

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

328 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 17, 2008

SUBJECT: Abatement of Public Nuisance [Grading without a permit];
Case No.: CV 08-01024
Subject Property: Parcel south of 43455 Sage Road, Aguanga
APN: 581-120-010
District Three

RECOMMENDED MOTION: Move that:

- (1) The grading without permits on the real property located One parcel south of 43455 Sage Road, Aguanga, Riverside County, California, APN: 581-120-010, 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.

Departmental Concurrence

(Continued)

Julie A. K. Jarvi

JULIE A. K. JARVI, 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

Tina Grande

Tina Grande

County Executive Office Signature

Consent
 Policy

 Consent
 Policy

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.3

- (3) MCMX, LLC, 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 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) That upon the restoration of the property and payment of all abatement costs assessed against the property are paid 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 grading without a permit 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 January 30, 2008. The inspection revealed a small tractor that was clearing a motocross track and was making new berms for the track. He also observed an excavation into the hillside, berms and jumps that had been freshly graded and had a fill greater than three feet. The Code Enforcement Officer determined that approximately 130 cubic yards of dirt had been graded. The Code Enforcement Officer also observed that approximately 4.9 acres of land had been cleared and was devoid of vegetation, all in violation of Riverside County Ordinance No. 457 (RCC Title 15). A search of Riverside County records indicates that no permit for grading has been obtained. This creates a public and attractive nuisance.
2. Follow-up inspections on March 24, 2008, May 7, 2008, July 10, 2008 and September 15, 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 grading without a permit.