

AGENDA DATE: December 19, 2006



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 733-6291
FAX (559) 730-2653

Britt L. Fussel	Engineering
Deborah Kruse	Development Services
Jean P. Brou	Transportation
George Finney	Long Range Planning
Hal Cyfert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

AGENDA ITEM

ITEM NO. _____
District 4

SUBJECT:

Public Hearing on a request for waiver of the \$300.00 filing fee, and an appeal of the Administrative Hearing Officer's decision on Violation B498-001.

REQUEST(S):

Deny the request by Mr. & Mrs. Librado Valdez for waiver of the \$300.00 filing fee and deny the appeal and uphold the decision of the Administrative Hearing Officer on Violation B498-001, located at 10099 Avenue 424, APN 021-160-18, property owner, Rosalba G. Valdez.

SUMMARY:

This Violation, B498-01, is located at 10099 Avenue 424 northeast of the City of Dinuba. The A.P.N. is 021-160-18 and the property owner is Rosalba G. Valdez. The violation consists of construction without a building permit; (a bathhouse and a ramada structure) and an accumulation of solid waste. See the attached letters of appeal (Exhibit "A") and Chronology (Exhibit "B") concerning this file.

Mr. and Mrs. Librado Valdez, owners and occupants of the property, are requesting an appeal hearing by the Tulare County Board of Supervisors concerning the recent Resource Management Agency's Administrative Hearing outcome and decision rendered by the Administrative Hearing Officer on June 21, 2006. This decision upheld the decision by a previous Administrative Hearing Officer concerning levied fees and fines on a Code Compliance Agreement that the Valdezes entered into and failed to comply with.

At the June 21, 2006, Hearing, Code Compliance staff presented a staff report documenting the violations that remained unabated on this site for the past 8 years. The Hearing Officer then listened to testimony from the property owners of why they were unable to comply with the Code Compliance Agreement (the property owners had been granted 180 days to comply), that they entered in by contractual agreement with the County. The Hearing Officer then determined the property owners had not presented enough cause to

warrant a reduction in the fines that were levied on their property nor was there sufficient cause to grant additional time in the agreement. Fines of \$7,000.00 and fees of \$800.00 plus interest were stayed, and are still due on this property.

(See the attached Exhibit C) copy of the Precipitation as reported by the National Weather Service, Hanford.

FINANCING:

Not Applicable

ALTERNATIVES:

1. Approve the appeal for the waiver of the \$300.00 filing fee.
2. Approve the appeal and reverse the decisions of the Administrative Hearing Officer made on June 21, 2006, and direct the Code Compliance staff to prepare a new Code Compliance Agreement to allow the property owners additional time to abate the violations on their property. Such an action may not be appropriate as the property owners have not continued to abate the violation on this site since the last Administrative Hearing they attended. The abatement consists of two building permits, one has had no inspections and one has never been picked up. The solid waste continues to be on the property and now there is in addition, an inoperative vehicle.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

No other Departments or Agencies are involved.

SIGNATURE REQUIREMENTS:

Chairman of the Board to sign the title Resolution. County Administrative Officer/Clerk of the Board of Supervisors or authorized Deputy to attest to the Resolution.

ADMINISTRATIVE SIGN OFF:

RESOURCE MANAGEMENT AGENCY


 Deborah Kruse
 Assistant Director-Development Services


 Henry Hash, Director

- Attachment A- Letters of Appeal, dated June 28, 2006 and October 2, 2006.
- Attachment B - Chronology of Events of Violation B498-001
- Attachment C - Chart of the Precipitation of Tulare County from the National Weather Service, Hanford, California

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN APPEAL BY)
LIBRADO AND ROSALBA G. VALDEZ)
ADMINISTRATION HEARING DECISION) RESOLUTION NO.

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR
_____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD ON DECEMBER 19, 2006, BY THE
FOLLOWING VOTE:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST: C. BRIAN HADDIX
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____

Denied the request by Mr. & Mrs. Librado Valdez for waiver of the \$300.00 filing fee and denied the appeal and upheld the decision of the Administrative Hearing Officer on Violation B498-001, located at 10099 Avenue 424, APN 021-160-18, property owner, Rosalba G. Valdez.

EXHIBIT A

October 2, 2006

County of Tulare
Board of Supervisor
& Clerk of the Board
2800 W. Burrel Ave
Visalia CA 93291

Re: Appeal regarding Code Compliance Violation

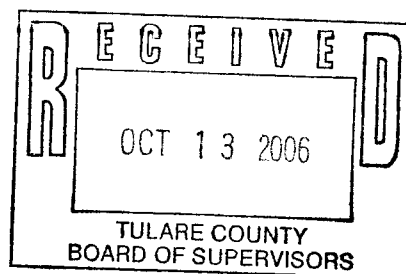
We are responding to your correspondence regarding the appeal fee. It is our intent to proceed with the code compliance and clean-up of the property located at 10099 Ave 424, Dinuba, CA 93618.

