

**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:

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.

Departmental Concurrence

*Alexandra Fong*

(Continued)

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

*Jennifer L. Sargent*

County Executive Office Signature Jennifer L. Sargent

- Policy
- Policy
- Consent
- Consent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: February 8, 2011  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board,  
By: *Kecia Harper-Ihem*  
Deputy

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

2.11

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

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5 WHEN RECORDED PLEASE MAIL TO:  
6 L. Alexandra Fong, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Suite 500 (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT '6103]

11 **BOARD OF SUPERVISORS**  
12 **COUNTY OF RIVERSIDE**



13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-12100  
 14 [GRADING WITHOUT PERMITS] APN: 470- )  
 15 340-023, 34635 BLACK MOUNTAIN, ) FINDINGS OF FACT,  
 16 TEMECULA, COUNTY OF RIVERSIDE, STATE ) CONCLUSIONS AND ORDER TO  
 17 OF CALIFORNIA; RICK J. HUARD AND ) ABATE NUISANCE  
 18 MARANDA K. HUARD, OWNERS. )  
 19 ) [R.C.O. Nos. 457 (RCC Title 15) and  
 20 ) 725 (RCC Title 1) and Board of  
 21 ) Supervisors Policy F-6]

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

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

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

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

2011-0064885  
02/03/2011 10:40A  
2 of 5







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: February 8, 2011

COUNTY OF RIVERSIDE

13  
14 By Bob Buster

Bob Buster  
Chairman, Board of Supervisors

15 ATTEST:

16 KECIA HARPER-IHEM

17 Clerk to the Board

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19  
20 By Kauniguten

21 Deputy

22 (SEAL)



23  
24  
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26  
27 L:\Code Enforcement\Abatements\2010\2009\CV09-12100\457 grading FOF.DOC

FORM APPROVED COUNTY COUNSEL  
BY: L. Alexandra Fong 2/25/11 DATE



**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrclkrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

2-8-11

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



**PROOF OF SERVICE**

Case No. CV09-12100

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on March 15, 2011, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**

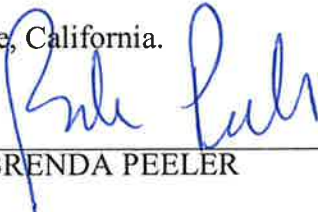
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON March 15, 2011, at Riverside, California.

  
\_\_\_\_\_  
BRENDA PEELER



# NOTICE LIST

Subject Property: 34635 Black Mountain, Temecula  
Case No.: CV 09-12100; APN: 470-340-023; District 3

RICK J HUARD  
MARANDA K HUARD  
32205 CORTE UTNETTMER  
TEMECULA CA 92592



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 17, 2011

RE CASE NO: CV0912100

I, Ariana Meza, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 3/17/2011 at 9:55am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, Notice List and Proof of Service. at the property described as:


**Property Address:** 1 parcel WEST of 34690 BLACK MOUNTIAN ROAD, SAGE

**Assessor's Parcel Number:** 470-340-023

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 17, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


  
By: Ariana Meza, Code Enforcement Technician

# NOTICE LIST

Subject Property: 1 PARCEL W/O 34690 BLACK MOUNTAIN ROAD

Case No.: CV09-12100;

APN: 470-340-023; District 3

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  RICK J HUARD MARANDA K HUARD 32205 CORTE UTNETTMER TEMECULA CA 92592  <i>CV09-12100 (HUARD) F&amp;F 1</i>	B. Received by (Printed Name) <i>Rick Huard</i>	C. Date of Delivery <i>2-23-11</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>30655 Jedediah Smith Temecula CA 92592</i>	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes  7010 1670 0001 7232 1312	
102595-02-M-1540		