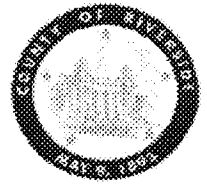


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

710B



**SUBMITTAL DATE:**  
January 13, 2010

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

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 06-6153 (SPARKS)  
Subject Property: 1 Parcel on Leona Drive, Lake Elsinore; APN 347-050-069  
District Five

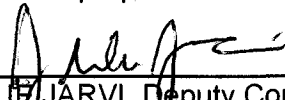
**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6153 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 06-6153; 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 06-6153.

Departmental Concurrence

**BACKGROUND:**

On December 15, 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 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

**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:   
**Alex Gann**

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 12/15/09; 9.6 | District: 5 | Agenda Number:

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 06-6153  
12 [UNAPPROVED GRADING]; APN: 347-050-069, )  
13 ONE PARCEL ON LEONA DRIVE, LAKE ) FINDINGS OF FACT,  
ELSNORE, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
14 CALIFORNIA; DAVID SPARKS, OWNER. ) ABATE NUISANCE  
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 15, 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 on Leona Drive, Lake Elsinore, Riverside County, APN: 347-050-  
20 069, 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 Owner did not appear. Mr. Maybe spoke and addressed the Board of Supervisors.

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.

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**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 David Sparks ("OWNER").

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Internal Revenue Service, Creative Lending Solutions, Pioneer Savings and  
6 Loan Association, First Mortgage Corporation, Associates Financial and the State of California  
7 Franchise Tax Board ("INTERESTED PARTIES").

8           3.       THE PROPERTY was inspected by Code Enforcement Officers on March 26, 2007,  
9 April 3, 2007, April 6, 2007, May 31, 2007, August 24, 2007, November 28, 2007, May 12, 2008,  
10 August 7, 2008, August 22, 2008, July 16, 2009 and November 2, 2009.

11          4.       During each inspection, grading on THE PROPERTY without permits and which  
12 deviated from the natural topography was observed.

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

15          6.       A Notice of Noncompliance was recorded on May 1, 2007 as Document Number  
16 2007-0292883 in the Office of the County Recorder, County of Riverside.

17          7.       On April 6, 2007, a Notice of Violation for Unapproved Grading was posted on THE  
18 PROPERTY. On April 10, 2007, December 6, 2007 and June 13, 2008, a Notice of Violation was  
19 mailed by certified mail, return receipt requested to the OWNER and an INTERESTED PARTY. On  
20 September 5, 2008, a Notice of Violation for Unapproved Grading was mailed to some  
21 INTERESTED PARTIES by certified mail, return receipt requested.

22          8.       On October 28, 2009, a "Notice To Correct County Ordinance Violations and Abate  
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
24 to OWNER and INTERESTED PARTIES by certified mail, return receipt requested and was posted  
25 on THE PROPERTY on November 2, 2009.

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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 December 15, 2009 finds and concludes that:

1. WHEREAS, the unapproved grading on the real property located at One Parcel on Leona Drive, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number 347-050-069 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

2. WHEREAS, THE OWNER, occupants and any person having possession or control of THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion 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 may be placed on THE PROPERTY. Upon restoration of the property and payment of the lien the five (5) year hold on the building permit issuance and land use approvals will be released.

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 One Parcel on Leona Drive, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number 347-050-069 be abated by the OWNER, and anyone having possession or control of THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

4  
5 By \_\_\_\_\_  
6 Marion Ashley  
7 Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11 By \_\_\_\_\_

12 Deputy

13 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi 1/12/16  
DATE

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