

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

913B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 29, 2006

SUBJECT: Order to Abate [Excess outside storage]
Case No.: CV 06-2989
Subject Property: 18809 Deer Trail, Banning (Poppet Flats); APN: 545-096-015
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2989 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 06-2989; 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 06-2989.

BACKGROUND:

On December 19, 2006, 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 excess outside storage 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, Conclusions and Order to Abate.

[Handwritten Signature]

TIFFANY W. NORTH, Deputy County Counsel
for JOE S. RANK, 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

County Executive Office Signature

[Handwritten Signature]

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

0002 DEC 30 AM 8:10

RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.:

District: 3

Agenda Number:

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE: [EXCESSIVE OUTSIDE STORAGE]; APN 545- 096-015, 18809 DEER TRAIL, BANNING (POPPET FLATS), RIVERSIDE COUNTY, CALIFORNIA; SCOTT JONTING, OWNER.)	CASE NO. CV 06-2989
)	FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE
)	[R.C.O. Nos. 348 (RCC Title 17) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 19, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 18809 Deer Trail, Banning (Poppet Flats), Riverside County, APN: 545-096-015 (hereinafter referred to as "THE PROPERTY").

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Ms. North and Mr. Monroe spoke with the owner Scott Jonting prior to the hearing. Mr. Jonting did not address the Board.

The Board of Supervisors received the Declaration of Code Enforcement Officer Wayne Durant, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348, and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE
3 PROPERTY as Scott Jonting (hereinafter referred to as "OWNER").

4 2. Documents of title at the time of the inspection indicated that no other parties potentially
5 hold a legal interest in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 25, 2006, July 19,
7 2006, September 21, 2006 and November 7, 2006. During each inspection, the outside storage of
8 materials in excess of two hundred (200) square feet was observed on THE PROPERTY. The materials
9 included but were not limited to: lumber, tools, equipment, tires, auto parts, metal, plastic, cardboard and
10 other miscellaneous items. The total area of excess outside storage of materials was approximately five
11 thousand six hundred sixty-three (5,663) square feet. The size of THE PROPERTY is .13 acres.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 ("RCO") No. 348 (Riverside County Code Title 17) by the Code Enforcement Officer. Under RCO No.
14 348, no outside storage of materials feet is allowed on the subject property since THE PROPERTY is less
15 than one-half acre in size.

16 6. A Notice of Noncompliance was recorded on July 13, 2006 as Document Number 2006-
17 0514677 in the Office of the County Recorder, County of Riverside.

18 7. On May 25, 2006, a Notice of Violation was posted on THE PROPERTY. On June 6,
19 2006, a Notice of Violation was mailed to the OWNER by certified mail, return receipt requested.

20 8. On September 21, 2006, a "Notice To Abate Nuisance" providing notice of the public
21 hearing before the Board of Supervisors on November 7, 2006 was mailed by certified mail, return receipt
22 requested, to the OWNER and posted on THE PROPERTY on September 21, 2006.

23 9. On October 30, 2006 a "Continuation Notice to Correct County Ordinance Violations and
24 Abate Public Nuisance" was mailed to OWNER by certified mail, return receipt requested, and was
25 posted on THE PROPERTY on November 7, 2006. This notice advised OWNER that the hearing had
26 been continued until December 19, 2006.

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1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for
2 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment
3 against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance
4 Nos. 348 and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
5 expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances,
6 and shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
7 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
8 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
9 owner(s) even if the property is brought into compliance within ninety (90) days of the date of this Order
10 to Abate Nuisance.

11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 John Tavaglione
16 Chairman, Board of Supervisors

17 ATTEST:

18 NANCY ROMERO
19 Clerk to the Board
20

21
22 By
23 Deputy
24 (SEAL)
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