

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

810 B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
October 8, 2014

**SUBJECT:** Order to Abate [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 [\$0.00]

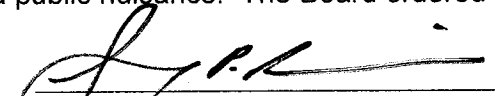
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05324;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05324; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05324.

**BACKGROUND:**

Summary

On September 9, 2014, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the grading without permits and illicit discharge of pollutants located on the subject property to be a public nuisance. The Board ordered (Continued)

  
GREGORY P. PRIAMOS  
County Counsel

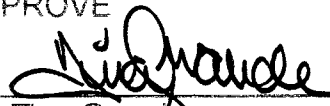
FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

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

APPROVE

BY:

  
Tina Grande


County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone and Benoit  
Nays: None  
Absent: Tavaglione and Ashley  
Date: October 21, 2014  
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

Prev. Agn. Ref.: 09/09/14; 9.5 | District: 3/3 | Agenda Number:

2-9

Departmental Concurrence

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

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

**FORM 11:** Order to Abate [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 [\$0.00]

**DATE:** October 8, 2014

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

the property owners to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

**Impact on Citizens and Businesses**

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

Findings of Fact

1 RECORDING REQUESTED BY:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

**DOC # 2014-0400153**  
10/22/2014

**Customer Copy Label**  
The paper to which this label is  
affixed has not been compared  
with the filed/recorded document

**Larry W Ward**  
County of Riverside  
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Senior Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
9 4080 Lemon Street, Twelfth Floor (Stop #1012)  
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 11-05324  
12 [GRADING WITHOUT PERMITS AND ILLICIT )  
13 DISCHARGE OF POLLUTANTS]; APN 915-370- ) FINDINGS OF FACT,  
14 015, 38550 GANSON PLACE, TEMECULA, ) CONCLUSIONS AND ORDER TO  
15 RIVERSIDE COUNTY, CALIFORNIA; RYAN ) ABATE NUISANCE  
ANDREW OLSEN, MARY BETH MOLT, AND )  
RICHARD GARY MAYS, OWNERS. ) R.C.O. Nos. 457, 754, and 725

16 The above-captioned matter came on regularly for hearing on September 9, 2014, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 38550 Ganson Place, Temecula, Riverside County, APN 915-370-015, and  
20 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with the attached Exhibits, evidencing the grading without permits and illicit discharge of pollutants  
26 on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance ("RCO")  
27 Nos. 457 and 754.

28 ///

**COPY**

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the Owners  
3 of THE PROPERTY as Ryan Andrew Olsen, Mary Beth Molt and Richard Gary Mays (hereinafter  
4 referred to as “OWNERS”).

5 2. Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: Prospect Mortgage, LLC, MERS, acting as a nominee for LSI Title  
7 Company, and Debra Dirienzo (hereinafter referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on September 3,  
9 2013 and April 16, 2014.

10 4. During each inspection, grading without permits and illicit discharge of pollutants  
11 was observed on THE PROPERTY.

12 5. Code Enforcement staff conducted a search of County records which revealed no  
13 permits had been obtained for the grading.

14 6. THE PROPERTY was determined to be in violation of RCO Nos. 457 and 754 by the  
15 Code Enforcement Officer.

16 7. A Notice of Pendency of Administrative Proceedings was recorded on October 31,  
17 2012 as Document Number 2012-0522833 in the Office of the County Recorder, County of  
18 Riverside.

19 8. On September 5, 2013, a Notice of Violation was posted on THE PROPERTY. On  
20 September 4, 2013, a Notice of Violation was mailed to OWNERS by first class mail. On March 11,  
21 2014, a Notice of Violation was mailed to OWNERS and INTERESTED PARTIES by first class  
22 mail.

23 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
24 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and  
25 INTERESTED PARTIES and was posted on THE PROPERTY.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on September 9, 2014, finds and concludes that:

1 1. WHEREAS, the grading without permits and illicit discharge of pollutants on the real  
2 property located at 38550 Ganson Place, Temecula, Riverside County, California, also identified as  
3 Assessor's Parcel Number 915-370-015 violates RCO Nos. 457 and 754 and constitutes a public and  
4 attractive nuisance.

