

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

DEPT: Department of Environmental Resources

BOARD AGENDA # *B-4

Urgent

Routine

AGENDA DATE October 30, 2012

CEO Concur with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Adopt the Nuisance Abatement Hearing Board's Recommendation and Find that the Property Located at 1301/1113 Washington Road, near Turlock, is a Nuisance

STAFF RECOMMENDATIONS:

1. Adopt the Nuisance Abatement Hearing Board's recommendation and find that the property located at 1301/1113 Washington Road, near Turlock, contains non-permitted land uses, illegally built structures and illegal grading activities in violation of California Building Code Title 24, section 105, and Stanislaus County Code sections 21.20.020, 16.05.020, and 14.14.120, and constitutes a nuisance as defined in 2.92.010.
2. Direct County staff to take immediate action to abate any health and safety concerns, and hold in abeyance the abatement of any illegal land uses for which the property owner is actively seeking a land use permit.

FISCAL IMPACT:

Staff from the Department of Environmental Resources (DER), Public Works Department, and the Planning Department have assisted with the subject Nuisance Abatement process. Total costs to date for DER and Public Works are estimated to be \$3,300. The Planning Department will recover costs through the application process for the various permits (land use and building) needing to be obtained to bring the property into compliance. If a forced abatement is necessary, the costs will be charged to the property owners and if the responsible person fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

BOARD ACTION AS FOLLOWS:

No. 2012-539

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, 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: This Item was removed from the consent calendar for discussion and consideration; and, continued to the November 6, 2012 meeting

Christine Ferraro

ATTEST: 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 June 29, 2012, in response to a complaint regarding illegal construction activities and a change of occupancy of a single family dwelling, the Building Division of the Planning Department conducted an on-site investigation. The investigation revealed an existing agricultural barn addition and remodel, construction of a new steel building for agricultural storage located at 1301 Washington Road, and a change of occupancy from a single family dwelling to office/sales located at 1113 Washington Road. A Stop Work Order was immediately placed on the structures and occupants were informed of the action.

On July 5, 2012, in response to a complaint regarding the operation of a non-permitted use and non-permitted construction and grading, Code Enforcement staff conducted an inspection at 1301/1113 Washington Road, and verified the non-permitted land use and processing activities including receiving, sorting, packing, and shipping of produce. Mr. Avila was directed to contact the Planning Department to obtain information about applying for a Use Permit for the business on his properties.

On July 18, 2012, a meeting was held with the owner, Mr. Dan Avila, and representatives from the Departments of Environmental Resources, Planning, Public Works, and County Counsel, and the Board of Supervisor's office. The Planning Department advised Mr. Avila to cease his business operation immediately. He was told he could resume his operation after obtaining a valid Use Permit and was advised it could take up to six months to finalize. Mr. Avila was reminded that he had several non-permitted buildings that were potential safety issues for his employees. The Public Works Department explained the violations of encroachment, illegal grading, and traffic flow on Washington Road. Mr. Avila stated he would cease his operation by transferring the watermelons to another location and apply for a Use Permit. Mr. Avila stated it could take a while to relocate the sweet potatoes. At this meeting Mr. Avila was personally served with a letter stating there would be a disconnection of electrical service serving the redwood barn on August 3, 2012, due to the addition and renovation/remodel to the existing redwood barn.

On July 20, 2012, in response to a complaint regarding illegal grading activities the Department of Public Works sent a notice to the property owner that certain grading activities were in violation of the Stanislaus County Code, the California 2009-0009-DWQ Construction General Permit, and possible Porter-Cologne Water Quality Act violations. Mr. Avila was informed that he needed to implement the requirements of the California Construction General

Permit immediately. This would require the applicant to enlist the services of a qualified engineer to prepare a Storm Water Pollution Prevention Plan.

On July 23, 2012, a letter was sent to property owners Dan and Lori Avila regarding the non-permitted activities on 1301/1113 Washington Road. The letter included the following actions they were required to take immediately: 1) ceasing the processing of produce including watermelons grown off site (including receiving, sorting, packing, and shipping); 2) ceasing on-site sales of any produce, including watermelons, grown on or off-site; 3) returning to a condition appropriate for crop production the areas which have been graded for loading docks and truck parking; and 4) completing the applications necessary to obtain building permits for all non-permitted additions, modifications, and non-permitted construction.

On July 24, 2012, DER staff observed and took photos of the properties from the County right-of-way. The properties remained in violation including the non-permitted land use, illegally built structures, and illegal grading activities.

A Notice and Order to Abate was issued to Dan and Lori Avila on August 29, 2012. The Notice and Order to Abate ordered the property owners to do the following:

- Immediately discontinue the non-permitted use (the processing, including receiving, sorting, packing and shipping, of produce);
- Immediately discontinue the use of illegally built structures;
- Submit construction documents to complete the process to obtain building permits from Stanislaus County;
- Demolish structures and return existing structures to their original state and use. A demolition permit is required;
- Provide a grading plan;
- Prepare a Storm Water Pollution Prevention Plan (SWPPP); and
- File a Notice of Intent in order to obtain a Waste Discharge Identification Number (WDID).

