

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

122B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Abatement of Public Nuisance [Grading Without a Permit , Excess Outside Storage and Accumulated Rubbish]
Case Nos. : CV 10-05341 & CV 10-05342 (ALLEN)
Subject Property: 47650 Kibberly Ann Drive, Aguanga; APN: 583-200-038
District: Three

RECOMMENDED MOTION: Move that:

1. The grading without permits, excess outside storage of materials and accumulation of rubbish on the real property located at 47650 Kibberly Ann Drive, Aguanga, Riverside County, California, APN: 583-200-038 be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348, 457 and 541.
2. That a five (5) year hold on the issuance of building permits and land use approvals be placed on the property.

(Continued)

L. Alexandra Fong
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

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: *Jennifer L. Sargent*
County Executive Office Signature Jennifer L. Sargent

Dep't Recomm.: Consent Policy Policy

Per Exec. Ofc.: Consent Policy

9.7

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3. Preston A. Allen, Jr. and Barbara A. Allen, the owners of the subject real property, be directed to restore the unpermitted grading so as to prevent offsite draining and slope erosion and abate the excess outside storage and accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.

4. If the owners or whoever has possession or control of the real property does not take the above described actions 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 draining and slope erosion and abate the excessive outside storage and accumulation of rubbish by removing and disposing of the same from the real property.

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 Nos. 725.

6. That 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, excess outside storage and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 348, 457 and 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An inspection was made of the subject property by the Code Enforcement Officer on June 29, 2010. The inspection revealed a graded pad, graded roads and motorcycle tracks on the property which deviated from the natural topography in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer quantified the graded area as approximately fifty nine thousand five hundred forty-nine (59,549) cubic yards. A search of Riverside County records indicates that no permit for grading has been obtained. The inspection also revealed the excessive outside storage of materials and accumulation of rubbish on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The excessive outside storage of

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materials and rubbish were intermingled, and consisted of, but was not limited to: appliances, wood, metal, a water heater, motorcycle parts and plumbing equipment. This creates a public and attractive nuisance. The officer measured the affected areas as twenty two thousand three hundred fifty one (22,351) square feet of storage and rubbish on the property.

2. Follow-up inspections on August 11, 2010, September 17, 2010 and December 6, 2010 revealed that the property continues to be in violation of Riverside County Ordinance Nos. 348, 457 and 541.
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, removal of excessive outside storage of materials and accumulated rubbish.