

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

514 B



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

**SUBMITTAL DATE:**  
February 23, 2009

**SUBJECT:** Abatement of Public Nuisance [Grading Without a Permit]  
Case No.: CV 07-9671  
Subject Property: 1 Parcel South of 35661 Avenida La Cresta, Murrieta  
APN: 930-150-007  
District One

**RECOMMENDED MOTION:** Move that:

- (1) The grading without permit(s) on the real property located at 1 Parcel South of 35661 Avenida La Cresta, Murrieta, Riverside County, California, APN: 930-150-007, 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) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.

Departmental Concurrence

*[Signature]*  
\_\_\_\_\_  
JULIE A.K. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY *[Signature]*  
Tina Grande  
**County Executive Office Signature**

Policy  Policy  
 X  
 Consent  Consent  
 □  
 Dept's Recomm.:  
 Per Exec. Ofc.:

Abatement of Public Nuisance [Grading Without a Permit]

Case No.: CV 07-9671

1 Parcel South of 35661 Avenida La Cresta, Murrieta

Page Two

- (3) Seasons West, 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 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 on the subject property by the Code Enforcement Officer on November 15, 2007. The inspection revealed a large pad (1,933 cubic yards) on the property 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 February 4, 2008, April 28, 2008, August 14, 2008, November 25, 2008 and February 9, 2009 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.