

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

DEPT: ENVIRONMENTAL RESOURCES

BOARD AGENDA# *B-13(e)

Urgent _____ Routine X

AGENDA DATE November 30, 2004

CEO Concurs with Recommendation YES mt NO _____
(Information Attached)

4/5 Vote Required YES _____ NO ✓

SUBJECT:

APPROVAL TO ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING CE NO. 04-1095 AT 6300 LON DALE ROAD, OAKDALE, CALIFORNIA

STAFF
RECOMMEN-
DATIONS:

ADOPT THE DECISION OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING NUISANCES AT 6300 LON DALE 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. 2004-911

On motion of Supervisor Simon, Seconded by Supervisor Grover
and approved by the following vote,
Ayes: Supervisors: Paul, Mayfield, Grover, Simon, and Chairman Caruso
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:

APPROVAL TO ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING CE NO. 04-1095 AT 6300 LON DALE ROAD, OAKDALE, CALIFORNIA

Page 2

DISCUSSION:

This agenda item is important because it ensures a safe and healthy community, promotes efficient government operations, serves the public's interest in a cost-effective manner, and fosters pride in our local community. The decision to be made by the Board of Supervisors is to adopt, modify, or reject the September 23, 2004 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 6300 Lon Dale Road, Oakdale, California. The property is zoned A-2 (general agricultural district, Williamson Act).

The property contains debris, junk, inoperable vehicles, a non-permitted mobile home and a non-permitted business.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Marc Ausema, owner(s) of the property, will have to abate the nuisance within two weeks after the Board of Supervisors' decision by complying with the following actions:

1. Collecting and disposing of all debris, refuse and rubbish to an approved location.
2. Removing junk in excess of 200 square feet from the premises.
3. Removing all but two of the inoperable/non-registered vehicles from the property.
4. Ceasing and desisting the non-permitted business.
5. Returning your property to its original permitted agricultural zoning.
6. Vacating the mobile home and removing all utilities and not allowing occupancy until the required permits are issued by Stanislaus County to allow occupancy.

Should the owner(s) fail to comply within that two-week period, the County would proceed with the abatement process through a forced clean-up action, whereby the property will be cleared of all contributing factors to the public nuisance. The cost of the abatement will be charged to the owner(s). If the responsible person(s) fail to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

If the Board adopts the Nuisance Abatement Hearing Board's decision, this public nuisance can be abated in a timely and efficient manner thus providing for a safe and healthy community, allowing the public to take greater pride in the areas they live in and frequent.

POLICY

ISSUE:

The Board should decide if it should accept, modify, or reject the written decision as presented in Decision of Abatement Hearing No. CE04-1095 (Attachment 1). Acceptance of staff's recommendation would be

APPROVAL TO ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING
BOARD REGARDING CE NO. 04-1095 AT 6300 LON DALE ROAD, OAKDALE, CALIFORNIA

Page 3

consistent with the Board's priorities of ensuring safe and healthy communities and delivering excellent community services.

STAFFING

IMPACT:

There is no staffing impact associated with this request.



NUISANCE ABATEMENT HEARING BOARD

DECISION

**IN RE: 6300 Lon Dale Road, Oakdale, CA.
Abatement Hearing No. CE 04-1095**

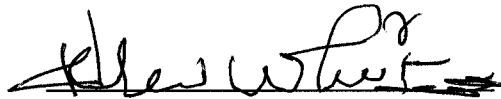
The Stanislaus County Planning Commission sitting as the Nuisance Abatement Hearing Board heard the above-referenced matter on, September 23, 2004. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 6300 Lon Dale Road, Oakdale, CA., in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 006-06-36, is zoned A-2, general agriculture district.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property are identified and listed in the title report contained in the staff report regarding this matter. The title report lists as the owner/s of record for the property as Marc Ausema.
4. 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.
5. 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 prescribe by Notice.
6. 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.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. 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.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

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.

Dated: September 23, 2004

A handwritten signature in black ink, appearing to read 'Helen White', with a horizontal line drawn underneath it.