On September 14, 2012, an inspection of the properties revealed that the properties remained in violation. This resulted in the recordation of a Notice of Non-compliance with the Clerk-Recorder's Office.

On September 25, 2012, Dan Avila submitted the Use Permit Application required to bring his property into compliance. The Use Permit is currently out for a two-week early consultation review that was to be completed by October 22nd. The City of Turlock has requested, and the Planning Department has authorized, a one week extension to October 29th. Following the end of the two-week early consultation review period, Mr. Avila may be required to provide additional information and/or complete additional studies in order to adequately address comments received. If required, a defined time-line will be provided to Mr. Avila for delivery of the additional information and/or completion of additional studies. If no additional information and/or studies are required, environmental review of the project will be completed and circulated and the Use Permit will be presented to the Planning Commission for consideration in January or February 2013.

Approval to Adopt the Nuisance Abatement Hearing Board's Recommendation and Find that the Property Located at 1301/1113 Washington Road, near Turlock, is a Nuisance
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Mr. Avila has submitted a Staff Approval Permit for the operation of a produce stand allowing for the on-site sales of watermelons and sweet potatoes. The Staff Approval Permit cannot be processed independently due to the overall non-compliance status of the property and, as such, has been incorporated into the Use Permit application. There is no authorization for on-site sales of any type of produce.

A building permit application for Change of Occupancy, single family dwelling to office/sales, was submitted on September 13, 2012. A plan check has been completed and a letter for corrections to the plan was sent to Mr. Avila's designer/architect on October 2, 2012. Building permit applications for the barn remodel/addition and the new steel storage building have not yet been submitted by Mr. Avila. Until the Use Permit process is completed, Mr. Avila will be unable to obtain building permits for any of the projects noted above and the buildings will remain out of compliance with applicable Building Codes.

A driveway at the site has been installed without a Public Works Encroachment Permit or approval. The location of the installed, unpermitted driveway is in an unsafe location. The driveway is too close to a structure which blocks the sight distance of vehicle drivers both on and off the site, plus it is located too close to the intersection. This situation does not allow drivers enough time to make a safe decision about oncoming or turning traffic. The existing driveway needs to be removed and relocated in a location approved by Public Works with the proper permit in place. The applicant has hired an engineer to work on the Storm Water Pollution Prevention and Erosion Control Plan to stabilize the site for the winter. A Grading Plan will be put together once the project's conditions of approval are approved by the Planning Commission.

Mr. Avila continues to operate illegally without the necessary permits, which is in violation of applicable health and safety codes.

On September 27, 2012, 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 may adopt, modify, or reject the recommendations, and if adopted, the property owners will be required to abate the nuisance within two weeks of the Board's decision by complying with the requirements identified in Attachment 1. The cost of the abatement will be charged to the property owners and if the responsible person 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 the property has been brought into compliance.

Per Stanislaus County Code section 2.92.070 D.1, decisions of the Board of Supervisors shall order abatement within a time certain not to exceed six months. The order may authorize the County to abate the nuisance and charge the cost of abatement to the owners of the abated property. The Board shall consider and determine the reasonableness of the costs of abatement and, thereafter, shall order the owner to pay the abatement costs. If the owner fails to pay the cost of abatement upon demand by the County, a Notice of Abatement Lien shall be recorded and the cost of abatement shall become a lien on the property pursuant to the provisions of California Government Code Section 25845. The Director of Environmental

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Resources is authorized to prepare and record a Notice of Release of Lien against the legal title of the subject properties, if the County is fully compensated for the amount of the lien placed upon the property.

Staff is recommending to take immediate action to abate the following health and safety concerns:

- Occupied non-permitted structures (redwood barn, converted single family dwelling, and steel barn) not meeting the standards set forth in the California Code of Regulations Title 24.
- Operation of non-permitted equipment, illegal wiring, and mechanical venting located within non-permitted structures not meeting the standards set forth in the California Code of Regulations Title 24.
- Operation of the non-permitted driveway on Fulkerth Road that does not meet Stanislaus County Public Works Standards and Specifications section 3.17 Approaches.
- Operation of any non-permitted/non-engineered earthen loading docks not meeting Stanislaus County Public Works Standards and Specifications section 3.9 Earthwork.

Staff also recommends that the following be held in abeyance the abatement of the following, while Mr. Avila is actively seeking permits:

- Operation of non-permitted use (the processing, including receiving, sorting, packing and shipping, of produce) until: 1) a final determination by either the Stanislaus County Planning Commission or Stanislaus County Board of Supervisors is made, on the Use Permit submitted on September 25, 2012 provided that Mr. Avila (the applicant) makes every effort to provide the Stanislaus County Planning Department with any information and/or studies necessary and 2) if the use permit is approved, all conditions of approval are met.

POLICY ISSUE:

The recommended actions support the Boards' Priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by improving the quality of life and protecting the health and safety of the community.

