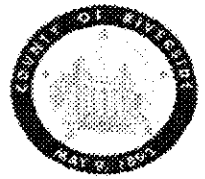


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



919B

**SUBMITTAL DATE:**  
February 10, 2010

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

**SUBJECT:** Abatement of Public Nuisance [Grading Without a Permit]  
Case No.: CV 09-01266 (JENKINS)  
Subject Property: 71475 Cholla Way, Palm Desert;  
APN: 628-380-009  
District Four

**RECOMMENDED MOTION:** Move that:

- (1) The grading without permits on the real property located at 71475 Cholla Way, Palm Desert, Riverside County, California, APN: 628-380-009, 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 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
- Consent
- Consent

Dept Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 4 | Agenda Number:

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

9.4

- (3) Kenneth F. Jenkins, the Owner of the subject real property or whoever has possession or control of the premises, be directed to restore the unpermitted grading so as to prevent offsite drainage and slope erosion 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) Upon the restoration of the property, so as to prevent offsite drainage and slope erosion, 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 February 23, 2009. The Code Enforcement Officer observed movement of dirt, grubbing by removal of rocks, and removal of natural plant life by the roots in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer estimated that approximately one hundred sixty-three (163) 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 April 16, 2009, July 23, 2009, and January 7, 2010, 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.