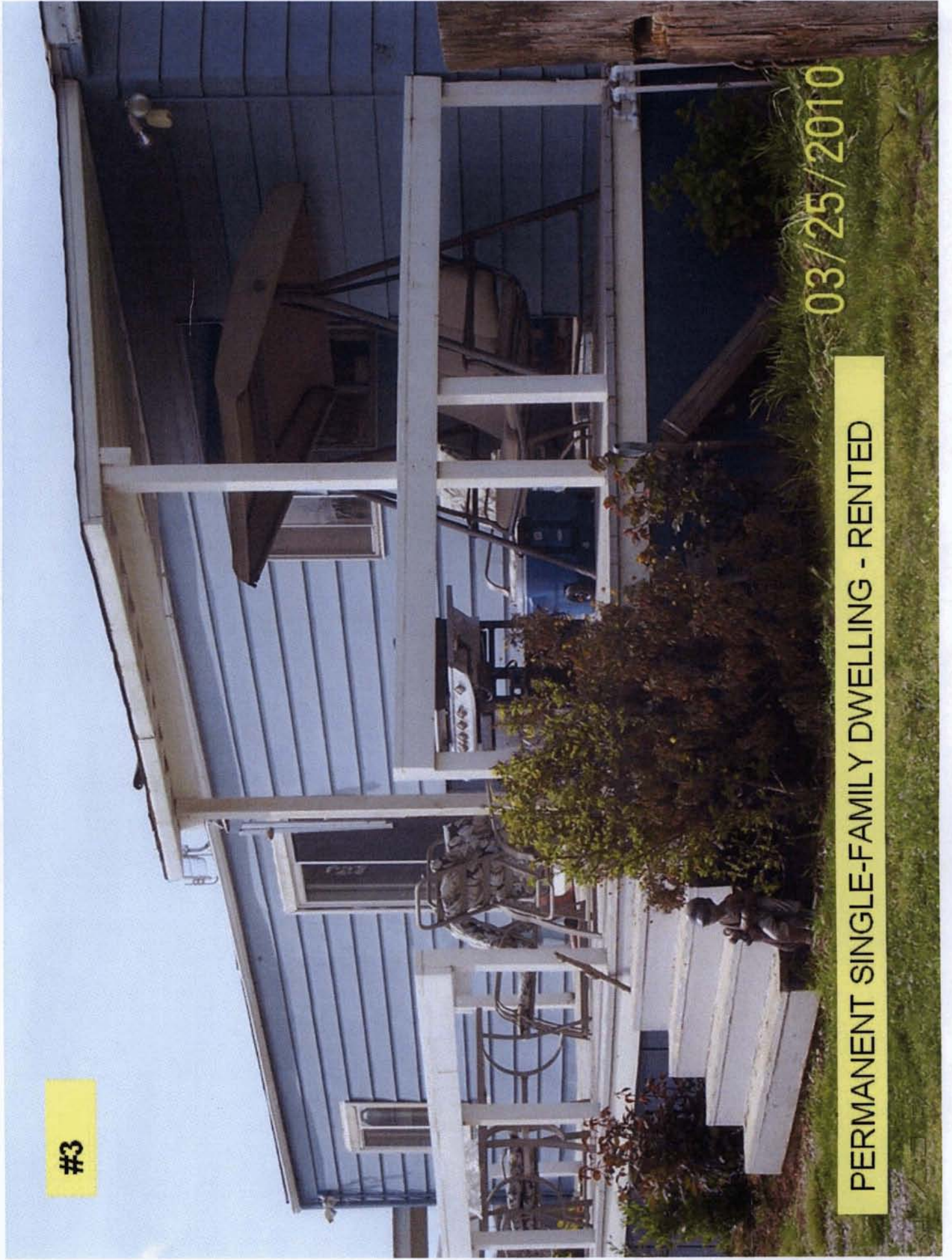
#2

03/10/2010





#3



03/25/2010

PERMANENT SINGLE-FAMILY DWELLING - RENTED



#4

03/25/2010





#5

03/25/2010