STAFFING IMPACTS:

Staff from the Departments of Environmental Services, Planning, Public Works, and County Counsel will continue to enforce the abatement of health and safety concerns. The abatement process will include working with Dan and Lori Avila to complete the Use Permit process and, if approved, monitor the use to ensure timely and on-going compliance with all Use Permit conditions of approval. Those conditions will include requirements for obtaining all necessary building, grading, and encroachment permits.

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CONTACT PERSON:

Jami Aggers, Interim Director of Environmental Resources. Telephone: 209-525-6770
Angela Freitas, Planning and Community Development Director. Telephone 525-6330

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NUISANCE ABATEMENT HEARING BOARD

RECOMMENDED DECISION

**IN RE: 1301 & 1113 Washington, Turlock, CA
Abatement Hearing No. CE# 12-0134**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on Sept 27, 2012. 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 1301 & 1113 Washington, Turlock, CA, in the unincorporated area of Stanislaus County, California, and identified according to the Assessor's website as Parcel Numbers 023-039-017 & 023-039-018, is zoned A-2-40, 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, B & C."
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 use of the property described as non-permitted land use, containing illegally built structures and illegal grading activities in the staff report are a violation of Stanislaus County Code Section 21.20.020, Section 16.05.020, and Section 14.14.120.
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 non-permitted land use, containing illegally built structures and illegal grading activities in the staff report are not a violation of Stanislaus County Code Section 21.20.020, Section 16.05.020, and Section 14.14.120.

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: September 27, 2012



Ron Peterson, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on OCT 8 • 2012 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 12-0134

Assessor's Parcel Number: 023-039-017 & 023-039-018

Address: 1301 & 1113 WASHINGTON AVE, TURLOCK, 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 Land Use (the processing, including receiving, sorting, packing and shipping, of produce).	Immediately discontinuing the non-permitted use (the processing, including receiving, sorting, packing and shipping, of produce). For information regarding the allowable uses on the property in question, you may consult Stanislaus County Planning and Community Development, located at 1010 10th Street, 3rd Floor, Modesto (525-6330).	09/13/12

Attachments: B & C
Stanislaus County Codes

cc: Supervisor Vito Chiesa – District 2
Angela Freitas – Interim Planning Director, Department of Planning and Community Development
David A. Leamon – PE, Senior Civil Engineer, Stanislaus County Department of Public Works
Steve Treat – Chief Building Official, Department of Planning and Community Development
Tom E. Boze – Deputy County Counsel, Stanislaus County Counsel



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Building Permits Division

1010 10TH Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6557 Fax: 209.525.7759

Attachment "B"

Case Number SWO2012-00031
SWO2012-00032

Assessor's Parcel Number: 023-039-017 & 023-039-018
Address: 1113 & 1301 Washington Ave, Turlock, CA

An inspection of the above referenced property revealed the following violations of the Stanislaus County Code Title 16, Chapter 16.05.020, Section 105.1 and 2010 California Building Code, Chapter 1 Administration, Section 105 Building Permits required for:

Construction of New Agricultural Structure, Remodel, Addition and Change of Occupancy to an Existing Agricultural Structure (Redwood Barn) and Change of Occupancy of Single Family Dwelling to Office and Sales establishment.

Corrective Action:

1. Immediately discontinue use of illegally built structures referenced above;
2. Submit Construction documents to complete process to obtain Building Permits from Stanislaus County, Planning and Community Development Department, Building Permits Division within 30 days of this notice;
3. Demolish structures and return existing structures to original state and use. A Demolition permit is required.

For further information concerning this Notice, please contact the Building Permits Division between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday at (209) 525-6557

Sincerely,

Steve Treat
Chief Building Official
Stanislaus County



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

Laurie Barton, PE
Deputy Director, Engineering/Operations

Diane Haugh
Assistant Director, Business/Finance

1716 Morgan Road, Modesto, CA 95358
Phone: 209.525.4130 Fax: 209.541.2505

www.stancounty.com/publicworks

Attachment "C"

August 29, 2012

Mr. Dan Avila
2718 Roberts Road
Ceres, CA 95307

Re: 2nd Notice of Violation for County Code Section 14.14.120
Grading Permit for 1113 and 1301 N. Washington Road (APN 023-039-018 and
017), Turlock, CA

Dear Mr. Avila:

On July 28, 2012, we sent you notice that certain grading activities on your property are in violation of County Code section 14.14.120, the California 2009-0009-DWQ Construction General Permit (CGP) and possible Federal Porter-Cologne Clean Water Act violations. In that notice we informed you of specified actions that you must take to comply with the law. As of today's date, you continue to be in violation.

No later than September 11, 2012, you must provide a grading plan, prepare a SWPPPP and file a Notice of Intent in order to obtain a Waste Discharge Identification Number (WDID). If you fail to comply, this enforcement action will be referred to the State. The State has the power to fine a minimum of \$3000 per day and they will consider economic benefit of not complying with State Law as an additional part of the fine.

Please contact me at the number listed above.