5 2. WHEREAS, the OWNERS, occupants and any person having possession or control of  
6 THE PROPERTY shall abate the conditions by restoring the unpermitted grading and implementing  
7 and maintaining erosion and sediment control measures in strict accordance with all Riverside  
8 County Ordinances, including but not limited to RCO Nos. 457 and 754, within ninety (90) days.

9 3. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that a five (5) year  
10 hold on the issuance of building permits and land use approvals shall be placed on THE  
11 PROPERTY. Upon restoration of the property and payment of the lien, the five (5) year hold on the  
12 building permit issuance and land use approvals may be released.

13 4. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that the time  
14 within which judicial review of the administrative determinations made herein must be sought is  
15 ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To  
16 Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the unpermitted grading and illicit discharge of  
19 pollutants on THE PROPERTY located at 38550 Ganson Place, Temecula, Riverside County,  
20 California, also identified as Assessor's Parcel Number 915-370-015 be abated by the OWNERS and  
21 anyone having possession or control of THE PROPERTY, by restoring the unpermitted grading and  
22 implementing and maintaining erosion and sediment control measures in strict accordance with all  
23 Riverside County Ordinances, including but not limited to RCO Nos. 457 and 754, within ninety  
24 (90) days of the posting and mailing of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if unpermitted grading and illicit discharge of pollutants on  
26 THE PROPERTY is not restored in strict accordance with all Riverside County Ordinances,  
27 including but not limited to RCO Nos. 457 and 754, within ninety (90) days of the posting and  
28 mailing of this Order to Abate Nuisance, the unpermitted grading and illicit discharge of pollutants

1 may be abated by representatives of the Riverside County Code Enforcement Department, a  
2 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where  
3 necessary, under applicable law authorizing entry onto THE PROPERTY.

4 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
5 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
6 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.  
7 457, 754, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses including  
8 County staff time reasonably related to the abatement of conditions which violate Land Use  
9 Ordinances, and shall include, but not be limited to, enforcement, investigation, summaries, reports,  
10 notices, telephonic contact, correspondence, mailing expense, title search costs, administrative costs,  
11 including scheduling and participation at hearings, Hearing Officer costs, expenses incurred by the  
12 County, court costs, civil or administrative penalties, collection, attorneys' fees, and other costs  
13 associated with the removal, abatement or correction of a violation." Reasonable abatement costs

14 ///  
15 ///  
16 ///  
17 ///  
18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 accrued by the County will be recoverable from the property owner(s) even if THE PROPERTY is  
2 brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: October 21, 2014

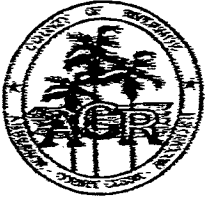
COUNTY OF RIVERSIDE

4  
5 By Jeff Stone  
Jeff Stone  
Chairman, Board of Supervisors

6 ATTEST:  
7  
8 KECIA HARPER-IHEM  
9 Clerk to the Board

10  
11 By Karen Dwyer  
12 Deputy  
13 (SEAL)  
14

15  
16 FORM APPROVED COUNTY COUNSEL  
17 BY: L. Alexandra Fong 10/7/14  
L. ALEXANDRA FONG DATE



LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

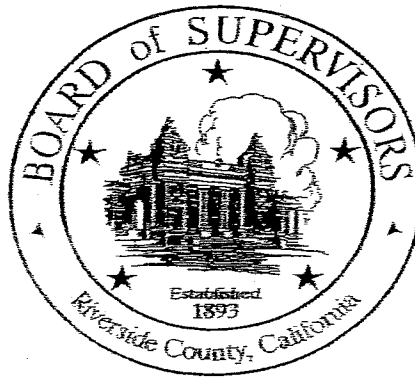
<http://riverside-assrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

10-21-14

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board