

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 22, 2008

SUBJECT: Order to Abate [Unapproved Grading]
Case No.: CV 07-5770; APN 351-102-019
Subject Property: One Parcel East of 23449 Casa Bonita Avenue, Canyon Lake
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5770 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5770; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5770.

BACKGROUND:

On July 29, 2008, this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the unapproved grading located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for JOE S. RANK, County Counsel

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

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

Prev. Agn. Ref.: 07/29/08; 9.7 | District: 3 | Agenda Number: **2.19**

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 07-5770
[UNAPPROVED GRADING]; APN: 351-102-019,)	
ONE PARCEL EAST OF 23449 CASA BONITA)	FINDINGS OF FACT,
AVENUE, CANYON LAKE, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; MARK S. PELLERIN,)	ABATE NUISANCE
SONJA M. PELLERIN, JASON F. PELLERIN)	
AND CHRISTINE M. PELLERIN, OWNERS.)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on July 29, 2008, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as One Parcel East of 23449 Casa Bonita Avenue, Canyon Lake, Riverside County, APN: 351-102-019, and referred to hereinafter as "THE PROPERTY."

Warren Y. Chu, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Mark Pellerin, Owner, appeared and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as Mark S. Pellerin, Sonja M. Pellerin, Jason F. Pellerin and Christine M.
4 Pellerin ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: La Rue Escrow, Inc. and FJ Kelly and Bette K. Kelly as Trustees of the Kelly
7 Trust dated August 14, 1989 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 16, 2007,
9 August 30, 2007, February 26, 2008, May 20, 2008, June 24, 2008 and July 28, 2008.

10 4. During each inspection, Code Enforcement officers observed that large amounts of
11 dirt had been moved and graded on THE PROPERTY without permits or County approval. On
12 August 30, 2007, the Code Enforcement Officer and County Grading Engineers determined that
13 approximately one hundred (100) cubic yards of dirt had been graded on THE PROEPRTY without
14 requisite County approval.

15 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
16 No. 457 (RCC Title 15) and Board of Supervisors' Policy F-6 by the Code Enforcement Officer.

17 6. A Notice of Noncompliance was recorded on January 17, 2008 as Document Number
18 2008-0026341 in the Office of the County Recorder, County of Riverside.

19 7. On August 16, 2007, Notice of Violation for Unapproved Grading was posted on
20 THE PROPERTY. On September 26, 2007, a Notice of Violation was mailed by certified mail,
21 return receipt requested to the OWNERS Mark S. Pellerin and Sonja M. Pellerin. On November 30,
22 2007, a Notice of Violation for Unapproved Grading was mailed to OWNERS and INTERESTED
23 PARTIES.

24 8. On June 23, 2008, a "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors' hearing
26 scheduled for July 29, 2008 was mailed by certified mail, return receipt requested, to OWNERS and
27 INTERESTED PARTIES and was posted on THE PROPERTY on June 24, 2008.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on July 29, 2008, finds and concludes that:

1. WHEREAS, the unapproved grading on the real property located at One Parcel East of 23449 Casa Bonita Avenue, Canyon Lake, Riverside County, California, also identified as Assessor's Parcel Number 351-102-019 violates Riverside County Ordinance No. 457 and Board of Supervisors' Policy F-6 and constitutes a public and attractive nuisance.

2. WHEREAS, THE OWNERS, occupants and any person having possession or control of THE PROPERTY should abate the unapproved grading by completely restoring and remediating the unapproved grading on THE PROPERTY pursuant to a Restoration Assessment from the Department of Building and Safety and comply with the process and conditions thereof in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days.

3. WHEREAS, THE OWNERS ARE HEREBY FURTHER NOTICED that a five (5) year hold on the issuance of building permits and land use approvals will be placed on THE PROPERTY in the County's automated permit issuing system.

4. WHEREAS, THE OWNERS ARE HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located at One Parcel East of 23449 Casa Bonita Avenue, Canyon Lake, Riverside County, California, also identified as Assessor's Parcel Number 351-102-019 be abated by the OWNERS, and anyone having possession or control of THE PROPERTY, by completely restoring and remediating the unapproved grading on THE PROPERTY pursuant to a Restoration Assessment from the Department of Building and Safety and comply with the process and conditions thereof in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety

1 (90) days of the posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not
3 completely restored and remediated to in strict accordance with all Riverside County Ordinances,
4 including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the
5 posting and mailing of this Order to Abate Nuisance, the unapproved grading shall be abated by
6 representatives of the Riverside County Code Enforcement Department, a County approved
7 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where
8 necessary, under, applicable law authorizing entry onto THE PROPERTY, to reclaim and restore the
9 unapproved grading so as to prevent offsite drainage and slope erosion.

10 IT IS FURTHER ORDERED that a five (5) year hold on building permits and land use
11 approvals be placed on THE PROPERTY pursuant to Riverside County Ordinance No. 457.
12 Only upon restoration of THE PROPERTY and payment of all abatement costs, will the five year
13 hold on the issuance of building permits and land use approvals will be released.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
18 means "any costs or expenses reasonably related to the abatement of conditions which violate County
19 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
20 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
21 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
2 ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: _____

COUNTY OF RIVERSIDE

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By _____
Roy Wilson, Chairman
Board of Supervisors

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ATTEST:

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NANCY ROMERO

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Clerk to the Board

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By

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Deputy

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(SEAL)

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FORM APPROVED COUNTY COUNSEL

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BY: Julie A. Koons Jarvi 8/19/08
JULIE A. KOONS JARVI DATE

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