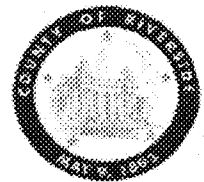


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

312B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 17, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 08-01054 (ANSTIE)
Subject Property: 44564 Lewis Valley Road, Hemet; APN 571-080-035
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01054 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 08-01054; 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 08-01054.

BACKGROUND:

On June 8, 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.

L. Alexandra Fong
L. ALEXANDRA FONG, 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*
Tina Grande

County Executive Office Signature

Policy

Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 06/08/10; 9.2

District: 3

Agenda Number:

2.7

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

5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, 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 08-01054
12 [UNAPPROVED GRADING]; APN: 571-080-035,)
44564 LEWIS VALLEY ROAD,)
13 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) FINDINGS OF FACT,
MERVYN PETER ANSTIE, OWNER.) CONCLUSIONS AND ORDER TO
14) 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 June 8, 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 44564 Lewis Valley Road, Hemet, Riverside County, APN: 571-080-035, and referred
20 to hereinafter as "THE PROPERTY."

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

23 Owner was present for a pre-meeting, placed a request with the Board of Supervisors to
24 continue the matter, but left before the matter was called. A member of the public appeared and
25 addressed the Board of Supervisors.

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

1 Title 15.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the Owner
4 of THE PROPERTY as Mervyn Peter Anstie ("OWNER").

5 2. Documents of title indicate that no other parties may potentially hold a legal interest in
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 23, 2008,
8 December 16, 2008, October 21, 2009, January 13, 2010, March 9, 2010, April 13, 2010 and June 7,
9 2010.

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

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 February 14, 2008, as Document
15 Number 2008-0073607 in the Office of the County Recorder, County of Riverside.

16 7. On April 23, 2008, a Notice of Violation for Unapproved Grading was posted on THE
17 PROPERTY. On May 5, 2008, a Notice of Violation was mailed by certified mail, return receipt
18 requested to OWNER by certified mail, return receipt requested.

19 8. On April 12, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
21 by certified mail, return receipt requested, to OWNER and on April 13, 2010, was posted on THE
22 PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on June 8, 2010 finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 44564 Lewis
27 Valley Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 571-
28 080-035 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and

1 attractive nuisance.

2 2. WHEREAS, OWNER, occupants and any person having possession or control of
3 THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of the
4 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
5 accordance with all Riverside County Ordinances, including but not limited to Riverside County
6 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 Upon restoration of the property and payment of the lien the five (5) year hold on the building permit
10 issuance and land use approvals will be released.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
17 44564 Lewis Valley Road, Hemet, Riverside County, California, also identified as Assessor's Parcel
18 Number 571-080-035 be abated by the OWNER, and anyone having possession or control of THE
19 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and
20 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
21 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
22 (90) days of the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
24 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
25 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order
27 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County
28 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's

1 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
2 PROPERTY.

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

13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 Marion Ashley
17 Chairman, Board of Supervisors

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

21 By _____
22 Deputy
23 (SEAL)
24
25
26
27
28

FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong 6/15/10
ALEXANDRA FONG DATE