

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-3

Urgent

Routine

AGENDA DATE February 16, 2010

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. 09-0856 at 8831 Rodden Road, Oakdale, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 8831 Rodden 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. 2010-081

On motion of Supervisor DeMartini, Seconded by Supervisor Monteith  
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) X 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 January 28, 2010 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 8831 Rodden Road, Oakdale, California, which is zoned, A-2-10 (general agriculture district) and contains an occupied recreational vehicle. On January 8, 2010, staff from the Department of Environmental Resources contacted the property owner in response to a complaint of an occupied recreational vehicle parked on the driveway. The recreational vehicle was identified as a motor home, which belonged to the property owner.

Staff inspected the exterior of the motor home and noted an electrical cord provided power from the main residence. There was no evidence of any water, septic or television connections; and with the exception of the electrical cord, the motor home appeared to be parked (unoccupied) on the driveway.

The zoning ordinance prohibits uses that are not specifically permitted in a zoning district and occupancy of recreational vehicles is not a permitted use in any zoning district. It is staff's determination that occupied recreational vehicles are a violation of the zoning ordinance; however, the Nuisance Abatement Hearing Board denied staff's recommendation and determined the occupied recreational vehicle was not a violation of Stanislaus County Code Section 21.20.020. In reviewing the facts of the case, the Nuisance Abatement Hearing Board concluded the occupancy of the recreational vehicle was temporary and was not served by water or sewer, noting the occupant was using the house located on the same parcel to cook and bathe.

**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. CE09-0856 (Attachment 1). The decision 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.

**CONTACT PERSON:**

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



## **NUISANCE ABATEMENT HEARING BOARD**

---

### **RECOMMENDED DECISION**

**IN RE: 8831 Rodden Road, Oakdale, CA  
Abatement Hearing No. CE 09-0856**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on January 28, 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:

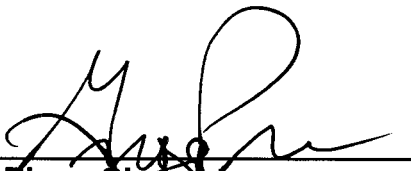
1. The property located at 8831 Rodden Road, Oakdale, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 006-088-009, is zoned A-2-10, general agriculture district.
2. County Staff confirmed the existence of and presented evidence of violations 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.

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 an occupied recreational vehicle in the staff report is 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 an occupied recreational vehicle 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: January 28, 2010

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

It should be noted that on FEB 16 2010 the Board of Supervisors will hear this matter as a consent item.

**Attachment "A"**

RE: File Number CE 09-0856

Assessor's Parcel Number: 006-088-009

Address: 8831 RODDEN RD, OAKDALE, CA

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

<b>Code Section Violation:</b>	<b>Corrective Action:</b>	<b>Compliance Date:</b>
§21.20.020 of the Stanislaus County Code. Unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s).	Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.	01/25/10

Enclosures: Stanislaus County Code

**CE #09-0856**

**8831 Rodden Road, Oakdale, CA**



28 MILE RD

RODDEN RD

006-088-009

10930

10930

10866

10866

8901

9025

8725

8761

8801

8831

8849

8885

8901

8761

8831

8849

8725

8801

RODDEN RD

8760

8768

8848

8796

8898

8950

8762

8796

8818

8848

8950

#1

ALLEGRO BAY

BUILT BY TIFFIN MOTOR HOMES, INC. RED BAY, ALABAMA

01/08/2010





#2



01/08/2010

#3



01/28/2010

#4



01/28/2010

#5

ALLEGRO BAY

BUILT BY 1996 HIGH SCHOOL, INC. RED BAY, ALABAMA

01/28/2010