Helen White, Chair

Stanislaus County Nuisance Abatement Hearing Board

RE: File Number CE 04-1095
Assessor's Parcel Number: 006-06-36
Address: 6300 Lon Dale Road, Oakdale, CA 95361

A. CONDITIONS OF VIOLATIONS:

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

1. Unlawful accumulation of debris, refuse and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
2. Unlawful junkyard/accumulation of junk on the premises. This is a violation of §21.20.020 and §21.16.040 of the Stanislaus County Code.
3. Unlawful vehicle storage yard. This is a violation of §21.20.020 and §21.16.040 of the Stanislaus County Code.
4. Operating a non-permitted business in an agricultural area (Marc's Custom Plastering). This is a violation §21.20.020 and §21.16.040 of the Stanislaus County Code.
5. Unlawful uses on lands subject to Williamson Act Contracts. This is a violation of §21.20.045 of the Stanislaus County Code.
6. Non-permitted mobile home is a violation of §21.20.020 & §21.16.040 of the Stanislaus County Code.

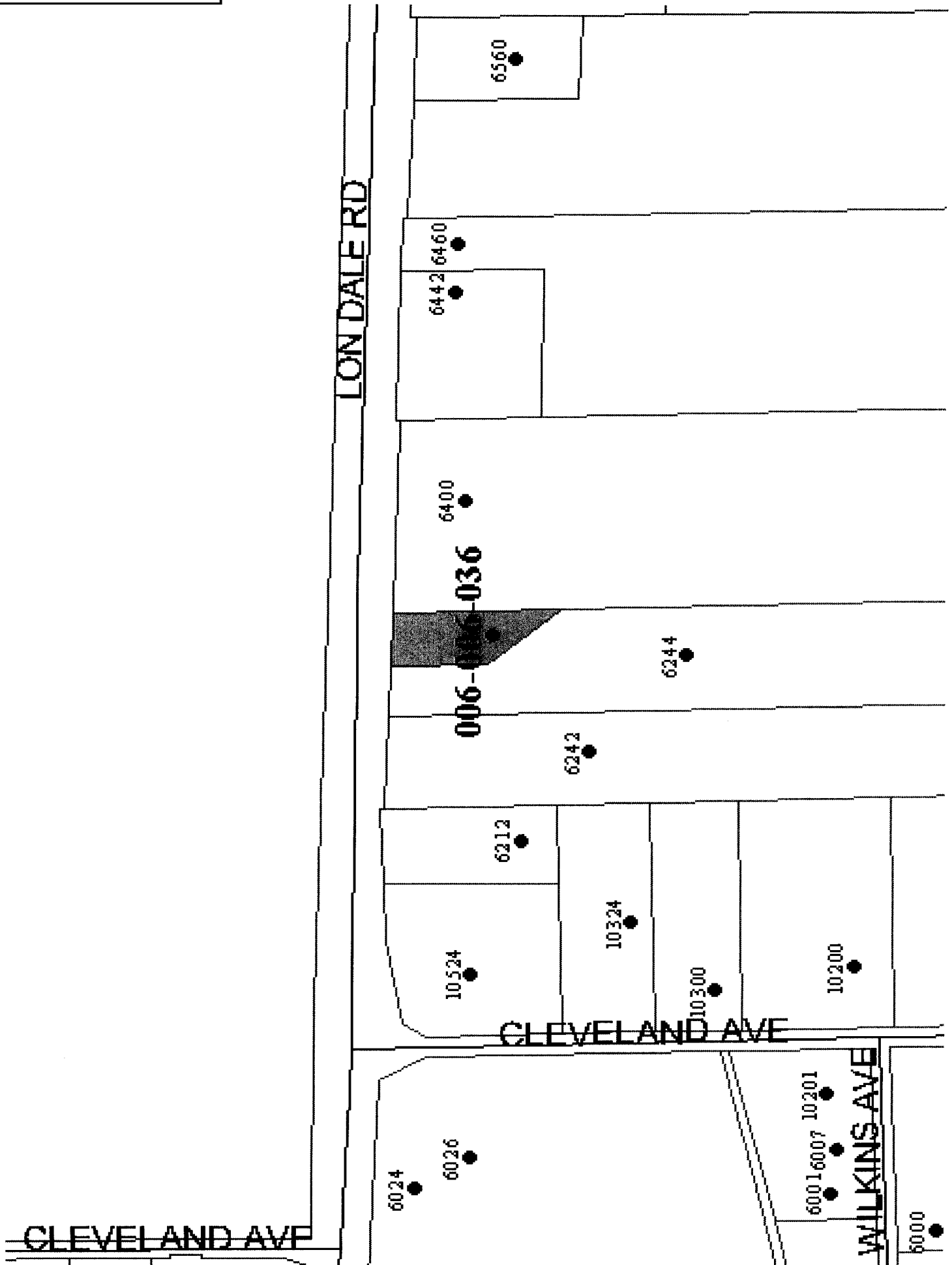
CORRECTIVE ACTION REQUIRED:

1. Collecting and disposing of all debris, refuse and rubbish to an approved location.
2. Removing junk in excess of 200 square feet from the premises.
3. Removing all but two of the inoperable/non-registered vehicles from the property.
4. Cease and desist the non-permitted business (Marc's Custom Plastering).
5. Return your property to its' original permitted agricultural zoning. Non-compliance could result in the termination of the Williamson Act and fines.
6. Vacating the mobile home and removing all utilities and not allowing occupancy until the required permits are issued by Stanislaus County to allow occupancy.

Enclosures: Stanislaus County Codes
CC: Stanislaus County Planning Department – Phil Irons
Stanislaus County Building Department

CE #04-1095

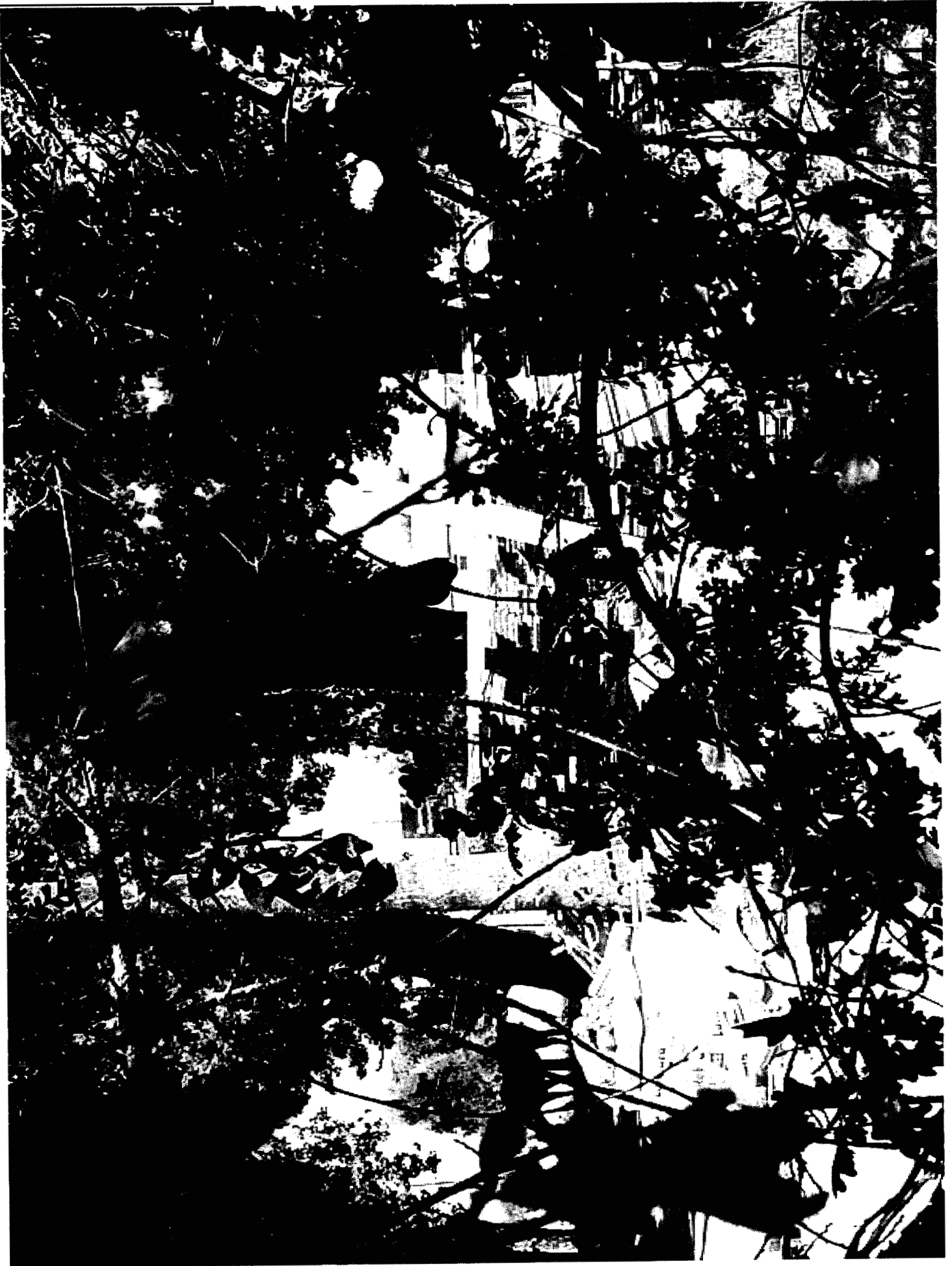
6300 Lon Dale Road, Oakdale

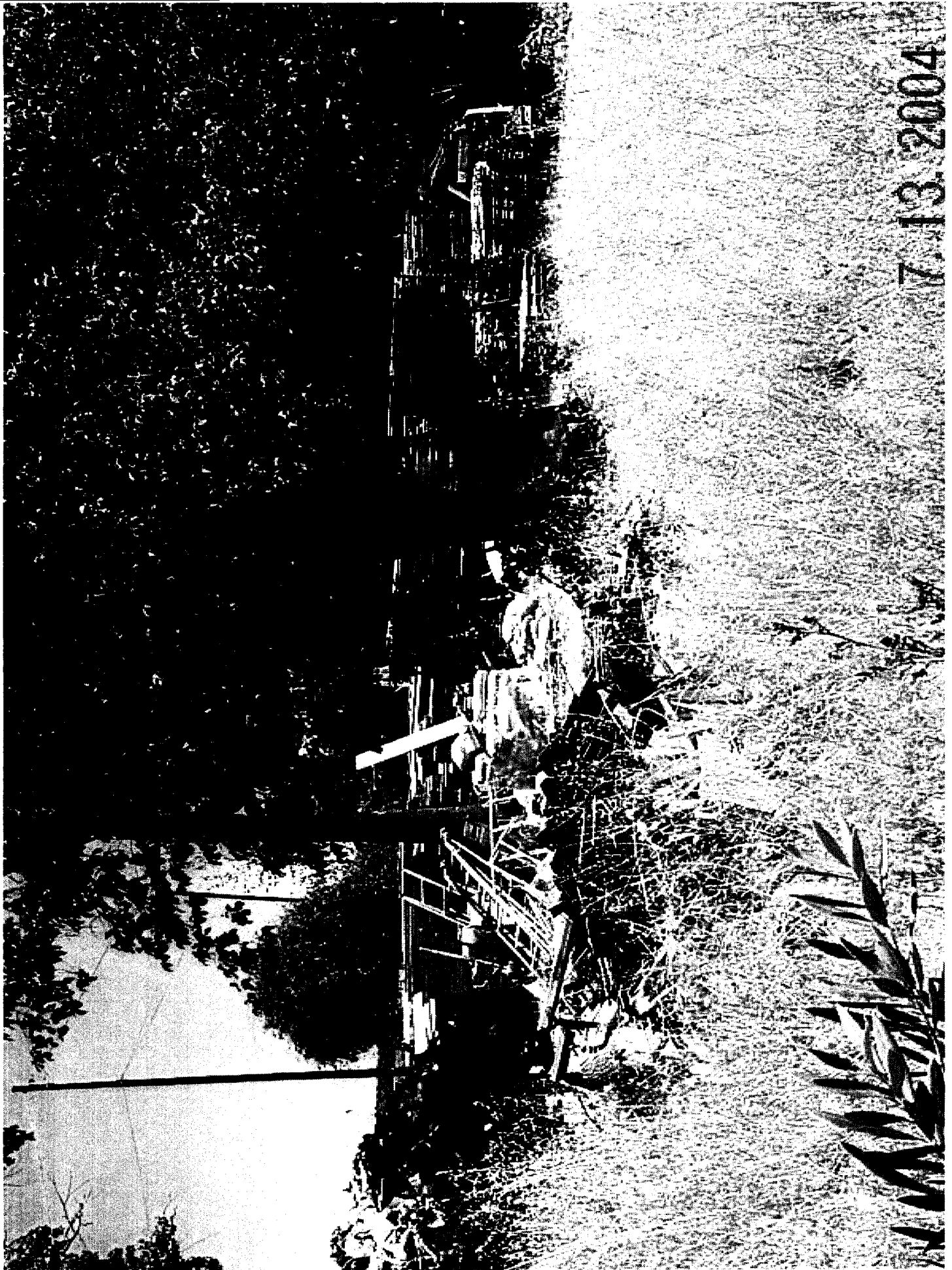


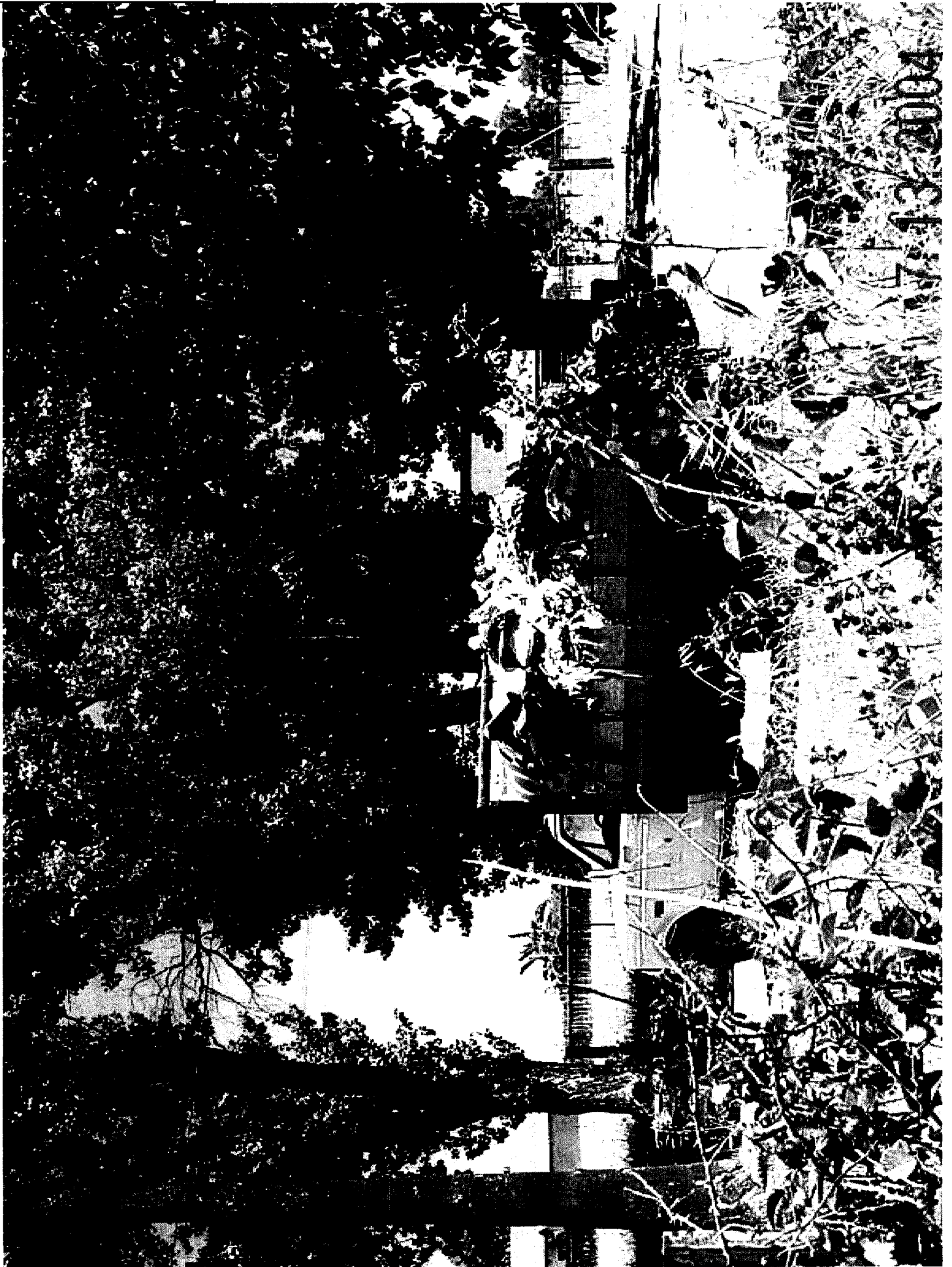




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