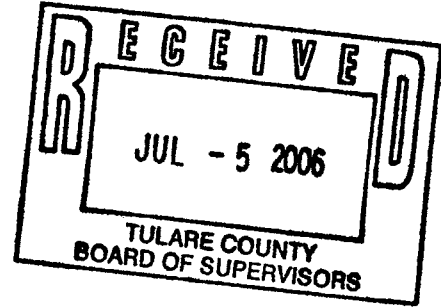
However, as per our last court appearance, we are asking the Board to waive a \$300 appeal fee for filing the extension of time to clean-up above property. We have continued the clean up as we agreed upon on this last court date.

Please let us know if this is possible at this time. We hope to complete the clean-up project soon. If you wish to schedule a visit or a hearing to finalize the compliance code inspection, Please reply to:

Mr. & Mrs. L. Valdez
10099 ½ Ave 424
Dinuba, CA 93618

Sincerely,
Mr. & Mrs. Valdez





June 28, 2006

Dear Mr. Bruce Kendall:

RE: Mr. & Mrs. Librado Valdez
Property: 100991/2 Ave 424, Dinuba, CA 93618
Case# B498-001

We have attended the court hearing on June 21, 2006. We are requesting for a little more time in cleaning-up the property premises. As per our photos of overall clean-up evidence, we continue to make the effort of cleaning and hauling yard and metal items as per your quest of final clean-up. We are requesting to have another hearing with the County Board of Supervisors for our district to dismiss some or all of the penalties assessed to our property. Due to unfortunate weather conditions, family illnesses, and lack of finances in our fixed income, it has been very difficult to hire our clean-up crews. Family members and friends have assisted in these projections, it has been difficult to provide the necessary clean-up staff to haul, dump, or access public utilities for clean-up orders. We are still cleaning and trying to afford all of the requests that you have mentioned on the property assessment penalties. However, since we can provide evidence of the cleaning and the bills that have resulted in this project, we would appreciate if you can help in this request. At this time we are slowly, but surely accomplishing this order and we have no intention of construing any violations under county ordinances. Please allow us additional time for clean-up. Also if you can please review the permit violations and ask that you set a time to inspect and approve the building permits and site clean-up evidence so that we can have all of the orders cleared of violations. We have completed the projects and repaired the additional findings or violations on the bathroom buildings and ramada sites. and the clearing of the ongoing permit violations that have not been approved. This property has improved its appearance, value and we ask that you advocate for us so that board reviews and also can approve the forgiveness of the penalty orders.

Additional Comments and Future Goals:

We have also hired a maintenance yard person to help us with all property yard cleaning on a weekly basis and keep up with yard, and garden, and manage property so that maintenance is kept in an orderly manner. A large dumpster was ordered as well as truck loads, trailer full dumps etc. Every effort has been made to comply the these orders. Please let us know of the court hearing date and we will try our best to be there along with supporting documentation. If there is anything else that you need from us, please let us know. Thank you very much.

Mr. & Mrs. Librado Valdez

Librado Valdez
Rosalba D Valdez

EXHIBIT B

A chronology of events of violation B498-001

On 01/05/98, Bruce Kendall, Building and Zoning Inspector, inspected this site and found a ramada building built without a permit (over a legally installed railroad car due to violation 4-91-80 from 1991), and a bathhouse constructed behind the main dwelling without building permit or inspection.

On 01/13/98, the property owner, Rosalba Valdez , indicated to Mr. Kendall that she would obtain a building permit for the bathhouse or obtain a demo permit to remove it, and that she would remove the railroad car and ramada.

On 01/28/98, Nora Valdez met with Building and Zoning Inspector, Tom Webb, who reviewed her plans. The plans were determined to be incomplete, and Ms. Valdez indicated she would meet with Mr. Kendall to discuss the issues.

On 08/17/00, Mr. Kendall inspected this site and found that the ramada over the railroad car, and the bathhouse were still in place. He also noted an accumulation of solid waste.

On 08/29/03, Yolanda Valdez, daughter of the current owner and the previous owner, contacted Ms. Andersen about the violation. Ms. Andersen explained the Amnesty Program which was in place at the time. The Amnesty Program existed for several months in 2003, and allowed property owners an opportunity to obtain building permits to correct violations without having to pay the double fee for the permit. She did not seem interested in taking advantage of the program.

On 09/26/05, Mr. Kendall inspected the site, confirmed that the violations continued, took photos, and delivered a copy of the Notice and Order to the owner and his grandson at the subject property.

