



Stanislaus County Nuisance Abatement Hearing Board

Minutes

Regular Meeting

December 13, 2018

I. Roll Call:

Meeting called to order at 6:00pm.

Present: Richard Gibson, Chairperson; Wayne Zipser, Member

Absent: Sharon Inman

Staff

Present: Thomas Boze, County Counsel; Will Richards, Code Enforcement Manager; John Garcia, Zoning Enforcement Officer; Robert Miramontes, Zoning Enforcement Officer; Stasie Heinsaar, Zoning Enforcement Officer; Desiree Schlunegger, Administrative Secretary

II. Pledge of Allegiance

III. Approval of Minutes

A. October 25, 2018

APPROVED, Zipser/Gibson (2-0)

IV. Matters of Interest from the Code Enforcement Manager

Code Enforcement wishes to pull Non Consent Item C. Nuisance Abatement Hearing regarding Case No. CE#18-0402 at 3001 Seneca Dr., Denair from the CE Agenda. They have come into compliance and declined attending the meeting they requested.

V. Correspondence

None.

VI. Conflict of Interest Declaration

None.

VII. Public Comment Period

No One Spoke.

VIII. Public Hearings (Consent Items)

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

Public hearing opened.

Nuisance Abatement Action

Consent Items

- A. Nuisance Abatement Hearing regarding case No. CE #18-0158 at
1917 Donald St, Modesto
APPROVED, Zipser/Gibson (2-0)

- B. Cost Accounting Hearing regarding case No. CE #17-0186 at
433 Spruce St, Modesto
APPROVED, Zipser/Gibson (2-0)

Non-Consent Items

- A. Nuisance Abatement Hearing regarding Case No. CE#18-0003 at
5407 S Commons Road, Turlock

A neighbor Rick Gonzalo at 5431 S Commons Rd, Turlock, spoke in favor of the cleanup. He has seen dumpsters show up and items be disposed of, but more items continue to come in. He does not mean his neighbors any ill will, but he wants to see the property cleaned up. Chair Gibson asked about the dumpsters Rick saw. Rick explained that a lot of stuff was disposed of but soon the dumpsters stopped, and more junk came in. There are multiple boats that won't see water again close to his property. He doesn't know why the items are collected but he wants to see the junk go away. It is getting out of hand and causing rat issues in the neighborhood.

A neighbor Robert England lives at 5519 S Commons Rd, Turlock, spoke in favor of the cleanup. He is concerned about fires. He stated that the grass is high and needs to be mowed. There are a lot of cars and boats that the weeds can't be cut around. The people there are good neighbors but things have gone downhill. He pays a lot of taxes and the property value of his place is going down. People are not wanting to move into the area because of this and if he sells his home he won't get full market value. He wants to see it cleaned up and stay cleaned up.

Dee Casey (Dee Tucker), the owner at 5407 S Commons spoke against the cleanup. Dee stated that the pictures provided by John Garcia are outdated and a

misrepresentation of the property. States she is cleaning it up every single day. Dee stated that the dumpsters were there and progress had been made, but the dumpsters stopped due to a shortage of available dumpsters from the trash company. The trash company put her on a waiting list with 30 people ahead of her. After 2 months of waiting, she could get more dumpsters delivered. Dee stated it was more economical for her to take the items to the dump in truck loads so she did not get more dumpsters because they are expensive.

Chair Gibson stated dumpsters would arrive soon if there is a forced clean up. Dee wants an opportunity to finish cleaning the property. She mentioned medical matters arose from a serious auto accident that have prevented her and her husband from cleaning up the property. Chair Gibson stated she could have hired someone to clean the property. Dee stated it is costly to pay someone to clean up and that she has been unemployed for 4 months and can barely walk. She was out there moving large pieces of wood and heavy boxes with a cane and walker. It would take half a day to move just a few boxes. It is also not all of her property out there, she has let people drop and store stuff at her property.

She feels she has made an honest attempt at cleaning but needs more time. County Counsel Tom Boze asked how time is needed. Dee stated she needs 2-3 more months. Dee stated she has pictures of what it currently looks like. County Counsel Tom Boze pointed out Picture 13 of John Garcia's slide show taken 12/13/18 and asked Dee if that was a representation of what the property currently looks like. Dee stated that parts of the property still look like the picture. Code Enforcement Manager Will Richards clarified that she has approximately 3-4 months if approved by the BOS. It will take a month for the recommendation to go to the BOS Meeting. If approved by BOS, Dee has up to 90 days after that to file an appeal for the BOS decision. This process would give Dee until March or April to clean her property before the County will go out and do a forced clean up. County Counsel Tom Boze asked if she can clean up in this time frame and Dee said she will try. County Counsel Tom Boze stated that if she doesn't staff will be authorized to go out and do the cleanup. Chair Gibson stated this is a sufficient amount of time.

John Casey, a resident at 5407 S Commons Rd. Stated cleanup was due to a delay in health. But that they will be doing the best they can to clean up.

Member Wayne Zipser agreed that if she needs 3-4 months and the due process provided that, then she has sufficient time with the approval of a clean up. He does worry for the neighbors and their property values. And that the property needed to be abated and it been a long time this issue has been happening.

APPROVED, Zipser/Gibson (2-0)

B. Nuisance Abatement Hearing regarding Case No. CE#18-0114 at
1822 East Ave, Turlock

No one appeared to contest this item.

Chair Gibson and Member Zipser asked for clarification. The front yard fence is not far enough back and needs to be 3ft tall. The wrought iron fence is on the right of way. It needs to be 35ft from the right of way and it is only 22ft. Member Zipser asked how the fences would be abated. John Garcia advised the wood fence would be cut to 3 feet in the front yard and the iron fence will be removed. County Counsel Tom Boze clarified with CE Manager Will Richards that it is approximately 30-45 days for a matter to go to the BOS meeting then 90 days after that before a cleanup is done.

APPROVED, Zipser/Gibson (2-0)

Richard Gibson advised this is his last Nuisance Abatement meeting as a part of the Planning Commission. He has served 8 years on the Planning Commission. He thanked everyone for their hard work.

Public hearing closed.

IX. Additional Matters at Discretion of Chair

None.

X. Meeting Adjourned at 6:25 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).