

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



**FROM:** TLMA/Building and Safety

**SUBMITTAL DATE:**  
May 16, 2006

**SUBJECT:** Grading without a Permit - Board Policy F-6

**RECOMMENDED MOTION:** That the Board of Supervisors adopt the attached proposed policy on grading without a permit.

**BACKGROUND:**

Grading without a permit has become wide spread throughout Riverside County. Conventional code enforcement policies have not been effective in requiring property owners to obtain permits prior to commencement of work. The attached policy takes a more aggressive stand in enforcing grading violations by processing violation as nuisance abatements through the Board of Supervisors. By approaching the problem in this manner property owners will be required to either restore their properties to their original ungraded state or face a five year hold on the issuance of building permits and land use clearances.

  
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 James J. Miller, Director of Building and Safety

**FINANCIAL DATA**

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	n/a

**SOURCE OF FUNDS:**

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

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

**County Executive Office Signature**

  
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- Dep't Recomm.:  Consent       Policy
- Per Exec. Ofc.:  Consent       Policy

Prev. Agn. Ref.:

District: All

Agenda Number:

**3 . 46**

Departmental Concurrence

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISOR POLICY**

**Subject:**

**Policy**  
**Number   Pages**

**GRADING WITHOUT A PERMIT**

**1 of 4**

**OBJECTIVE:**

To reduce or eliminate grading violations and to restore properties to their original ungraded state, policy guidelines are needed to establish a Code Enforcement procedure for abating properties that have been graded without permits.

**POLICY:**

Ordinance 457.96 Section 11, 3306.03 allows for the Department of Building and Safety to place a five year hold on the issuance of building permits and land use approvals if that property is graded without permits. Any property owner aggrieved by this decision has the right to appeal to the Board of Supervisors. To insure that due process is followed and graded properties are restored to their original ungraded state the following Code Enforcement procedure will be utilized.

**PROCEDURE**

1. Upon initial verification that grading without a permit has occurred the following actions will be taken:
  - a. A Notice of Violation and a \$100 Administrative Citation will be issued to the property owner.
  - b. A Notice of Non-compliance will be recorded immediately against the property. The Notice will include language that discloses the five (5) year hold on building permits and land use clearances (Attachment 1).

- issuing
- c. A ~~lock~~ *will flag may* be placed on the automated permit system notifying all development related departments of the five (5) year hold on building permits and land use clearances.
  - d. If applicable, federal and state resource agency will be notified of the grading violation
  - e. A Notice to Abate per Ordinance 725 will be sent certified mail to the property owner and any person(s) having an interest in the property as determined by a title search (Attachment 2).
2. If the property is not restored to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion within 45 days of the date of the first Notice to Abate a \$200 Administrative Citation and a second Notice to Abate will be issued to the property owner.
  3. If the property is not restored so as to limit offsite drainage and slope erosion within forty five (45) days of the second Notice to Abate a \$500 Administrative Citation will be issued to the property owner. A \$500 Administrative Citation will be issued for each subsequent thirty (30) days that the property is not restored to prevent offsite drainage and slope erosion.
  4. If within ninety days (90) from the first Notice to Abate the property is not restored to prevent offsite drainage and slope erosion a hearing will be scheduled before the Board of Supervisors *for the abatement of the illegal grading as a public nuisance*. At the hearing the property owner will have the opportunity to present evidence and testimony as to why the property should not be restored.
  6. If *the property has not been restored* within 90 days of the Board's *issuance of an Order to Abate*, ~~the property has not been restored~~ the county will retain a county approved contractor to reclaim the property to prevent offsite drainage and slope erosion.
  7. All costs associated with the abatement action ~~will~~ *may* be recorded against the property in the form of a lien as provided for in Ordinance 725.
  8. Upon restoration of the property and payment of the lien the five (5) year ~~hold~~ *flag* on building permit issuance and land use approvals will be released.



**County of Riverside  
Building and Safety Department  
CODE ENFORCEMENT DIVISION**



James J. Miller  
Director

**NOTICE OF VIOLATION  
For  
UNAPPROVED GRADING**

Date

Recipients Name  
Recipients Address  
City, State Zip Code

Re: Case No.: Case No.

**NOTICE IS HEREBY GIVEN** that property owned or controlled by you at Violation Address, City, California, Assessor's Parcel Number APN, is in violation of Riverside County Ordinance 457 (RCC Title 15), relating to grading without approval by the Department of Building and Safety.

**YOU ARE HEREBY REQUIRED TO COMPLY** with the provisions of the ordinance by:

1. Providing complete restoration and remediation of the property affected by the unapproved grading.

**YOU MUST COMPLY WITH THIS NOTICE NO LATER THAN** compliance date. FAILURE TO COMPLY WILL RESULT IN A CRIMINAL, ADMINISTRATIVE OR CIVIL ACTION BEING BROUGHT AGAINST YOU, INCLUDING PENALTIES, RESTORATION OR REMEDIATION OF THE ILLEGAL GRADING BY THE COUNTY AND ALL COSTS INCURRED BY THE COUNTY MAY BE IMPOSED AS A SPECIAL ASSESSMENT AND/OR LIEN AGAINST THE PROPERTY.

**NOTICE IS HEREBY GIVEN** that Ordinance 457.96 Section 11, 3306.03 allows for the Department of Building and Safety to place a five year hold on the issuance of building permits and land use approvals for property that has been graded without approval or permits. Any property owner aggrieved by this decision will have the right to appeal to the County of Riverside Board of Supervisors.

**FURTHER NOTICE IS HEREBY GIVEN** that a Notice of Non-Compliance will be recorded against the affected property.

**FURTHER NOTICE IS HEREBY GIVEN** that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of this violation at an hourly rate of Current hourly rate of CEO II as determined by the County of Riverside Board of Supervisors. You will have the right to object to these charges by filing a request for hearing with the Department of Building and Safety within 10 days of the service of the summary of charges pursuant to Section 1.16.080 of Riverside County Code.