On 10/19/05, the regularly scheduled Administrative Hearing was held in the Planning Commission room of Resource Management Agency. The property owners appeared at the hearing. A Code Compliance Agreement was offered to the Valdezes to allow an additional 180 days of time to bring the property into compliance. This agreement was signed by all parties on 10/19/05.

On 04/13/06, building permit A0601304 for a bathhouse was submitted to the Building Division of RMA. This date is 165 days after the Code Compliance Agreement was signed. Routinely, building permits take a minimum of 6 weeks to process and the property owners were given a phone call on 07/14/06 that the permit was ready to pick up. To date (10/26/06), this permit has not been obtained. Also building permit A0601305 for a 1152 square foot ramada was applied for on 04/13/2006 and this permit was received by the property owners on 07/07/06 and as of this 10/26/06, no inspections have been scheduled by the property owners.

On 05/02/06, Joseph Phillips, Building and Zoning Inspector, (195 days after the Code Compliance Agreement was signed) inspected this site, and found that the illegal structures were still on site, and no final inspections had been performed. He also found the solid waste was still evident, and there was also an inoperative vehicle.

On 05/18/06, Mr. and Mrs. Valdez ask for an appeal hearing by the Administrative Hearing Officer to have additional time to complete the abatement of violations on their property.

On 06/21/06, Mr. and Mrs. Valdez were heard at the Administrative Hearing. Most of their appeal centered around the last winter storms and claimed they could not complete their obligations. Mr. Kendall submitted a summation of the winter storms of last year that was received from the National Weather Service (see Exhibit C). The Hearing Officer questioned the Valdezes why the permits were not complete on their property. The Hearing Officer denied their appeal based upon the lack of obtaining the building permits (the Hearing Officer commented that the weather was not a factor in obtaining the permits), and the information provided by Mr. Kendall concerning the amount of weather in the area.

EXHIBIT C

Visalia

Elev. 325 ft.

30 Year Normals (1971-2000)															
Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann	M	
Normal	Maximum	54.2	61.7	66.8	73.7	81.6	89.2	93.8	92.2	86.9	78.0	63.7	54.2	74.7	Maxi
	Minimum	37.4	41.1	44.9	48.1	54.0	60.1	64.8	63.8	59.3	51.8	42.2	36.2	50.3	Mini
	Precipitation	2.03	1.95	2.15	0.80	0.37	0.14	0.01	0.02	0.25	0.65	1.17	1.49	11.03	Precip
	Degree Days	Heating	596	381	295	171	63	2	0	0	8	93	364	615	2588
	Cooling	0	0	11	46	149	292	443	400	251	90	3	0	1685	Cooling
Monthly Precipitation															
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann	Se	
2006	4.41	0.15	2.81	5.74	0.53	0	0	0	-	-	-	-	-	2006-07	
2005	3.15	1.38	2.31	0.97	0.88	0	0	0	0	0	0.19	1.61	10.49	2005-06	
2004	0.90	2.20	1.43	0.40	0	0	0	0	0	1.70	0.82	0.95	8.40	2004-05	
2003	0.45	1.36	0.70	1.90	0.91	0	0.02	0	0	0	0.61	2.45	8.40	2003-04	
2002	1.06	0.21	1.31	0.23	0.22	0	0	0	0	0	1.76	1.63	6.42	2002-03	
2001	2.18	3.82	0.44	1.44	0	0	T	0	0	0.48	2.04	4.89	15.29	2001-02	
2000	2.17	4.44	1.45	1.03	0.50	0.95	0	0.10	0	2.07	0	0.10	12.81	2000-01	
1999	3.91	1.00	0.79	1.74	0	0	0	0	0.35	0	0.73	0	8.52	1999-00	
1998	3.53	4.62	4.09	2.03	1.60	1.25	0	0	0.99	0.26	0.95	0.62	19.94	1998-99	
1997	4.59	0.15	0.31	0	0	0	0	0	0	0.15	2.83	1.66	9.69	1997-98	
1996	1.91	3.03	2.08	1.28	0.51	0	0	0	0	1.37	2.16	3.90	16.22	1996-97	

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, December 19, 2006 at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing will pertain to an appeal filed by Librado and Rosalba G. Valdez, appealing the Administrative Hearing Officer's decision of June 21, 2006, for violation B498-001, located at 10099 Avenue 424, Dinuba, CA, A.P.N. 021-160-18.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing.

C. BRIAN HADDIX
County Administrator/Clerk,
Board of Supervisors

TO BE PUBLISHED ONLY ONCE

BY: _____

Send to: ~

SEND BILL AND TEAR SHEET TO:
Tulare County Resource Management
Agency - Current Planning Division
5961 South Mooney Blvd.
Visalia, CA 93277-9394