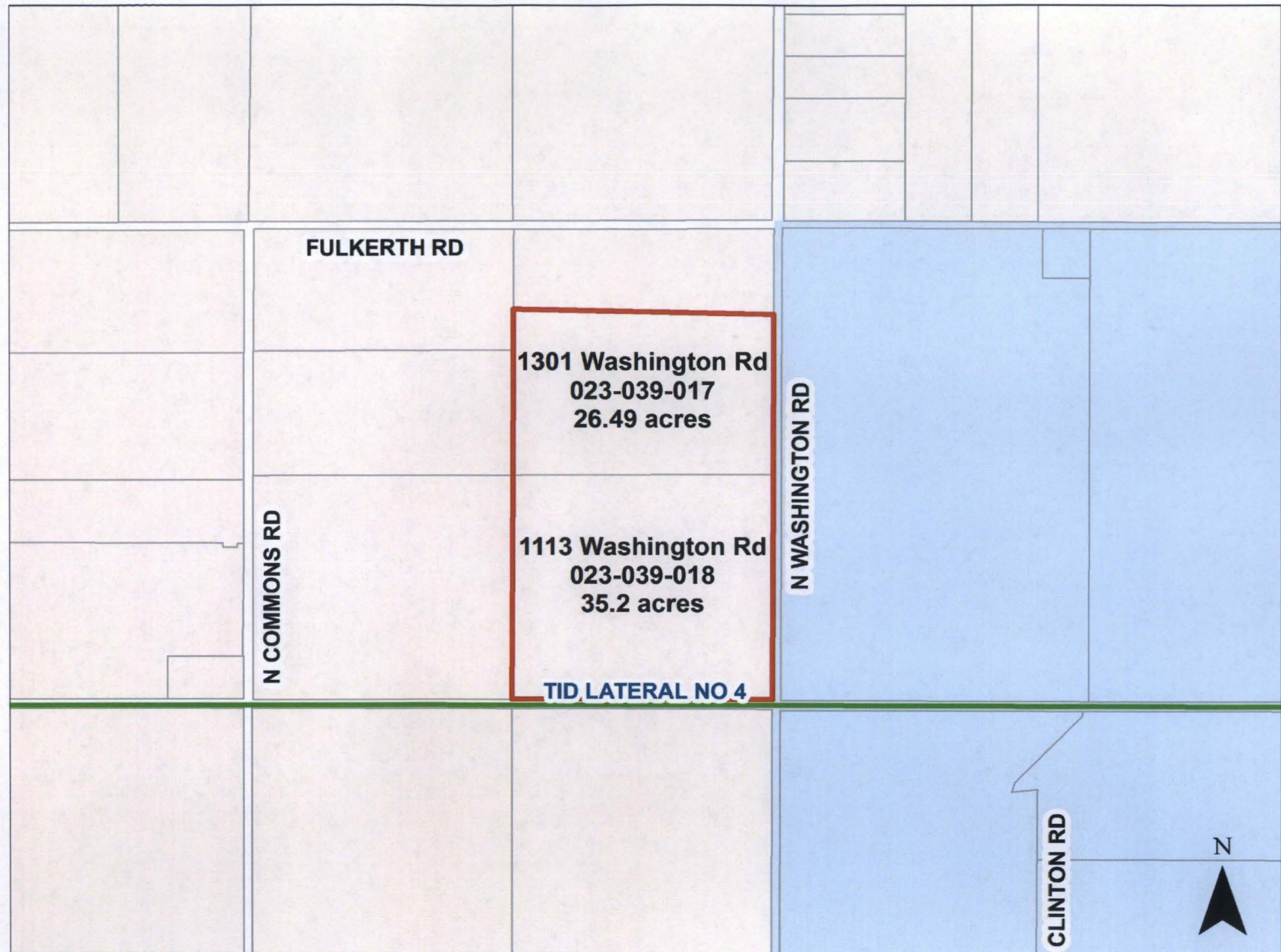
Sincerely,

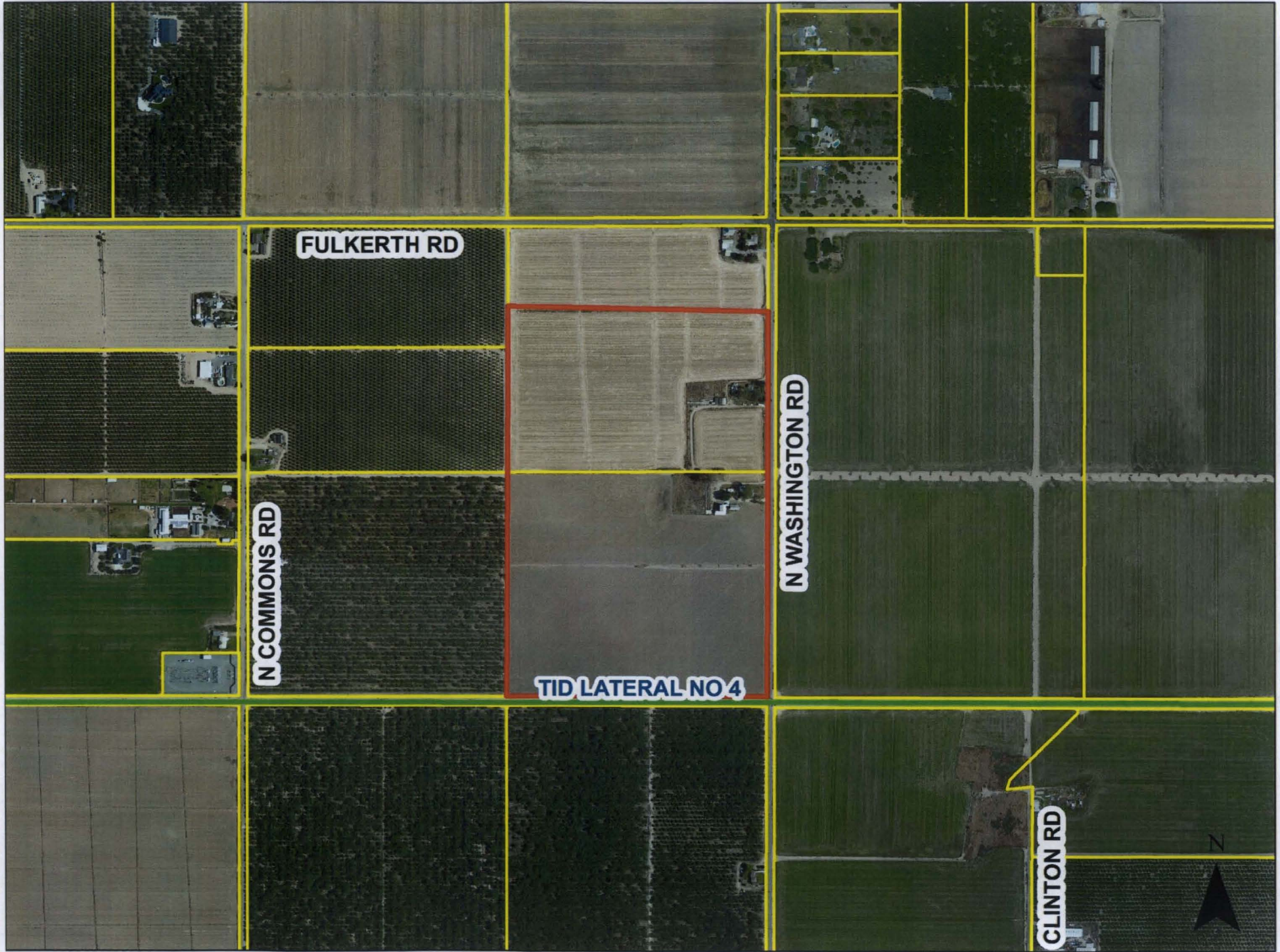
David A. Leamon, PE
Senior Civil Engineer

cc: Keith Boggs, Assistant Executive Officer
Thomas Boze, Deputy County Counsel
Angela Freitas, Interim Planning and Community Development Director
Matt Machado, Public Works Director

