

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

808B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Abatement of Public Nuisance [Grading Without Permits];
Case No.: CV 08-02336
Subject Property: 20420 Wendy Lane, Murrieta
APN: 930-270-004
District One

SUBMITTAL DATE:
February 16, 2009

RECOMMENDED MOTION: Move that:

- (1) The grading without permits on the real property located at 20420 Wendy Lane, Murrieta, Riverside County, California, APN: 930-270-004, 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]

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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

8008 WVB 1 J W 8:22

SECRETARY OF RIVERSIDE COUNTY

Prev. Agn. Ref.: ATTACHMENTS FILED WITH District: 1 Agenda Number:

THE CLERK OF THE BOARD

9.3

- (3) Matt Cannan and Karen Cannan, the owners 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 all County Ordinances, including Ordinance No. 457, 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, 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 Code Enforcement Officers on March 14, 2008. The inspection revealed a front loader in the process of grading a fill pad. The hillside had been cut and graded on the property and which deviated from the natural topography in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Code Enforcement Officer estimated that approximately three thousand eight hundred fifty (3,850) cubic yards of dirt has been graded. 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. A follow-up inspection on March 7, 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 permits.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.4

9:30 a.m. being the time set for public hearing on the recommendation from County Counsel/Code Enforcement regarding the Abatement of Public Nuisance [Grading without permits] Case No. CV 08-02336, located at 20420 Wendy Lane, Murrieta, 1st District, the Chairman called the matter for hearing.

Alexandra Fong, Deputy County Counsel presented the matter and asked that the item be continued for thirty days.

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, June 16, 2009, at 9:30 a.m.

Roll Call:

Ayes: Buster, Stone, Wilson and Ashley
Nays: None
Absent: Tavaglione

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 19, 2009 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: May 19, 2009
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: *[Signature]* Deputy

AGENDA NO.

xc: Co. Co., CED, Prop. Owner, COB
k1