

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

DEPT: Environmental Resources

BOARD AGENDA # *B-3

Urgent Routine

AGENDA DATE January 14, 2014

CEO Concurs 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. 10-0051 6443 River Road, Oakdale, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 6443 River Road, Oakdale, California, as set forth in Attachment 1.

FISCAL IMPACT:

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. 2014-19

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board
Regarding CE No. 10-0051 6443 River Road, Oakdale, California

DISCUSSION:

The Code Enforcement Unit (CEU) responds to complaints throughout the unincorporated area of Stanislaus County. The CEU 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 Civil 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 January 20, 2010 in response to a complaint regarding commercial trucks parked in an agriculture zone, Code Enforcement staff verified commercial trucks were parked on the parcel. The case was put on hold until a trucking ordinance was adopted by Stanislaus County. On April 17, 2012 the Board of Supervisors approved an ordinance regarding commercial truck parking in the Agriculture Zone amending Chapters 21.20 and 21.94 of the Stanislaus County Code. After verifying the property owner did not have a business license/home occupation or a use permit for commercial truck parking on the property, an information letter was served to the property owner explaining the trucking ordinance. Subsequently, a Notice and Order to Abate was issued followed by a compliance inspection which revealed that the property remained in violation and no compliance efforts had been initiated. This resulted in the recordation of a Notice of Non-compliance with the Clerk-Recorder's Office and the issuance of Administrative Civil Citations.

Pedro Becerra is the current owner of record according to the County Assessor's Office, the County Clerk-Recorder's Office, and a title report obtained from Stewart Title Company. The property owner has made no attempts to contact Code Enforcement staff and has refused to comply with the Notice and Order to Abate.

On December 12, 2013, 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 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. Should the owner(s) fail to comply, staff will authorize County Counsel to take appropriate legal action.

The cost of the 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 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. 10-0051 6443 River Road, Oakdale, California, is consistent with the Board's priorities of A Safe Community, A Healthy Community, and the Efficient

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board
Regarding CE No. 10-0051 6443 River Road, Oakdale, California

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 is no staffing impact anticipated as a result of this action.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources. Telephone: 209-525-6770



NUISANCE ABATEMENT HEARING BOARD

RECOMMENDED DECISION

**IN RE: 6443 River Road, Oakdale, CA
Abatement Hearing No. CE# 10-0051**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on December 12, 2013. 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 6443 River Road, Oakdale, CA, in the unincorporated area of Stanislaus County, California, and identified according to the Assessor's website as Parcel Numbers 006-006-043, is zoned A-2-10, 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 1

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, commercial truck parking, in the staff report are a violation of Stanislaus County Code Section 21.20.020.
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, commercial truck parking, in the staff report is not a violation of Stanislaus County Code Section 21.20.020.

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: December 12, 2013



Marc Etchebarne, Vice Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on JAN 14 2014 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 10-0051
Assessor's Parcel Number: 006-006-043
Address: 6443 RIVER RD, 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:
§21.20.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use.	Immediately discontinuing the non-permitted use (Commercial Truck Parking). 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).	11/26/12

**CE 10-0051
6443 RIVER ROAD
OAKDALE, CA**

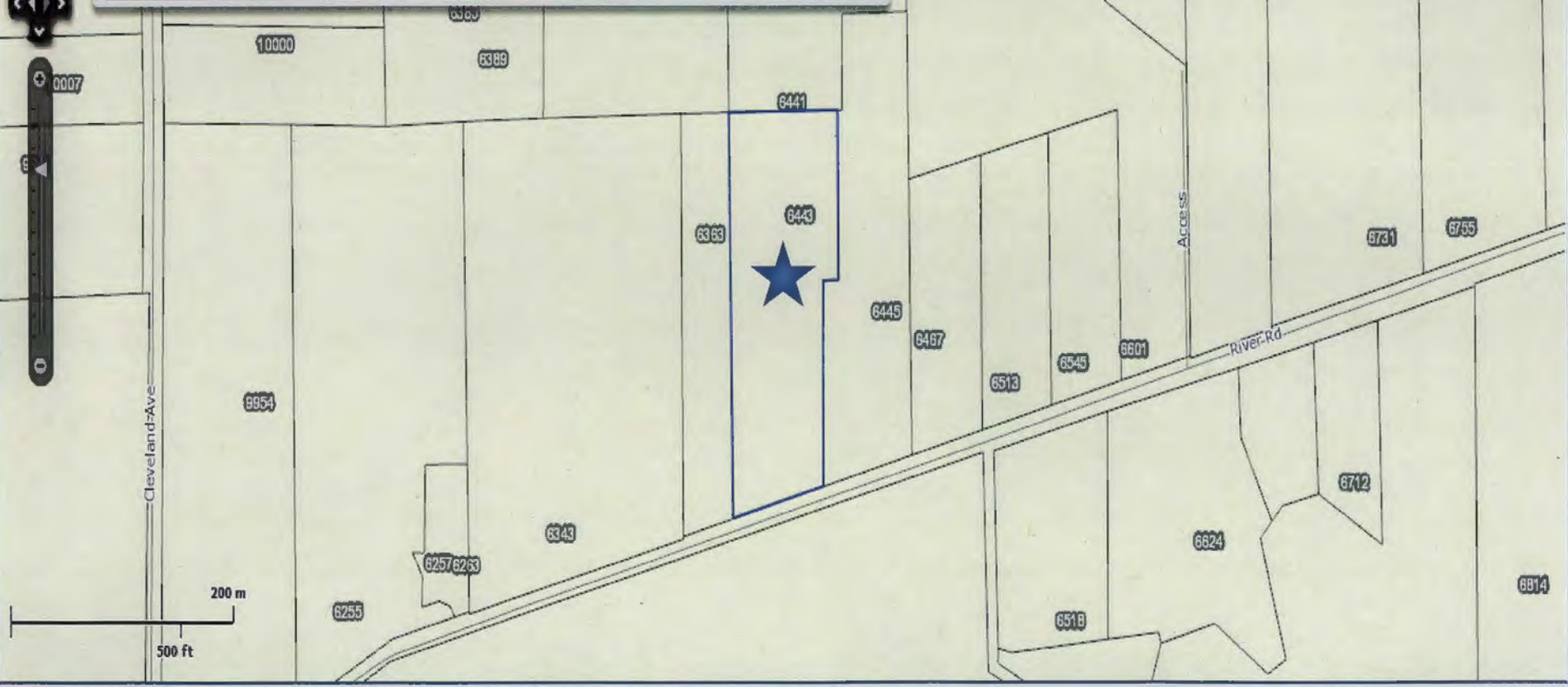
Stanislaus County

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THE END