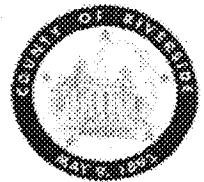


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

713B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 07-7082 (ZSB DEVELOPMENT, INC.)
Subject Property: 1 Parcel North of 14478 Burwood Drive, Perris; APN 286-240-017
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-7082 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 07-7082; 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 07-7082.

BACKGROUND:

On April 6, 2010, 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 A. 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	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Tina Grande

County Executive Office Signature

Policy ☐

Consent ☒

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

Prev. Agn. Ref.: 04/06/10; 9.1

District: 1

Agenda Number:

2.8

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 A. 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 07-7082
12 [UNAPPROVED GRADING]; APN: 286-240-017,)
1 PARCEL NORTH OF 14478 BURWOOD)
13 DRIVE, PERRIS, RIVERSIDE COUNTY,) FINDINGS OF FACT,
CALIFORNIA; ZSB DEVELOPMENT, INC.,) CONCLUSIONS AND ORDER TO
14 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 April 6, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 1 Parcel North of 14478 Burwood Drive, Perris, Riverside County, APN: 286-240-017,
20 and referred to hereinafter as "THE PROPERTY."

21 Julie A. 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 of
3 THE PROPERTY as ZSB Development, Inc. ("OWNER").

4 2. Documents of title indicate that no other party potentially holds a legal interest in THE
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on August 22, 2007,
7 April 17, 2009, August 12, 2009, September 1, 2009, October 16, 2009, October 22, 2009,
8 December 2, 2009 and March 24, 2010.

9 4. During each inspection, imported dirt and a graded pad was observed on THE
10 PROPERTY without permits and which deviated from the natural topography.

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 September 14, 2007, as Document
14 Number 2007-0583663 in the Office of the County Recorder, County of Riverside.

15 7. On August 22, 2007, Notice of Violation for Unapproved Grading was posted on
16 THE PROPERTY. On August 29, 2007 and December 3, 2009, a Notice of Violation was mailed by
17 certified mail, return receipt requested to OWNER.

18 8. On February 24, 2010, a "Notice to Correct County Ordinance Violations and Abate
19 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
20 by certified mail, return receipt requested to OWNER and on March 24, 2010 was posted on THE
21 PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on April 6, 2010, finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 1 Parcel North of
26 14478 Burwood Drive, Perris, Riverside County, California, also identified as Assessor's Parcel
27 Number 286-240-017 violates Riverside County Ordinance No. 457 and constitutes a public nuisance
28 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 at 1 Parcel North of 14478 Burwood Drive, Perris, Riverside County, California, also identified as Assessor's Parcel Number 286-240-017 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.

IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored 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, the unapproved grading shall be abated by representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE

FORM APPROVED COUNTY COUNSEL
BY Julia A. Roons Jarvi 4/13/10 DATE

1 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 _____
Marion Ashley
Chairman, Board of Supervisors

15 ATTEST:

16 KECIA HARPER-IHEM

17 Clerk to the Board

18
19
20 By
21 Deputy
22 (SEAL)
23
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