

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

213B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
July 23, 2014

SUBJECT: Abatement of Public Nuisance [Grading Without Permits and Illicit Discharge of Pollutants]
Case No: CV11-05324 [OLSEN, MOLT, MAYS]
Subject Property: 38550 Ganson Place, Temecula; APN: 915-370-015
District: 3/3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The grading without permits and the illicit discharge of pollutants (caused by the failure to implement and maintain erosion and sediment control measures) on the real property located at 38550 Ganson Place, Temecula, Riverside County, California, APN: 915-370-015 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.

Greg Flannery

GREG FLANNERY
Code Enforcement Official

(Continued)

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS				Budget Adjustment:	
				For Fiscal Year:	

C.E.O. RECOMMENDATION:

APPROVE
Steven C. Horn
BY: _____
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FOR THE APPROVED COUNTY COUNSEL
 BY: *Alexandra Fong*
 L. ALEXANDRA FONG
 DATE: 6/23/14

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

9-5

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

FORM 11: Abatement of Public Nuisance [Grading Without Permits and Illicit Discharge of Pollutants]

Case No: CV11-05324 [OLSEN, MOLT, MAYS]

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RECOMMENDED MOTION (continued):

3. The owners, Ryan Andrew Olsen, Mary Beth Molt, and Richard Gary Mays, or whoever has possession of the 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 owners or whoever has possession or control of the real property do 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 owners or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, may 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 costs assessed against the property, the five (5) year hold on the issuance of building permits and land use approvals may be lifted.

7. County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that grading without permit and illicit discharge of pollutants (caused by the 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. Code Enforcement has been working with the property owners since June 2011 to resolve the violation.
2. An inspection was made on the subject property by Senior Officer Sanders and Code Enforcement Officer Pollard on September 3, 2013. The inspection revealed two (2) graded pads and imported soil of approximately three thousand three cubic yards (3,003). Furthermore, owners 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.
3. A follow-up inspection of the above-described real property on April 16, 2014, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 457 and 754.
4. 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 the grading without permit and failure to implement erosion and sediment control measures..

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Impact on Citizens and Businesses

Failure to abate will have a negative impact on citizens or businesses due to health and safety hazards, nuisance, and potential impact on real estate values.

SUPPLEMENTAL:

N/A

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS