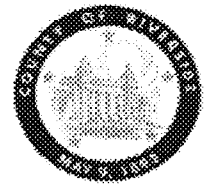


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

829 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Abatement of Public Nuisance [Grading Without a Permit]
Case No.: CV 08-03782 (CURTIS)
Subject Property: 42810 Calle Montecillo, Temecula
APN: 935-260-020
District 1

SUBMITTAL DATE:
August 24, 2009

RECOMMENDED MOTION: Move that:

- (1) The grading without permits on the real property located at 42810 Calle Montecillo, Temecula, Riverside County, California, APN: 935-260-020, 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

[Signature]

JULIE AK JARVIS 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: *[Signature]*
Tina Grande

County Executive Office Signature

Consent
 Policy
 Dept Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 1

Agenda Number:

9.1

- (3) Malcolm Curtis and Judith Curtis, 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 within ninety (90) days.
- (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 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 April 29, 2008. The inspection revealed a fresh cut on a hill on the south side of the property. The cut into the side of the hill exceeds ten (10) feet on the west side of the road, and tapers to three (3) feet on the east side. The road is fifteen (15) feet wide, and it appeared to be created by a bulldozer and slope-board. The approximated amount of dirt moved is two hundred fifty (250) cubic yards. This creates a public and attractive nuisance.
2. A follow-up inspection on June 16, 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.