

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

234B



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

**SUBMITTAL DATE:**  
March 3, 2008

**SUBJECT:** Abatement of Public Nuisance [Grading Without Permits]; FITZPATRICK  
Case No.: CV 07-4920  
Subject Property: One Parcel South of 38685 De Portola, Temecula;  
APN: 927-620-017  
District Three

**RECOMMENDED MOTION:** Move that:

- (1) The grading without permits on the real property located at One Parcel South of 38685 De Portola, Temecula, Riverside County, California, APN: 927-620-017, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit grading or clearing of more than fifty (50) cubic yards of dirt on any one lot without a grading permit.

Departmental Concurrence

TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

(Continued)

<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

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.8

- (2) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property in on the automated permit issuing system.
- (3) Randall Fitzpatrick and Gail A. Fitzpatrick, the owners of the subject real property or whoever has possession or control of the premises, be directed to completely restore or remediate the unapproved grading on The Property or obtain a Restoration Assessment from the Department of Building & Safety and comply with the process and conditions thereof for the un-permitted grading in accordance with the provisions of all applicable County ordinances, including but not limited to RCO No. 457 (RCC Title 15) within ninety (90) days of the Board's Order to Abate Nuisance.
- (4) If the owners or whoever has possession or control of the real property do not take the above described action within ninety (90) days of the date of the mailing and posting of the Board's Order to Abate, that representatives of the Code Enforcement Department, are authorized to obtain the services of 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 reclaim and restore the un-permitted grading on 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) Upon the restoration of The Property and payment of all abatement costs, the five (5) year hold on the issuance of building permits and land use approvals will be released.
- (7) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the grading without permits on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

**JUSTIFICATION:**

1. An inspection was made of the subject property by the Code Enforcement Officer on June 13, 2007. The inspection revealed multiple dirt motorcycle jumps had been graded on The Property without a permit and that the dirt jumps deviated from the natural topography in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Code Enforcement Officer determined that more than fifty (50) cubic yards of dirt had been moved on The Property to form the motocross jumps. A search of Riverside County records indicates that no permit has been applied for or obtained for the multiple dirt jumps. This creates a public and attractive nuisance in violation of RCO Nos. 457 and 725, as well as Board of Supervisors' Policy F-6.
2. Follow-up inspections on July 3, 2007, September 19, 2007, December 26, 2007 and February 7, 2008, revealed that The Property continues to be in violation of Riverside County Ordinance No. 457 due to the multiple dirt jumps. On December 26, 2007, the Code Enforcement Officer estimated that the amount of dirt moved and illegally graded in the eight areas on The Property was approximately five hundred fifty-seven (557) cubic yards.
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 permits.