

- (3) The owner be ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.
- (4) The grading without permits on the real property located at 23836 Highway 74, Perris, Riverside County, California, APN: 326-250-043, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit grading of more than fifty (50) cubic yards without a grading permit.
- (5) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.
- (6) 23836 LLC, the owner of the subject real property or whoever has possession or control of the premises, be directed to restore or remediate the unpermitted grading within ninety (90) days.
- (7) If the owner or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the mailing and posting of the Board's Order to Abate, that representatives of the Code Enforcement Department are authorized to obtain the services of a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structure and restore or remediate the property so as to prevent offsite drainage and slope erosion.
- (8) The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (9) Upon the restoration or remediation of the property and payment of all abatement costs assessed against the property the five (5) year hold on the issuance of building permits and land use approvals will be lifted.
- (10) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the grading without a permit on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An inspection was made of the subject property by the Code Enforcement Officer on May 8, 2008.
2. The inspection revealed a substandard structure (single family residence) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to the following: exposed water heater, exposed wiring, deteriorated foundation, broken flooring, general dilapidation, including holes in the walls, an open and vacant structure with broken windows and doors off the hinges.

3. An inspection was made of the subject property by the Code Enforcement Officer on June 30, 2008.
4. The inspection revealed a large stockpile of dirt on the property in violation of Riverside County Ordinance No. 457 (RCC Chapter 15). The Officer estimated that approximately eight thousand, eight hundred and eighty-eight point eighty-nine (8,888.89) cubic yards of dirt has been stockpiled. A search of Riverside County records indicates that no permit for grading has been obtained. This creates a public and attractive nuisance.
5. Follow-up inspections on July 2, 2008, September 30, 2008, November 20, 2008, and January 16, 2009, July 14, 2009 revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
6. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for grading without a permit.