



# San Bernardino County

## Legislation Text

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**File #: 4585, Agenda Item #: 27**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION**

**July 27, 2021**

#### **FROM**

**TERRI RAHHAL, Director, Land Use Services Department**

#### **SUBJECT**

Termination of Code Enforcement Memorandum of Understanding Regarding Assessor Parcel Number 0257-101-10 in the Community of Bloomington

#### **RECOMMENDATION(S)**

Direct the Land Use Services Department to terminate the Memorandum of Understanding between the Code Enforcement Division and the owner of Assessor Parcel Number 0257-101-10 in the community of Bloomington regarding a temporary stay of code enforcement action on the subject property.  
(Presenter: Terri Rahhal, Director, 387-4431)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

#### **FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost).

#### **BACKGROUND INFORMATION**

As a means of bringing properties into compliance with County Code, the Code Enforcement Division of the Land Use Services Department (Code Enforcement) may enter into informal agreements with property owners, pursuant to section 85.03.020(c)(d) of the County Code. Typically, these agreements identify deadlines for the actions required to gain compliance and allow for the next level of code enforcement action (citations or litigation) to be delayed as long as the owners make satisfactory progress and comply with the terms of the agreements.

In June 2020, Code Enforcement entered into a Memorandum of Understanding (MOU) with a property owner. The subject property is a five-acre parcel fronting Cedar Avenue, a major commercial corridor, however, the site is zoned residential. There is a single residence on the site, as well as fencing and perimeter landscaping. The owner of the property has rented space for truck parking on the site since 2003. In 2019, a Code Enforcement case was initiated as part of the proactive enforcement of illegal truck parking in the community of Bloomington. Early in 2020, the property owner informed Code Enforcement of a family tragedy that made him unable to address the enforcement case. He sought a stay to allow him to sell the property to someone who would assume the compliance responsibility. In an effort to assist the owner in an extraordinary situation, staff signed a one-of-a-kind MOU in June 2020 and later updated and amended it in April 2021. This MOU

represents a commitment by the Code Enforcement Chief to suspend enforcement action on the current use of the property pending sale of the property; and allows further time for the purchaser to file applications required to legalize the use. Although the MOU and ensuing amendment were executed by staff in this situation, it is understood by department staff that these types of MOUs and actions require a higher level of approval and should be executed by the Board of Supervisors (Board) moving forward.

The MOU provides for a temporary stay in code enforcement action under specific terms and conditions. It does not guarantee approval, or even favorable recommendations on applications that may be filed to change the Countywide Plan and zoning designations for the site. The MOU may be terminated based on non-compliance on the part of the owner or purchaser, or by direction from the Board. In light of the emphasis on community concerns, including code enforcement, in the County budget approved on June 8, 2021 (Item No. 112) and in order to ensure that proper action is taken on the subject property to bring it into compliance without further delay, staff recommends that the Board direct termination of this MOU.

#### **PROCUREMENT**

N/A

#### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5455) on July 8, 2021; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on July 12, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 12, 2021.