



Stanislaus County Nuisance Abatement Hearing Board

Minutes

Regular Meeting

August 23, 2018

I. Roll Call:

Meeting called to order at 6:00pm.

Present: Richard Gibson, Chairperson; Wayne Zipser, Member

Absent:

Staff

Present: Thomas Boze, County Counsel; Will Richards, Code Enforcement Manager, Stasia Heinsaar, Zoning Enforcement Officer; Angela Freitas, Director of Planning & Community Development; Desiree Schlunegger, Administrative Secretary

II. Pledge of Allegiance

III. Approval of Minutes

A. June 28, 2018

APPROVED, Zipser/Gibson (2-0)

IV. Matters of Interest from the Code Enforcement Manager

None.

V. Correspondence

None.

VI. Conflict of Interest Declaration

None.

VII. Public Hearings (Consent Items)

Chairperson Richard Gibson informed the public of the consent items and procedures.

Public hearing opened.

Nuisance Abatement Action

Dave Landers spoke. He is from the Keyes Municipal Advisory Council (MAC) and Keyes Water District. He said they have been asking to get this property cleaned up and it has been a dangerous hazard for some time. Dave said that there have been a lot of “druggies” and “homeless” living in the building for years. He stated Code Enforcement came in and looked at it. He also got Supervisor Vito Chiesa to look at it and thinks Supervisor Chiesa moved it faster. He would like to know the process moving forward.

Angela Freitas, the Planning Director, said that it will go before the BOS 9/25/2018 and that it will take until possibly November or December to remove the structure. County Counsel Tom Boze reiterated that it would be closer to December. Dave said the homeless set it on fire and it caught on fire a second time. A man who lived next door, had his house burn and he was out of a home due to limited income and no insurance. Dave said people are sick of this nuisance and sick of the County for not doing anything in the first place. Stated that there are several other places that also need to be addressed. Angela Freitas offered her card and info to be in contact.

Consent Item

- A. Abatement Hearing Regarding Case NO DNB2017-0004 at
5301 9th Street, Keyes
APPROVED, Zipser/Gibson (2-0)

Non-Consent Item

Anthony Reyes spoke. He is a resident at 1615 Grimes Ave, Modesto. He opposes declaring the property a nuisance. He has a rotating stock of livestock (roosters) where he takes them to auction. He has documents and pay check stubs to show that is what he has done for many years. He asked for a nuisance to be defined. He stated that he is not sure what the big deal is about roosters crowing in the morning. He lives in a non-urban area without sidewalks and he hears tractors all the time in the rural area. The NAHB Chair, Richard Gibson clarified that this address is within the county.

Anthony states that he makes a living off of selling the roosters. He has invested thousands of dollars in his poultry and property. He feeds, waters, rotates and vaccinates them. The Chair read the code in violation, Code 21-24-02B and advised small livestock is allowed but not roosters in RA zones. The Chair asked why Anthony thinks he should be excluded.

Anthony stated it is a way of living, it helps support his family and community. He pays tax dollars back into the community for it too. Member Wayne Zipser asked how big his parcel is at 1515 Grimes. Anthony stated it is under one acre. Will Richards CE Manager, confirmed for Mr. Zipser that it is a Rural Agricultural zone. Anthony states that tractors run all the time and farmers spray pesticides late into the evening around 11pm. The tractors do not bother him because he knows where he lives and it is part of living in the country. Anthony believes he should have an exception. He sells poultry not just roosters. He does have a second job and this is a hobby to keep him busy.

Mr. Zipser verified that this a complaint from neighbors. Will Richards, stated that there have been multiple complaints over the years and there are 4-5 other properties that are being enforced on at this time. However, this hearing was requested and moved along a lot faster.

Chair Gibson stated the cost of \$30 per rooster may have seemed high. But Anthony stated that some of his roosters are sold for up to \$1,000 each. Chair Gibson suggested he sells his roosters and move to a place he could raise them. Chair Gibson asked if they were fighting roosters. Anthony stated that he doesn't sell fighting roosters, they are show roosters. Anthony showed a certificate for preservation of game fowl. The Chair Gibson advised that he sympathizes but the Board is there to uphold the code. Chair Gibson advised that he start getting rid of the roosters. Mr. Gibson clarified that if Anthony would get rid of the roosters there wouldn't be an abatement and he could raise other poultry. Stasie Heinsaar CE Officer, said that Anthony will have approximately 90 days from the BOS meeting if approved on September 25, 2018. Anthony asked if he can go to the BOS meeting on Sept 25 and he was encouraged to do so.

After the motion, Yvonne Casteel from 1564 Grimes wanted to know if Anthony was just being singled out, because she has multiple neighbors with roosters and hens that go into her yard. She stated that she has complained and no one has done anything about it. Stasie Heinsaar stated that he 3 open cases out of 7 in the area and Anthony was not singled out. She wanted to talk about traffic matters. She was instructed by Will Richards she can speak with Stasie to make sure that the address of her neighbor has been opened for a complaint.

- A. Abatement Hearing Regarding Case CE #18-0211 at
1615 Grimes Ave, Modesto
APPROVED, Zipser/Gibson (2-0)

Public hearing closed.

VIII. Public Comment Period

No one spoke.

IX. Additional Matters at Discretion of Chair

None.

X. Meeting Adjourned at 6:20 P.M.

Will Richards, 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).