

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

8443



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 10, 2008

SUBJECT: Order to Abate [Unapproved Grading]

Case No.: CV 06-7020

Subject Property: Parcel on Guillermo Lane and Washout Road, Aguanga; APN 571-280-038
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-7020 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 06-7020; 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 06-7020.

BACKGROUND:

On October 7, 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.

[Signature]

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

[Signature]
BY _____
Tina Grande
County Executive Office Signature

Policy

Consent

Consent

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

Prev. Agn. Ref.: 10/07/08; 9.1

District: 3

Agenda Number:

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WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, 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 06-7020
[UNAPPROVED GRADING]; APN: 571-280-038,)	
PARCEL ON GUILLERMO LANE AND)	FINDINGS OF FACT,
WASHOUT ROAD, AGUANGA, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; WILLA HOLDINGS,)	ABATE NUISANCE
LLC, OWNER.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 7, 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 Parcel on Guillermo Lane and Washout Road, Aguanga, Riverside County, APN: 571-280-038, and referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of OWNER.

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.

SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the Owner
3 of THE PROPERTY as Willa Holdings, LLC ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to wit: Borrego Springs Bank ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on November 20,
7 2006, June 21, 2007, June 28, 2007, November 16, 2007, March 10, 2008, June 3, 2008 and July 3,
8 2008.

9 4. During each inspection, Code Enforcement officers observed that two motocross
10 tracks had been graded on THE PROPERTY without permits or County approval. On November 20,
11 2006, Code Enforcement Officers determined that approximately five hundred sixty-three (563)
12 cubic yards of dirt had been graded on THE PROPERTY without requisite County approval.

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

15 6. A Notice of Noncompliance was recorded on December 11, 2006 as Document
16 Number 2006-0906172 in the Office of the County Recorder, County of Riverside.

17 7. On November 20, 2006, a Notice of Violation for Unapproved Grading was posted on
18 THE PROPERTY. On December 4, 2006, a Notice of Violation was mailed by certified mail, return
19 receipt requested to the OWNER.

20 8. On June 28, 2007, Administrative Citation No. A 21976 was issued for violation of
21 Riverside County Ordinance No. 457 due to illegal grading without a permit and was posted on THE
22 PROPERTY and was mailed to OWNER on July 10, 2007.

23 9. On October 18, 2007, a Notice of Violation for Unapproved Grading and an "Illegal
24 Grading Notification" were mailed to OWNER and INTERESTED PARTY.

25 10. On June 19, 2008, a "Notice To Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
27 by certified mail, return receipt requested, to OWNER and INTERESTED PARTY and was posted
28 on THE PROPERTY on July 3, 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 October 7, 2008, finds and concludes that:

1. WHEREAS, the unapproved grading on the real property located at Parcel on Guillermo Lane and Washout Road, Aguanga, Riverside County, California, also identified as Assessor's Parcel Number 571-280-038 violates Riverside County Ordinance No. 457 and Board of Supervisors' Policy F-6 and constitutes a public and attractive nuisance.

2. WHEREAS, THE OWNER, 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 OWNER IS 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 OWNER IS 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 Parcel on Guillermo Lane and Washout Road, Aguanga, Riverside County, California, also identified as Assessor's Parcel Number 571-280-038 be abated by the OWNER, 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. Only
12 upon restoration of THE PROPERTY and payment of all abatement costs, will the five year hold on
13 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:
NANCY ROMERO
Clerk to the Board

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By
Deputy
(SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: *L. Alexandra Fong* 10/9/08
L. ALEXANDRA FONG DATE

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