

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

418B



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


**SUBMITTAL DATE:**  
December 27, 2011

**SUBJECT:** Abatement of Public Nuisance [Construction Without Permits, Land Use Violations, Grading & Accumulated Rubbish]  
Case Nos. : CV05-3618, CV 06-4143, CV08-04980, CV 08-04985, CV08-04986, CV08-05344, CV 08-04982, CV08-04983 & CV08-04984  
Subject Properties: 50770, 50990, 50950 and 50960 Seminole Drive, Cabazon;  
APNS: 519-180-021, 519-190-029, 519-190-037, 519-190-036; District: Five

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Declare the unpermitted structures (construction without permits), land use violation(s), grading without permits, and accumulated rubbish (i.e., broken concrete) on the real properties located at 50770, 50990, 50950 and 50960 Seminole Drive, Cabazon, Riverside County, California, APNS: 519-180-021, 519-190-029, 519-190-037, 519-190-036 (the "Properties") are a public nuisance and a violation of Riverside County Ordinance Nos. 348, 457 and 541, which prohibit illegal land use, construction without the required permits, grading of more than fifty (50) cubic yards without a grading permit, and prohibits any amount of accumulated rubbish on the properties;

(Continued)

  
PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Michael R. Shetler

**County Executive Office Signature**

Consent     Policy  
 Consent     Policy

Dep't Recomm.:  
 Per Exec. Ofc.:

Abatement of Public Nuisance

Case No.: CV05-3618, CV 06-4143, CV08-04980, CV 08-04985, CV08-04986,  
CV08-05344, CV 08-04982, CV08-04983 & CV08-04984 [MKA Cabazon Partnership, et al]  
Address: 50770, 50990, 50950 and 50960 Seminole Drive, Cabazon;  
APNS# 519-180-021, 519-190-029, 519-190-037, 519-190-036

District: 5

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2. Place a five (5) year hold on the issuance of building permits and land use approvals be placed on the Properties, in light of the grading issues.
  
3. Order the Owner, MKA Cabazon Partnership, LP and Cabazon Family Partnership No. 1, LP, or whoever has current possession or control of the subject real property, to abate all the structures on the Properties (i.e., buildings and additions to "artist's studio," museum, gift shop, façade, patio covers, "Dino Dig") by rehabilitating, removing and/or demolishing the unpermitted construction from the real property, including the removal and disposal of all structural debris within ninety (90) days. All structures on the Properties without current building permits or certificates of occupancy are subject to this Order. In addition, direct the removal and disposal of all accumulated rubbish (specifically, but not limited to, broken concrete and asphalt) on the Properties in order to bring the Properties into compliance with Riverside County Ordinance No. 541. In addition, direct the restoration of the unpermitted grading so as to prevent offsite drainage and slope erosion. Rubbish and grading violations shall also be corrected within ninety (90) days.
  
4. Authorize representatives of the Code Enforcement Department to obtain the services of a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property under applicable law, to remove and abate the unpermitted construction, restore the Properties so as to prevent offsite drainage and slope erosion, and abate the accumulation of rubbish by removing and disposing of the same from the real property, if the Owner(s) or whoever has current possession or control of the real property do 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.
  
5. Order reasonable costs of abatement, after notice and an opportunity for hearing, to 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.

Abatement of Public Nuisance

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6. Upon the restoration of the Properties, so as to prevent offsite drainage and slope erosion, and payment of all abatement costs assessed against the Properties, the five (5) year hold on the issuance of building permits and land use approvals lift.

7. Direct County Counsel to prepare the necessary Findings of Facts and Conclusions that the illegal land use is declared to be in violation of Riverside County Ordinance No. 348, the grading and construction without permits on the real property is declared to be in violation of Riverside County Ordinance No. 457 and the accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance No. 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 Properties by the Code Enforcement Officers on December 6, 2006, February 16, 2007, April 8, 2008, June 5 and 6, 2008 and June 16, 2008. These inspections revealed significant structural additions to the properties were made without the required permits as well as the operation of a business without specific land use approval in violation of Riverside County Ordinance Nos. 348 and 457. The current use of the Properties is not a use authorized by approved Plot Plan No. 14522, Amended No. 1 and its attached exhibits. The inspections further revealed fill dirt placed on portions of the properties creating a pathway which deviated from the natural topography in violation of Riverside County Ordinance No. 457 constituting grading without a permit. The nature of this business—a dinosaur attraction and museum, complete with mechanical dinosaur “rides”—creates a public and attractive nuisance. Accumulated rubbish, specifically broken concrete and asphalt, also remain on the subject property in violation of Ordinance No. 541.

2. Follow-up inspections on January 26, 2010, May 11, 2011 and July 1, 2011, revealed that the properties continue to be in violation of Riverside County Ordinance No. 348, 457, and 541. And, after notices of violation, the owners or responsible parties continued to build, construct, and expand on the Properties without the proper land use approvals and construction permits.

3. Staff and the Code Enforcement Department have complied with applicable notice requirements pertaining to administrative abatement proceedings for land use violations, construction without permits, grading without a permit, and removal of accumulated rubbish.