

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

DEPT: Environmental Resources *SKH*

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE May 24, 2011

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. 11-0027 at 4418 Crow Road, Waterford, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 4418 Crow Road, Waterford, California, as set forth in Attachment 1.

FISCAL IMPACT:

There is a potential fiscal impact if the property owner(s) fail to comply and the Department is forced to incur abatement costs. The Department has budgeted for abatements and will request estimates from contractors if this item is approved and the property owners fail to abate the nuisance(s). However, if a forced abatement is necessary, the costs 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.

BOARD ACTION AS FOLLOWS:

No. 2011-304

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

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.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board
Regarding CE No. 11-0027 at 4418 Crow Road, Waterford, California

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.

The property in question is located at 4418 Crow Road, Waterford, California, is zoned, A-2-40 (general agriculture district) and is 22.5 acres. On January 12, 2011, in response to a complaint from the Stanislaus County Department of Planning & Community Development, Building Permits Division (Building) regarding several occupied mobile homes being moved onto the property, Code Enforcement staff conducted an inspection and verified the property owner placed eight mobile homes on the property without permits. In addition, staff also observed an owner-occupied recreational vehicle on the property. The property owner subsequently contacted the Department of Planning & Community Development (Planning) to verify the number of permitted buildings allowed on his property. Planning staff then authored a letter, dated February 22, 2011, to the property owner informing him there were no County records for any building permits for mobile homes on the property or any temporary mobile home permits on file. Planning also informed the owner that based on the zoning for the property, two dwellings subject to building permits were permitted on 20 acres in the A-2 district.

On March 14, 2011, Building contacted Code Enforcement and stated that during a recent inspection they discovered the property contained dangerous electrical connections, illegal propane connections, and raw sewage being discharged to the land. On the same day Code Enforcement and Environmental Health staff conducted an inspection and confirmed the property contained raw sewage being discharged to the land.

As a result of the immediate health and safety issues observed on the property, an inspection and abatement warrant was obtained from the Superior Court of Stanislaus County. On March 16, 2011, Building, Code Enforcement, and Environmental Health staff served the property owner with the inspection and abatement warrant. The warrant allowed County staff to inspect and investigate the immediate health and safety issues and public nuisances as they pertained to zoning. Building staff posted a "Do Not Occupy" and "Notice to Builder" placard on each mobile home, and Environmental Health staff posted "Do Not Enter Surfacing Sewage" signs throughout the immediate area where the mobile homes were located. In addition, Code Enforcement staff issued a Notice and Order to Abate for non-permitted mobile homes and an unlawfully occupied recreational vehicle.

On April 4, 2011, staff conducted a compliance inspection and observed that all mobile homes had been vacated and as a result, the illegal discharge of the raw sewage had ceased. The property, however, remained in violation of the Zoning Ordinance regarding the non-permitted mobile homes and the unlawfully occupied recreational vehicle. The existing zoning violations

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board
Regarding CE No. 11-0027 at 4418 Crow Road, Waterford, California

resulted in the recordation of a Notice of Non-compliance with the Clerk-Recorder's Office and the issuance of an Administrative Civil Citation.

On April 28, 2011, the Nuisance Abatement Hearing Board supported staff's recommendation to declare the property a nuisance and forwarded the matter to the Board of Supervisors recommending approval (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 the requirements identified in Attachment 1. Staff has been in communication with the owner(s) and will continue to work with them until the property is in full compliance. Additionally, the Notice of Non-compliance will remain filed in the Clerk-Recorder's Office until the property has been brought into compliance.

POLICY ISSUE:

Approval of this agenda item to adopt the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 11-0027 at 4418 Crow Road, Waterford, is consistent with the Board's priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services. This approval supports the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

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



NUISANCE ABATEMENT HEARING BOARD

RECOMMENDED DECISION

**IN RE: 4418 Crow Road, Waterford CA
Abatement Hearing No. CE#11-0027**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on April 28, 2011. 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 4418 Crow Road, Waterford, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 015-001-008, 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.

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

Approve Staff's recommendation and determine the property described in the staff report contains land use violation(s) pursuant to Stanislaus County Code Section 21.20.020 and 21.16.040:

- 1) non-permitted or unlawful mobile homes
- 2) unlawfully occupied recreational vehicle

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 in the staff report is not a violation(s) of Stanislaus County Code Section 21.20.020 and 21.16.040:

- 1) non-permitted or unlawful mobile homes
- 2) unlawfully occupied recreational vehicle

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: April 28, 2011



Greg Pires, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on MAY 24 2011 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 11-0027

Assessor's Parcel Number: 015-001-008

Address: 4418 CROW RD, WATERFORD, 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:
§21.20.020 and §21.16.040 of the Stanislaus County Code. Non permitted or unlawful mobile homes.	Contact the Stanislaus County Planning & Community Development, Building Permits Division, located at 1010 10 th Street, 3 rd Floor, Modesto (525-6557), and obtain the required permits for all of the mobile homes on the property. If permits are not approved then you are ordered to immediately remove the mobile homes from the property.	03/31/2011
§21.20.020 of the Stanislaus County Code. Unlawfully occupied recreational vehicle(s).	Immediately vacating all of the occupied recreational vehicle(s) on the property.	03/31/2011

Enclosures: Stanislaus County Codes §2.92.010, §2.92.040,
§21.16.040 & §21.20.020

