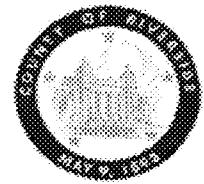


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

609 B



SUBMITTAL DATE:
October 15, 2009

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Abatement of Public Nuisance [Grading Without a Permit]
Case No.: CV 08-00109 (Mackenzie)
Subject Property: One parcel east of 47760 Woodcliff Drive, Banning;
APN: 544-270-006
District Five

RECOMMENDED MOTION: Move that:

- (1) The grading without permits on the real property located at One parcel east of 47760 Woodcliff Drive, Banning, Riverside County, California, APN: 544-270-006, 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

J. D.

**JONATHAN D. HOLUB, 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: *Tina Grande*
Tina Grande

County Executive Office Signature

Policy Policy

Consent Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 5 | Agenda Number:

9.11

Abatement of Public Nuisances

Case No. CV 08-00109

One parcel east of 47760 Woodcliff Drive, Banning

Page Two

- (3) Jerry Mackenzie, 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 or remediate 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 or remediation 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 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 24, 2008. The inspection revealed that a significant amount of soil that was cut into the hillside and was redistributed to form a large flat surface or pad graded on the property. Further, there was severe erosion as a result of the unapproved grading in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer estimated that approximately fifty-eight thousand nine hundred (58,900) cubic yards of dirt has been graded. 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 May 14, 2008, July 7, 2009 and August 19, 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.