

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Abatement of Public Nuisance [Grading Without Permit];
Case No.: CV 07-4426
Subject Property: Parcel on Goetz Road, Canyon Lake;
APN: 341-040-040
District Three

SUBMITTAL DATE:
July 21, 2008

RECOMMENDED MOTION: Move that:

- (1) The grading without permits on the real property located at parcel on Goetz Road, Canyon Lake, Riverside County, California, APN: 341-040-040, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit grading of more than fifty (50) cubic yards without a grading permit.
- (2) That a five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.

[Handwritten Signature]

(Continued)

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

FINANCIAL DATA	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

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

BY: *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

- (3) Beatriz Cota, the owner of the subject real property or whoever has possession or control of the premises, be directed to restore or remediate the unpermitted grading in accordance with RCO No. 457 and all applicable County Ordinances within ninety (90) days.
- (4) If the owner or whoever has possession or control of the real property does 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 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) Upon the restoration of the property 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 will be lifted.
- (7) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the substandard structure 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 May 30, 2007. The inspection revealed that there was a pile of dirt fill stockpiled on the rear portion of the property which consisted of soil and broken asphalt. Additionally, the officer observed dirt dumped along the front of the property and that there was a sloping grade between 6 and 7 feet in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Code Enforcement Officer estimated that approximately one hundred eleven (111) cubic yards of dirt had been graded/stockpiled. A search of Riverside County records indicates that no permit for grading has been applied for or obtained. This creates a public and attractive nuisance.
2. Follow-up inspections on September 20, 2007, February 25, 2008, April 8, 2008 and June 24, 2008, revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
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 unpermitted grading.