CE #12-0134

**1301/1113 WASHINGTON RD
TURLOCK, CA. 95380**





FULKERTH RD

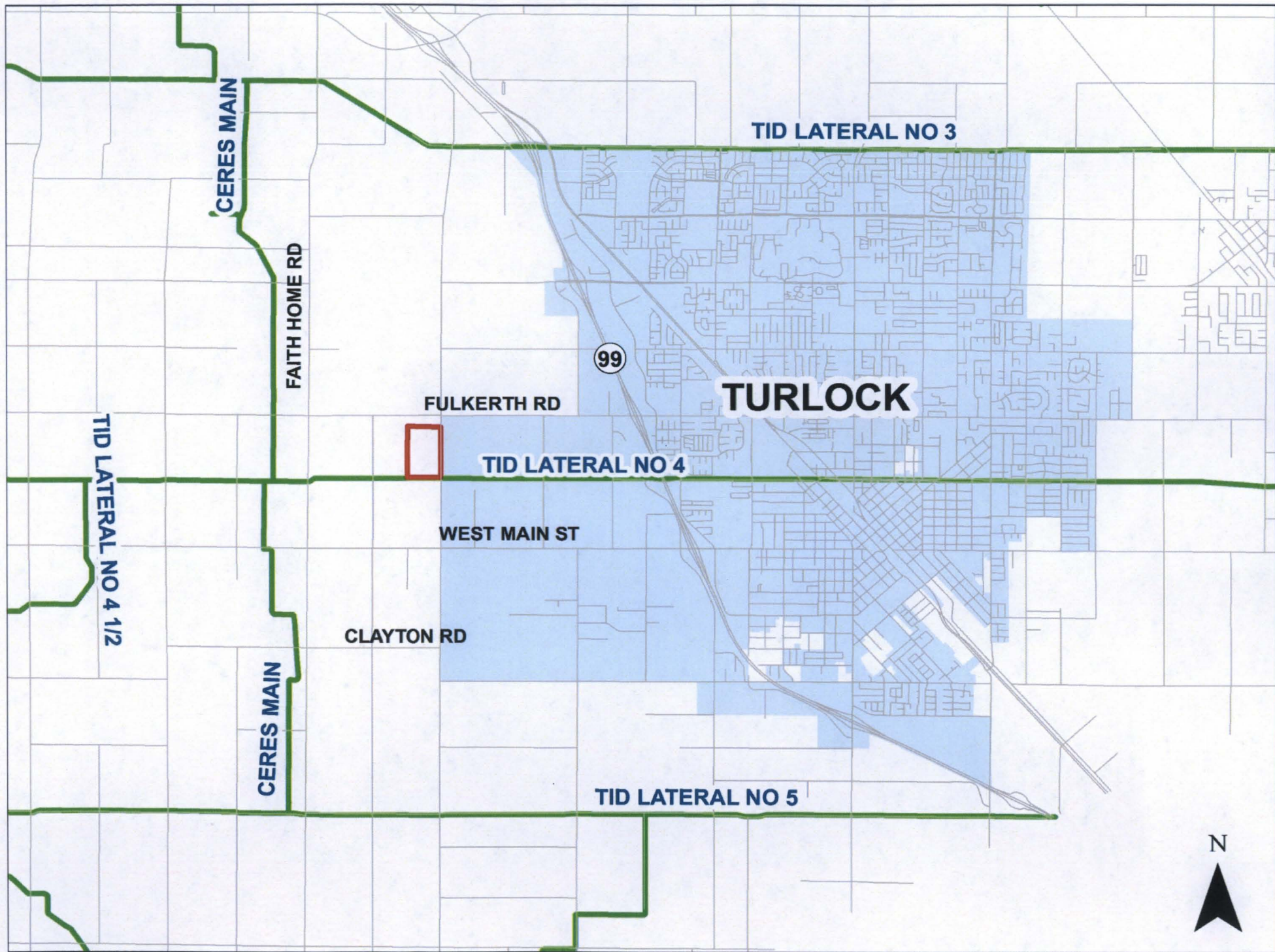
N COMMONS RD

N WASHINGTON RD

TID LATERAL NO 4

CLINTON RD

N



CERES MAIN

TID LATERAL NO 3

FAITH HOME RD

99

TURLOCK

FULKERTH RD



TID LATERAL NO 4

TID LATERAL NO 4 1/2

WEST MAIN ST

CLAYTON RD

CERES MAIN

TID LATERAL NO 5



1



07/05/2012

2



07/05/2012

3



07/05/2012

4



07/05/2012

5



07/24/2012

6



07/24/2012

7



07/24/2012

8



07/24/2012




10





11


The Department of Health Services
is pleased to announce that
the following information is available
for your review.
For more information, please contact
the Department of Health Services
at (509) 325-2000.
The Department of Health Services
is committed to providing
high-quality, affordable
health care services to
all residents of Washington.
We are dedicated to
improving the health and
well-being of our community.
For more information, please
contact the Department of
Health Services at (509) 325-2000.
Sincerely,
[Signature]

08/30/2012

12



09/14/2012



09/14/2012



09/14/2012



09/27/2012

16



09/27/2012

17



09/27/2012

18



09/27/2012

**CE #12-0134
1301 AND 1113
WASHINGTON ROAD
TURLOCK, CA.**

**Jami Aggers, Interim Director
Department of Environmental Resources
October 30, 2012**

FULKERTH RD

1301 Washington Rd
023-039-017
26.49 acres

1113 Washington Rd
023-039-018
35.2 acres

TID, LATERAL NO 4

N COMMONS RD

N WASHINGTON RD

CLINTON RD

N



Approach

- Code Enforcement responds to complaints throughout the unincorporated area and attempts to gain voluntary compliance through education and personal contact, working with property owners and those persons responsible for creating nuisances

Approach

- Compliance efforts include: inspections, time extensions, Notice and Orders to Abate and administrative citations, recording Notices of Non-compliance with the Recorder's Office, bringing cases to the Nuisance Abatement Hearing Board and Board of Supervisors, inspection warrants, and forced actions

Why Are We Here?

- Planning received multiple complaints re: 1301 & 1113 Washington Road, Turlock which included:
 - Non-permitted land use (processing, receiving, sorting, packing and shipping produce).
 - Non-permitted grading activities

Why Are We Here?

- Non-permitted construction of a new agriculture structure; remodel, addition and change of occupancy to an existing redwood barn, and change of occupancy of a single family dwelling to an office/sales establishment.

Background

- 1/7/12 - Use Permit Application No. 2009-22 – Dan Avila & Sons, withdrawn by the applicant: Request to establish an agricultural warehouse for storing and shipping sweet potatoes and watermelons.
- 35 acre parcel located at 1113 N. Washington Road, between Fulkerth Rd and W. Main St, Turlock.

Background Cont'd.

