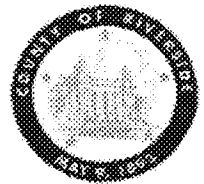


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

505B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December , 2009

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 06-6156 (YAMAMOTO)
Subject Property: 1 Parcel North of 28131 Leona Drive, Lake Elsinore; APN 347-050-080
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6156 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 06-6156; 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 06-6156.

BACKGROUND:

On December 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.

(Continued)

JULIE JARVI, Deputy County Counsel
for PAMELA J. WALLS, 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

☐

Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

BY

Tina Grande

County Executive Office Signature

Policy
☐

Consent
☒

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

Prev. Agn. Ref.: 12/01/09; 9.4

District: 5

Agenda Number:

2.6

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

5 WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

8
9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-6156
12 [UNAPPROVED GRADING]; APN: 347-050-080,)
13 ONE PARCEL NORTH OF 28131 LEONA) FINDINGS OF FACT,
DRIVE, LAKE ELSINORE, RIVERSIDE) CONCLUSIONS AND ORDER TO
14 COUNTY, CALIFORNIA; MAYJUE A.) ABATE NUISANCE
YAMAMOTO, OWNER.)
15) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on December 1, 2009, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as One Parcel North of 28131 Leona Drive, Lake Elsinore, Riverside County,
20 APN: 347-050-080, and referred to hereinafter as "THE PROPERTY."

21 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owner.

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

28 ///

1 **SUMMARY OF EVIDENCE**

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

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 26,
7 2007 April 6, 2007, May 31, 2007, August 24, 2007, November 28, 2007, May 12, 2008, August 7,
8 2008, August 22, 2008, July 16, 2009, September 24, 2009, and November 25, 2009.

9 4. During each inspection, grading was observed on THE PROPERTY that caused
10 deviation from the natural topography without permits.

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

13 6. A Notice of Noncompliance was recorded on May 1 2007, as Document Number
14 2007-0292884 in the Office of the County Recorder, County of Riverside.

15 7. On April 6, 2007, Notice of Violation for Unapproved Grading was posted on THE
16 PROPERTY. On April 10, 2007, a Notice of Violation was mailed by certified mail, return receipt
17 requested to the prior owner. On June 13, 2008 and December 6, 2007, a Notice of Violation was
18 mailed by certified mail, return receipt requested to INTERESTED PARTY. On May 19, 2009, a
19 Notice of Violation and Illegal Grading letter was mailed by certified mail, return receipt requested to
20 OWNER and an INTERESTED PARTY.

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

25 **FINDINGS AND CONCLUSIONS**

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

28 1. WHEREAS, the unapproved grading on the real property located at One Parcel North

1 of 28131 Leona Drive, Lake Elsinore, Riverside County, California, also identified as Assessor's
2 Parcel Number 347-050-080 violates Riverside County Ordinance No. 457 and constitutes a public
3 nuisance and attractive nuisance.

4 2. WHEREAS, THE OWNER, occupants and any person having possession or control
5 of THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of
6 the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
7 accordance with all Riverside County Ordinances, including but not limited to Riverside County
8 Ordinance No. 457, within ninety (90) days.

9 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five(5) year
10 hold on the issuance of building permits and land use approvals may be placed on THE PROPERTY.
11 Upon restoration of the property and payment of the lien the five(5) year hold on the building permit
12 issuance and land use approvals will be released.

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
19 One Parcel North of 28131 Leona Drive, Lake Elsinore, Riverside County, California, also identified
20 as Assessor's Parcel Number 347-050-080 be abated by the OWNER, and anyone having possession
21 or control of THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the
22 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
23 accordance with all Riverside County Ordinances, including but not limited to Riverside County
24 Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate
25 Nuisance.

26 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
27 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
28 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to

1 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order
2 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County
3 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
4 consent or a Court Order, where necessary, under, applicable law authorizing entry onto THE
5 PROPERTY.

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

16 Dated: _____

COUNTY OF RIVERSIDE

17
18 By _____
19 Jeff Stone, Chairman
20 Board of Supervisors

21 ATTEST:

22 KECIA HARPER-IHEM

23 Clerk to the Board

24 By

25 Deputy

26 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: JULIE A. KOONS JARVI
DATE: 12-16-09