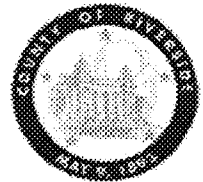


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

837B



**SUBMITTAL DATE:**  
August 5, 2009

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

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 08-01940; (DYSON)  
Subject Property: 2 Parcels South of 40060 Beaver Avenue, Aguanga; APN 571-230-038  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01940 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 08-01940; 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 08-01940.

Departmental Concurrence

**BACKGROUND:**

On July 14, 2009, 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 illegal 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, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

(Continued)

<b>FINANCIAL DATA</b>	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

<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:   
Tina Grandel

**County Executive Office Signature**

Policy  Policy

Consent  Consent

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: 07/14/09; 9.4 | District: 3 | Agenda Number:

1 RECORDING REQUESTED BY:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie A.K. Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3535 Tenth Street, Suite 300 (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT '6103]

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 08-01940  
[UNAPPROVED GRADING]; APN: 571-230-038, )  
2 PARCELS SOUTH OF 40060 BEAVER )  
AVENUE, AGUANGA, RIVERSIDE COUNTY, ) FINDINGS OF FACT,  
CALIFORNIA; LARRY L. DYSON, OWNER. ) CONCLUSIONS AND ORDER TO  
ABATE NUISANCE  
[R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on July 14, 2009, 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 2 Parcels South of 40060 Beaver Avenue, Aguanga, Riverside County, APN: 571-230-038, and referred to hereinafter as "THE PROPERTY."

Jonathan D. Holub, Deputy County Counsel, appeared along with Kenneth King, Senior Code Enforcement Officer, 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.

///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner  
3 of THE PROPERTY as Larry L. Dyson ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Robert Phillip Shallenberger, Nancy C. Shallenberger, B & B Heavy Equipment  
6 Sales and Rentals, Inc., H & H Grading, Inc. and Jagur Tractor ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 5, 2007,  
8 March 29, 2008, April 22, 2008, July 18, 2008, September 9, 2008, February 3, 2009, March 27,  
9 2009, June 22, 2009 and July 13, 2009.

10 4. During each inspection, the officer observed grading on the property and cuts that  
11 were approximately thirty (30) feet in depth and fills up to forty (40) feet in some areas along with  
12 significant erosion on THE PROPERTY without permits. The officer determined that approximately  
13 eighty thousand (80,000) cubic yards of dirt had been moved.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
15 No. 457 (RCC Title 15) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on August 25, 2008 as Document Number  
17 2008-0468411 in the Office of the County Recorder, County of Riverside.

18 7. On April 22, 2008, a Notice of Violation for Unapproved Grading was posted on THE  
19 PROPERTY. On September 9, 2008, a Notice of Violation was mailed by certified mail, return  
20 receipt requested to the OWNER. On September 15, 2008, a Notice of Violation was mailed by  
21 certified mail, return receipt requested to the OWNER and INTERESTED PARTIES.

22 8. On June 1, 2009, a "Notice to Correct County Ordinance Violations and Abate Public  
23 Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by  
24 certified mail, return receipt requested to the OWNER and on June 22, 2009 was posted on THE  
25 PROPERTY.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on July 14, 2009 finds and concludes that:



1 law authorizing entry onto THE PROPERTY.

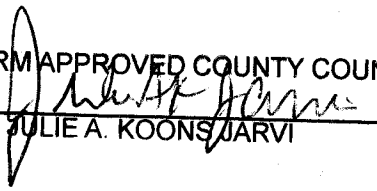
2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
5 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
6 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
7 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
8 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
9 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
10 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within  
11 ninety (90) days of the date of this Order to Abate Nuisance.

12 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

13  
14 By \_\_\_\_\_  
15 Jeff Stone, Chairman  
16 Board of Supervisors

17 ATTEST:  
18 KECIA HARPER-IHEM  
19 Clerk to the Board

20 FORM APPROVED COUNTY COUNSEL  
21 BY:  8/3/09  
22 JULIE A. KOONS JARVI DATE

23 By  
24 Deputy  
25 (SEAL)