- The Project: Construction of an 180,000 sq. ft. metal building used in conjunction with the Avila farming operation, which produces watermelons & sweet potatoes on property both leased & owned in Stanislaus and Merced counties.
- Proposal also includes an area for equipment storage used to harvest properties leased & farmed by the applicant.

Background Cont'd.

- 6/11/2012 – A second Use Permit Application from Dan Avila, No. 2011-06, was removed from Planning's "active project file" due to the applicant's inactivity in addressing concerns raised by Public Works and the City of Turlock regarding a required traffic analysis.

Background Cont'd.

- Essentially the same request as Use Permit 2009-22 except: revised site plan, alternate route for trucks to access the project site across an adjoining 13-acre parcel, operation time extended by an additional month, and estimated number of truck deliveries increased from 60 to 80.

Enforcement Summary

- 6/29/12 - Building Inspection Division conducted an on-site investigation.
- Findings revealed an existing agriculture barn addition and remodel, construction of a new steel building for storage located at 1301 Washington Rd, and a change of occupancy from a SFD to office sales located at 1113 Washington Rd.

Enforcement Summary Cont'd.

- A Stop Work Order was immediately placed on the structures and occupants were informed of the action.
- 7/5/12 - CE staff conducted an inspection at both locations and verified the non-permitted land use and processing activities including receiving, sorting, packing, and shipping of produce.

Enforcement Summary Cont'd.

- Mr. Avila was directed to contact Planning to obtain information about applying for a Use Permit for the business on his properties.
- 7/18/12 - a meeting was held with Mr. Avila and representatives from DER, Planning, Public Works, County Counsel and the Board of Supervisor's office.

Enforcement Summary Cont'd.

- Planning staff advised Mr. Avila to cease his business operation immediately and obtain a valid Use Permit.
- Mr. Avila stated he would cease his operation.

Enforcement Summary Cont'd.

- 7/20/12 - PW notified Dan Avila that certain grading activities violated the Stanislaus Co Code, the Calif. DWQ Const. General Permit, & possibly the Federal Porter-Cologne Clean Water Act.
- Mr. Avila was informed that he needed to implement the requirements of the Const. General Permit immediately.

Enforcement Summary, Cont'd.

- Requires the applicant to obtain a qualified engineer to prepare a Storm Water Pollution Prevention Plan (SWPPP).
- 7/23/12 - Planning sent a letter to Dan and Lori Avila regarding the non-permitted activities on 1301 & 1113 Washington Rd. and the actions they were required to take including:

Enforcement Summary, Cont'd.

- Ceasing the processing (including receiving, sorting, packing and shipping) of produce, including watermelons grown off site.
- Ceasing on-site sales of any produce, including watermelons, grown on or off site.

Enforcement Summary, Cont'd.

- Return to a condition appropriate for crop production the areas graded for loading docks and truck parking areas.
- Complete the applications necessary to obtain building permits for all non-permitted additions, modifications, and non-permitted construction.

Enforcement Summary, Cont'd.

- 7/24/12 - DER staff observed and took photos of 1301 & 1113 Washington Rd.
- The properties remained in violation including non-permitted land use, illegally built structures and illegal grading activities.

Enforcement Summary, Cont'd.

- 8/29/12 - Notice & Order to Abate was issued ordering the Avila's to do the following:
 - Immediately discontinue the non-permitted uses (processing, receiving, sorting, packing and shipping of produce).
 - Immediately discontinue the use of the illegally built structures.
 - Submit construction documents to complete the process to obtain building permits.

Enforcement Summary, Cont'd.

- Demolish structures and return existing structures to their original state and use.
- Provide a grading plan.
- Prepare a SWPPP.
- File a Notice of Intent in order to obtain a Waste Discharge Identification Number (WDID).

Enforcement Summary, Cont'd.

- 9/13/12 - Dan Avila submitted a building permit application for Change of Occupancy, SFD to office/sales. However, until the Use Permit process is completed, he will be unable to obtain building permits.
- 9/25/12 - Dan Avila submitted the Use Permit application.

Enforcement Summary, Cont'd.

- 9/27/12 - Dan Avila submitted a Staff Approval Permit for the operation of a produce stand. This has been incorporated into the Use Permit.

Enforcement Summary, Cont'd.

- A driveway at the Fulkerth Rd. site has been installed w/o a PW Encroachment Permit or approval. The location of the driveway is in an unsafe location.

The driveway needs to be removed and relocated in a location approved by PW with the proper permit in place.

Conclusion

- 9/27/12 - Nuisance Abatement Hearing Board (NAHB) supported staff's recommendation to declare the property a nuisance.
- Mr. Avila continues to operate illegally without the necessary permits, which is in violation of applicable health and safety codes.

Staff Recommendations

- Adopt the NAHB recommendation.
- Finding: properties located at 1301 & 1113 Washington Rd., Turlock, contain non-permitted land uses, illegally built structures and illegal grading activities violate the Calif. Building Code Title 16, section 105 and County Code sections 21.20.020, 16.05.020 and 14.14.120, and constitutes a nuisance as defined in 2.92.010.

