



STANISLAUS COUNTY NUISANCE ABATEMENT HEARING BOARD

MINUTES

REGULAR MEETING

June 22, 2017

I. ROLL

CALL: Meeting called to order at 6:01 pm.

Present: Chairperson Scott Hicks, Richard Gibson Arby Hoobyar Jr.

Absent:

Staff

Present: Thomas Boze, Assistant County Counsel; Amanda Dehart, Deputy County Counsel; Karl Quinn, Code Enforcement Manager; Stasie Heinsaar, Zoning Enforcement Officer; Denise Porter, Administrative Secretary; Desiree Burris, Administrative Secretary

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

- A. April 27, 2017
Hoobyar (1-0), APPROVED

IV. MATTERS OF INTEREST FROM THE CODE ENFORCEMENT MANAGER

- A. Motion to move Consent Item Abatement Hearing regarding case No. CE 16-0026 at 7500 Maze BLVD, Modesto to a Non-Consent item.
Gibson/Hoobyar (2-0) APPROVED

V. CORRESPONDENCE

None

VI. CONFLICT OF INTEREST DECLARATION

None

VII. PUBLIC HEARINGS (CONSENT ITEMS)

Chairperson Scott Hicks informed the public of the consent items and procedures.
Public hearing opened.

- A. COST ACCOUNTING HEARING REGARDING CASE NO. DNB 2016-0001 AT 1313 INYO AVENUE, MODESTO
Gibson/Hoobyar (2-0) APPROVED
- B. COST ACCOUNTING HEARING REGARDING CASE NO. DNB 2015-0005 AT 1607 PORTLAND AVENUE, MODESTO
Gibson/Hoobyar (2-0) APPROVED
- C. COST ACCOUNTING HEARING REGARDING CASE NO. DNB 2015-0009 AT 1717 DONALD STREET, MODESTO
Gibson/Hoobyar (2-0) APPROVED

Public hearing closed.

NUISANCE ABATEMENT ACTION

None

NON-CONSENT ITEMS

- D. ABATEMENT HEARING REGARDING CASE NO. CE 16-0026 AT 7500 MAZE BLVD, MODESTO

Amanda DeHart, Deputy County Counsel, spoke on behalf of Code Enforcement. This hearing item is requested by the property owner, under the Stanislaus County Code Section 2.92.060, to contest the administrative enforcement actions being conducted against this property. Amanda reported that the property is zoned A-2, General Agriculture District. The property is not zoned to operate a retail business without a Use Permit. It is the County's position that this is happening on the property as raw milk is being sold to consumers. Amanda informed the Board, that an agreement had been reached to end retail sales of raw milk within 90 days of June 22, 2017. Amanda referenced a letter dated April 27, 2017 that outlined most of the conditions of the agreement to end retail sales of raw milk at this facility, with the addition of the 90 day period for coming into compliance. The following orders were requested:

- The interested parties must abate the nuisance and return the property to its permitted use as defined in the Stanislaus County Code 90 days from June 22, 2017.

- Authorize all Administrative Citations to date. However, Code Enforcement will not continue enforcement and abatement actions, for 90 days as the retail sales of raw milk are ended.
- The property must be accessible to Code Inspectors during normal business hours for routine inspections to make sure the retail sales of raw milk is ending by the 90th day.
- The property owners must pay all fines, penalties, and costs associated with the abatement of this nuisance.
- A lien shall be recorded against the property if the owner fails to pay any fines, penalties or costs associated with the abatement of this nuisance.
- If the motion is approved, it will go to the Board of Supervisors for approval to adopt the mentioned conditions.

Public hearing opened.

Charles Stoner, Attorney for the property owners Luis and Maria Bento, concurred with the agreement that Amanda DeHart recited. He stated that there is a real opportunity to have this type of market in the Stanislaus County with raw milk prices as high as \$18 a gallon being sold in Fresno County. However, the cost to comply with retail sale requirements is a detrimental factor to this particular business.

Gibson/ Hoobyar (2-0) Approved

Public hearing closed.

VIII. PUBLIC COMMENT PERIOD

No One Spoke.

IX. ADDITIONAL MATTERS AT DISCRETION OF CHAIR

None

X. MEETING ADJOURNED AT 6:23 P.M.

Karl Quinn, Code Enforcement Manager

(The above is a summary of the minutes of the Nuisance Abatement Hearing Board. Complete tape(s) of the meeting are available from the Department of Environmental Resources Director).