

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 23, 2013

PRESENT: Supervisors Frank Mecham, Adam Hill, Debbie Arnold and Acting
Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2013-184

**RESOLUTION ENACTING FINDINGS AND ORDERS FOLLOWING NUISANCE
ABATEMENT HEARING REGARDING PROPERTY LOCATED AT
480 MESA GRANDE DRIVE, SHANDON, CALIFORNIA AND
OWNED BY F. JAMES & ROSANN INGUIITO**

The following resolution is now offered and read:

WHEREAS, a Notice of Nuisance, First Notice dated April 8, 2013, was recorded, mailed, and posted in accordance with the provisions of Chapter 22.74 of the San Luis Obispo County Code, which identified the specific violations of the County Code existing on the subject property and ordered abatement by May 9, 2013; and

WHEREAS, a Notice of Nuisance Abatement, Second Notice, dated July 1, 2013, was recorded, mailed, and posted in accordance with the provisions of Chapter 22.74 of the San Luis Obispo County Code, which provided notice that the period for abatement of the nuisances described in the First Notice had expired and that nuisances still existed on the subject property, and provided notice to appear before the regular meeting of the Board of Supervisors on July 23, 2013; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors of the County of San Luis Obispo on July 23, 2013, to consider staff's recommendation to declare nuisances on the subject property and order their abatement; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said hearing; and

WHEREAS, the Board of Supervisors has duly considered the matter.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the Board of Supervisors enters the orders set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Gibson, seconded by Supervisor Hill, and on the following roll call vote, to wit:

AYES: Acting Chairperson Gibson, Supervisors Hill, Arnold and Meham

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Bruce S. Gibson
Acting Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

BY: 
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Erica Stuckey
Deputy County Counsel

Dated: July 9, 2013

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 23rd day of July, 2013.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By  Deputy Clerk.

ATTACHMENT 1

EXHIBIT A

FINDINGS

Respondents F. James and Rosann Inguito:

1. Are the record owners of the real property commonly known as 480 Mesa Grande Drive, Shandon, California 93461 and Assessor's Parcel Number 017-301-051 (Property);
2. Did store junk, equipment, other miscellaneous materials and a recreational vehicle (accessory uses) on a parcel of land on which Respondents did not maintain the principal use (residential) in violation of Section 22.30.040 of the San Luis Obispo County Code (County Code);
3. Did store junk, equipment and other miscellaneous materials in an unfenced and unwalled area larger than 500 square feet in violation of Section 22.30.040 F of the County Code;
4. Did fail to maintain a valid permit for the construction of the residence located on the Property in violation of Sections 105.1 and 105.5 of the California Building Code and Section 19.01.040 of the County Code;
5. Did vacate the Property without securing the partially constructed residence and land from unauthorized entry and unauthorized use by others and without clearing the Property of all outdoor storage of trash, junk, tires, vehicles and equipment in violation of Section 301.3 of the International Property Maintenance Code and Section 19.01.040 of the County Code.

Respondents, all parties with a recorded or other interest in the Property or the recreational vehicle were legally notified of these violations through a Notice of Nuisance and Notice of Nuisance Abatement and were given adequate time to abate said violations.

ATTACHMENT 1

EXHIBIT B

BOARD ORDER

Pursuant to Section 22.74.150 of the San Luis Obispo County Code (County Code), it is hereby declared that nuisances exist on the real property commonly known as 480 Mesa Grande Drive, Shandon, California 93461 and Assessor's Parcel Number 067-091-012 (Property) and Respondents are hereby ordered to abate said nuisances in accordance with the following timetable:

1. By August 22, 2013 at 5:00 PM, do the following:
 - a. Secure and maintain as secure, the incomplete structure and the land in order to prevent unauthorized entry onto and use of the Property by others.
 - b. Remove or cause to be removed all vehicles, recreational vehicles, junk, debris and other items that are stored on or are littering the Property and maintain the Property in a safe, clean and secure condition.
 - c. Reactivate the expired construction permit (PMT2006-00855) or obtain a demolition permit for the incomplete structure.

It is unlawful and a violation of the County Code for any person to fail to comply with the provisions of this Order. The penalty for failure to comply with this Order shall be as set forth in Section 22.74.040 of the County Code.

If Respondents fail to comply with this Order, staff is empowered and authorized to abate the nuisances under Section 22.74.150 E 1 c of the County Code. In exercising this authority, staff will obtain an administrative warrant, solicit and review proposals to abate all nuisances, and will request further authorization from this Board to accept a proposal, to enter into an agreement for abatement and to expend funds for the abatement.

Upon completion of the abatement, Respondents shall be presented with an account of Board-approved costs, including staff and administrative time. Respondents will be allowed thirty (30) days to pay the bill. Failure to do so will result in the recording of a lien upon the Property, in compliance with Section 25845 of the California Government Code. The lien shall appear on the assessment roll as a special tax, will be on parity with the liens of State and County taxes and will be collected at the same time and in the same manner as ordinary County taxes. The lien amount is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as are provided for in the case of ordinary County taxes.