CE #11-0027

**4418 CROW ROAD,
WATERFORD**

4418

421

4418

421



Crow Rd

#1

01/13/2011



#2



01/13/2011

#3



01/13/2011



#4

03/14/2011



#5

03/14/2011

#6

03/14/2011



#7

DO NOT ENTER
Surfacing Sewage

BY ORDER OF
STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL
RESOURCES

Note: Per California Health & Safety Codes it is
UNLAWFUL TO REMOVE POSTED NOTICES

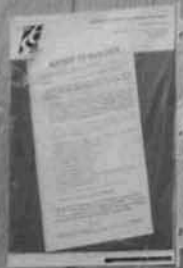
AVISO
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ALCANTARILLA EN LA
SUPERFICIE

POR ORDEN DE
CONDADO DE STANISLAUS
EL DEPARTAMENTO DE RECURSOS
AMBIENTALES

Note: Per California Health & Safety Codes it is
UNLAWFUL TO REMOVE POSTED NOTICES

03/16/2011

#8



**DO NOT
OCCUPY**
DO NOT REMOVE THIS NOTICE
UNTIL THE BUILDING IS
CLEARED FOR OCCUPANCY
SEE THE BACK OF THIS NOTICE

ILLINOIS DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF HOUSING
AND COMMUNITY DEVELOPMENT
100 SOUTH WASHINGTON STREET
SPRINGFIELD, ILLINOIS 62762
TEL: 217-785-2000
WWW.IDCD.COM

ILLINOIS OFFICIAL
STAMP/SEAL COUNTY



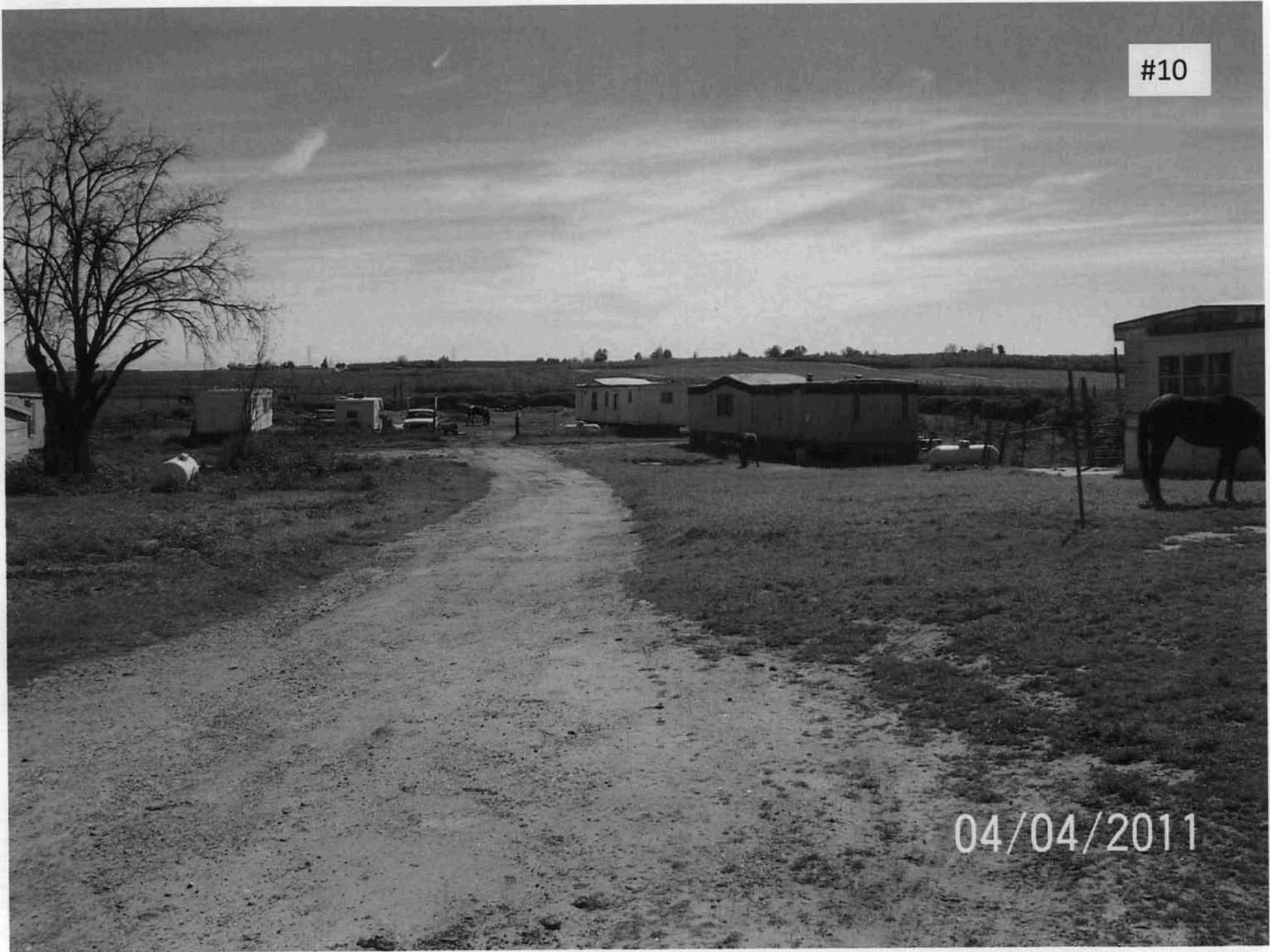
03/16/2011

#9

04/04/2011



#10



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04/28/2011

#12

04/28/2011



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04/28/2011

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04/28/2011

#16



04/28/2011