

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

407B



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

**SUBMITTAL DATE:**  
January 27, 2011

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case Nos. : CV09-12100 [HUARD]  
Subject Property: 34635 Black Mountain, Temecula; APN: 470-340-023  
District: Three

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12100 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 09-12100; 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 09-12100.

(Continued)

*L. Alexandra Fong*  
\_\_\_\_\_  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

|                       |                               |        |                         |     |
|-----------------------|-------------------------------|--------|-------------------------|-----|
| <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

BY: *Jennifer L. Sargent*  
\_\_\_\_\_  
Jennifer L. Sargent

County Executive Office Signature

- |   |   |
|---|---|
| Dept't Recomm.:<br><input checked="" type="checkbox"/> Consent<br><input type="checkbox"/> Policy | Per Exec. Ofc.:<br><input checked="" type="checkbox"/> Consent<br><input type="checkbox"/> Policy |
|---|---|

Abatement of Public Nuisance  
Case No.: CV09-12100 [HUARD]  
34635 Black Mountain, Temecula  
District Three  
Page 2

**BACKGROUND:**

On January 11, 2011, 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 Findings of Fact, Conclusions and Order to Abate.

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, Suite 500 (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 09-12100  
12 [GRADING WITHOUT PERMITS] APN: 470- )  
340-023, 34635 BLACK MOUNTAIN, )  
13 TEMECULA, COUNTY OF RIVERSIDE, STATE ) FINDINGS OF FACT,  
OF CALIFORNIA; RICK J. HUARD AND ) CONCLUSIONS AND ORDER TO  
14 MARANDA K. HUARD, OWNERS. ) ABATE NUISANCE  
) [R.C.O. Nos. 457 (RCC Title 15) and  
15 ) 725 (RCC Title 1) and Board of  
) Supervisors Policy F-6]  
16

17 The above-captioned matter came on regularly for hearing on January 11, 2011, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 34635 Black Mountain, Temecula, Riverside County, APN: 470-340-023, and  
21 referred to hereinafter as "THE PROPERTY."

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

24 Owner Rick J. Huard appeared. Owner's engineer also appeared.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners  
3 of THE PROPERTY as Rick J. Huard and Maranda K. Huard ("OWNERS").

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 October 20, 2009,  
7 December 9, 2009, April 5, 2010, May 10, 2010, June 12, 2010, June 22, 2010, June 28, 2010, July  
8 9, 2010, July 26, 2010, December 6, 2010 and January 7, 2011.

9 4. During each inspection, grading was observed on THE PROPERTY without permits  
10 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 August 13, 2010, as Document Number  
14 2010-0381721 in the Office of the County Recorder, County of Riverside.

15 7. On November 17, 2009, a Notice of Violation for Unapproved Grading was mailed to  
16 OWNERS via certified mail with return receipt requested. On November 23, 2009, a Notice of  
17 Violation was posted on THE PROPERTY.

18 8. On November 30, 2010, a "Notice to Correct County Ordinance Violations and Abate  
19 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
20 for January 11, 2011, was mailed via certified mail with return receipt requested to OWNERS and  
21 INTERESTED PARTIES and on December 6, 2010, said notice was posted on THE 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 January 11, 2011 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 34635 Black  
26 Mountain, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 470-  
27 340-023 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and  
28 attractive nuisance.



FORM APPROVED COUNTY COUNSEL  
BY: ALEXANDRA FONG / 25/11 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 By

20 Deputy

21 (SEAL)

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24  
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26  
27 L:\Code Enforcement\Abatements\2010\2009\CV09-12100\457 grading FOF.DOC