

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

334 B



**SUBMITTAL DATE:**  
September 17, 2009

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

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 07-8925 (CHAMPION)  
Subject Property: 46601 Bautista Cayon Road, Hemet; APN 555-300-022  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-8925 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 07-8925 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 07-8925.

**BACKGROUND:**

On September 1, 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*  
\_\_\_\_\_  
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

**County Executive Office Signature** BY: *Tina Grande*  
Tina Grande

- Dep't Recomm.:  Policy
- Per Exec. Ofc.:  Policy
- Consent
- Consent

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]

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE: ) [UNAPPROVED GRADING]; APN: 555-300-022, ) 46601 BAUTISTA CANYON ROAD, HEMET, ) RIVERSIDE COUNTY, CALIFORNIA; JANICE ) CHAMPION, OWNER. )	CASE NO. CV 07-8925  FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE  [R.C.O. Nos. 457 (RCC Title 15) and 725 (RCC Title 1)]
--	---

29 The above-captioned matter came on regularly for hearing on September 1, 2009, before the  
30 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
31 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
32 property described as 46601 Bautista Canyon Road, Hemet, Riverside County, APN: 555-300-022,  
33 and referred to hereinafter as "THE PROPERTY."

34 Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising  
35 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

36 Owner Janice Champion appeared and addressed the Board of Supervisors. Other speakers  
37 present were Ron Carlton and Pat O'Neil.

38 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
39 with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public  
40 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code  
41 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 Janice Champion ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Newcomb B. Weisenberger & Alma G. Weisenberger, Plaza Home Mortgage,  
6 Inc., Mortgage Electronic Registration Systems, Inc. and Orange Coast Title Co. (INTERESTED  
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 2, 2008,  
9 December 16, 2008, February 20, 2009 and August 31, 2009.

10 4. During each inspection several graded areas along with large mounds of dirt and  
11 gravel were observed.

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

14 6. A Notice of Noncompliance was recorded on September 15, 2008 as Document  
15 Number 2008-0504068 in the Office of the County Recorder, County of Riverside.

16 7. On July 2, 2008, a Notice of Violation for Unapproved Grading was personally served  
17 upon OWNER. On September 4, 2008 and February 26, 2009, a Notice of Violation was mailed by  
18 certified mail, return receipt requested to OWNER and on February 26, 2009 was mailed to  
19 INTERESTED PARTIES.

20 8. On June 17, 2009, a "Notice to Correct County Ordinance Violations and Abate  
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
22 by certified mail, return receipt requested, to OWNER and INTERSTED PARTIES and on June 18,  
23 2009 was posted on THE PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on September 1, 2009 finds and concludes that:

27 1. WHEREAS, the unapproved grading on the real property located at 46601 Bautista  
28 Canyon Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 555-

1 300-022 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and  
2 attractive nuisance.

3 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
4 of THE PROPERTY should abate the condition by completely remediating and restoring THE  
5 PROPERTY to its original state in strict accordance with all Riverside County Ordinances, including  
6 but not limited to Riverside County Ordinance No. 457, within ninety (90) days.

7 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five (5) year  
8 hold on the issuance of building permits and land use approvals may be placed on THE PROPERTY.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located  
15 46601 Bautista Canyon Road, Hemet, Riverside County, California, also identified as Assessor's  
16 Parcel Number 555-300-022 be abated by the OWNER, and anyone having possession or control of  
17 THE PROPERTY, by completely remediating and restoring THE PROPERTY to its original state in  
18 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County  
19 Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate  
20 Nuisance.

21 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not  
22 completely remediated and restored to its original state in strict accordance with all Riverside County  
23 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days  
24 of the posting and mailing of this Order to Abate Nuisance, the unapproved grading shall be abated by  
25 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's  
26 Department upon receipt of the owner's consent or a Court Order, where necessary, under, applicable  
27 law authorizing entry onto THE PROPERTY.

28 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity