

FORM APPROVED COUNTY COUNSEL  
 BY: Patricia Munroe DATE: 5/9/13  
 PATRICIA MUNROE

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

604B



**FROM:** TLMA - Code Enforcement Department

**SUBMITTAL DATE:**  
 May 9, 2013

**SUBJECT:** Abatement of Public Nuisance [Grading Without Permits and Failure to Implement and Maintain Erosion and Sediment Control Measures]  
 Case No.: CV12-02296 [GAYDICK]  
 Subject Property: 32829 Galleano Ave., Winchester; APN: 964-020-027  
 District: 3/3

**RECOMMENDED MOTION:** Move that:

1. The grading without permits and failure to implement and maintain erosion and sediment control measures on the real property located at 32829 Galleano Ave., Winchester, Riverside County, California, APN: 964-020-027 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which prohibits grading of more than fifty (50) cubic yards without a permit and Riverside County Ordinance No. 754 which regulates the discharge of pollutants into the county storm drain system.
2. That a five (5) year hold on the issuance of building permits and land use approvals be placed on the property.

*Tracey Towner*

(Continued)

TRACEY TOWNER, Division Manager for  
 JUAN PEREZ, TLMA Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Tina Grande*  
 Tina Grande

**County Executive Office Signature**

Policy  Policy   
 Consent  Consent

Dept's Recomm.:  
 Per Exec. Ofc.:

2013 MAY 13 6:41 PM  
 CLERK COUNTY OF RIVERSIDE  
 RECEIVED RIVERSIDE COUNTY

**Prev. Agn. Ref.:** | **District:** 3/3 | **Agenda Number:**

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3. The owner or whoever has possession and control of the subject real property, be directed to restore the unpermitted grading and implement and maintain erosion and sediment control measures so as to prevent offsite drainage and slope erosion on the property within ninety (90) days.
4. If the owner or whoever has possession or control of the real property does not take the above described actions within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, to restore the property so as to prevent offsite drainage and slope erosion.
5. 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.
6. That upon the restoration of the property, so as to prevent offsite drainage and slope erosion, and payment of all abatement cost assessed against the property, the five (5) year hold on the issuance of building permits and land use approvals will be lifted.
7. County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that grading without permit and failure to implement and maintain erosion and sediment control measures on the real property is declared to be in violation of Riverside County Ordinance Nos. 457 and 754 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

**BACKGROUND:**

1. An inspection was made of the subject property by the Code Enforcement Officer Jeremy Wagner on April 9, 2012. Research revealed that grading permit number BGR070687 had expired. The inspection revealed that there were additional down drains and approximately five hundred (500) cubic yards of soil that was imported contrary to the approved grading plan. Furthermore, owner failed to implement and maintain erosion and sediment control measures. A search of Riverside County records indicates that no permit for the grading has been obtained.
2. Follow-up inspections on May 15, 2012, July 31, 2012 and October 17, 2012, revealed that the property continues to be in violation of Riverside County Ordinances Nos. 457 and 754.

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3. 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 permit and failure to implement and maintain erosion and sediment control measures.