Staff Recommendations, Cont'd.

- Direct staff to take immediate action to abate any health and safety concerns, and hold in abeyance the abatement of any illegal land uses for which the property owner is actively seeking a land use permit.

Staff Recommendations, Cont'd.

- To be held in abeyance, the abatement of:
 - Operation of non-permitted use (the processing, receiving, sorting, packing & shipping of produce) until: a) a final determination is made on the current Use Permit application; and b) if the Use Permit is approved, until all conditions are met.

The single family residence that was used for an office.



07/05/2012

The addition to the Ag Building



Loading the watermelons.



07/24/2012

The loading docks.



07/24/2012

On-site sales of watermelons.



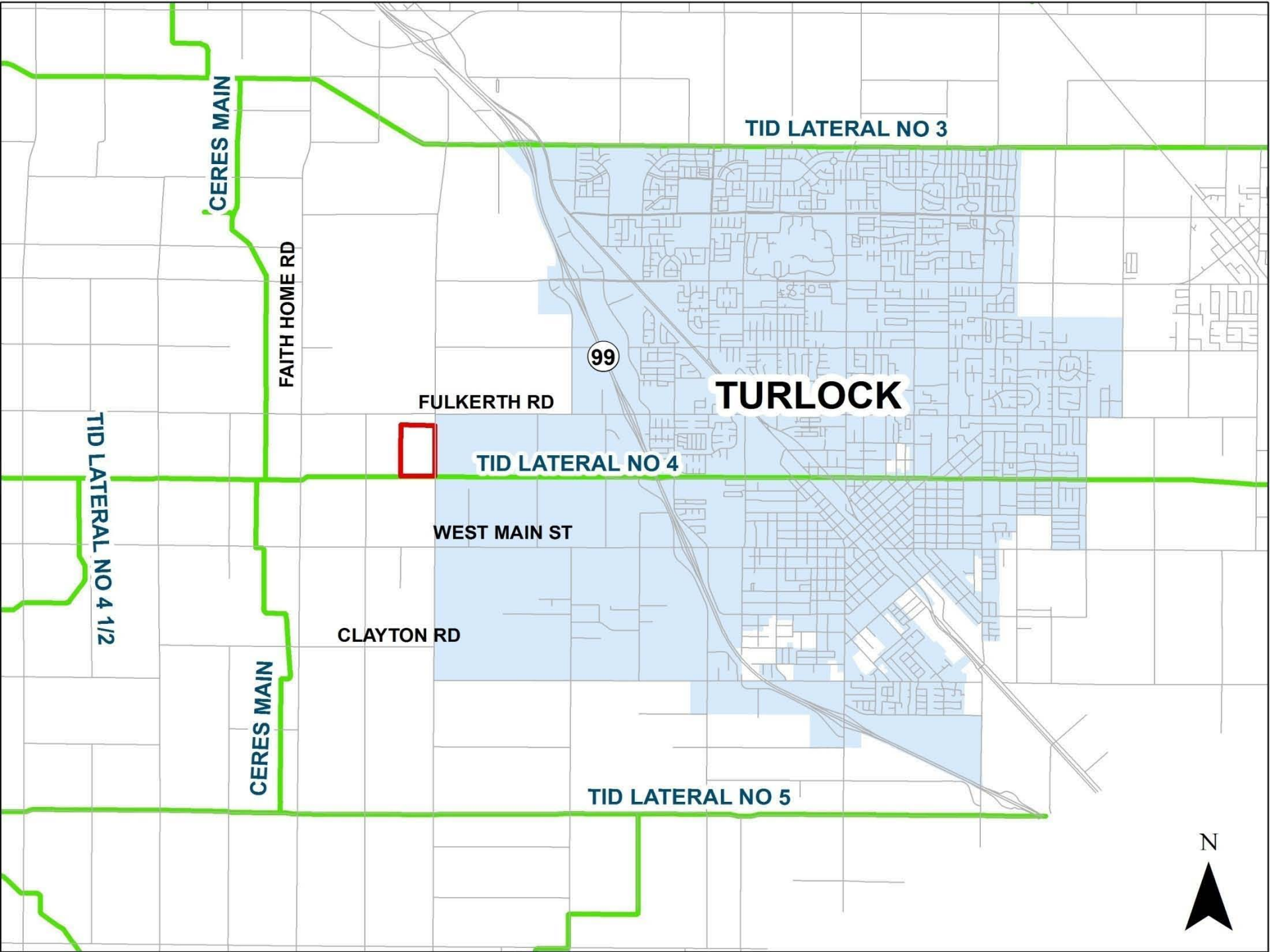
07/24/2012

A truck pulling on to Fulkerth Road









TID LATERAL NO 3

TURLOCK

99

FULKERTH RD

TID LATERAL NO 4

WEST MAIN ST

CLAYTON RD

TID LATERAL NO 5

CERES MAIN

FAITH HOME RD

TID LATERAL NO 4 1/2

CERES MAIN



Questions?