

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

318B



SUBMITTAL DATE:  
May 12, 2008

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

**SUBJECT:** Order to Abate [Excess Outside Storage]  
Case No.: CV 07-8032  
Subject Property: 20335 Avenida de Arboles, Murrieta  
APN: 929-270-007  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-8032 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 07-8032; 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 07-8032.

Departmental Concurrence

*[Signature]*  
TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

(continued)

<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 *[Signature]*

Tina Grande

**County Executive Office Signature**

Policy  
 Policy

Consent  
 Consent

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

Prev. Agn. Ref.: 04/29/08;9.4

District: 1

Agenda Number:

**2.11**

Order to Abate [Excess Outside Storage]

Case No.: CV 07-8032

Subject Property: 20335 Avenida de Arboles, Murrieta

APN: 929-270-007

District One

**BACKGROUND:**

On April 29, 2008 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, Conclusion and Order to Abate.

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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:	)	CASE NO. CV 07-8032
[EXCESS OUTSIDE STORAGE];	)	
APN 929-270-007, 20335 AVENIDA DE	)	FINDINGS OF FACT,
ARBOLES, MURRIETA, RIVERSIDE COUNTY,	)	CONCLUSIONS AND ORDER TO
CALIFORNIA; LON WENDELL BIKE AND	)	ABATE NUISANCE
SANDRA JOSEPHINE BIKE, OWNERS.	)	
	)	[R.C.O. Nos. 348 (RCC Chapter 17.32),
	)	and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on April 29, 2008, 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 20335 Avenida de Arboles, Murrieta, Riverside County, California and further described as Assessor's Parcel Number 929-270-007 and referred to hereinafter 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.

OWNER, Lon Bike and his counsel, William Pascoe, Esq., appeared and addressed the Board of Supervisors during the public hearing. Neighbor Mitch Wagner and his counsel, Susan Mason, Esq., also appeared and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as a

1 violation of Riverside County Ordinance No. 348 (Riverside County Code Chapter 17.32) and as a  
2 public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners  
5 of THE PROPERTY as Lon Wendell Bike and Sandra Josephine Bike ("OWNERS").

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

8 3. THE PROPERTY is an unimproved parcel, containing no legally permitted  
9 structures. The recorded lot size of THE PROPERTY is 5.06 acres. THE PROPERTY is located in  
10 the R-A-5 (Residential Agricultural) zone classification.

11 4. THE PROPERTY was inspected by Code Enforcement Officers on September 26,  
12 2007, January 7, 2008, February 25, 2008 and April 2, 2008, and April 25, 2008.

13 5. During each inspection, the outside storage of materials was observed on THE  
14 PROPERTY. The materials consisted of, but were not limited to: two metal storage containers  
15 (connex boxes) and one blue commercial office trailer. By using the pacing method, the Code  
16 Enforcement Officer measured the stored metal storage containers (connex boxes) to be five hundred  
17 and twenty eight (528) square feet and the stored commercial office trailer to be seven hundred and  
18 twenty (720) square feet. During each inspection it was further observed that THE PROPERTY was  
19 not improved with a legally permitted residential structure. As of the date of the last inspection, a  
20 search of County records revealed no active building permits on file for THE PROPERTY.

21 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
22 No. 348 (RCC Chapter 17.32) by the Code Enforcement Officer.

23 7. A Notice of Noncompliance was recorded on March 27, 2008 as Document Number  
24 2008-0150861 in the Office of the County Recorder, County of Riverside.

25 8. On September 26, 2007, a Notice of Violation for violation of Riverside County  
26 Ordinance No. 348 (RCC Chapter 17.32) was posted on THE PROPERTY. On November 21, 2007,  
27 a Notice of Violation was mailed to OWNERS by certified mail, return receipt requested.

28 8. On April 1, 2008, the second notice - "Notice To Correct County Ordinance

1 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of  
2 Supervisors scheduled for April 29, 2008 , was mailed by certified mail, return receipt requested, to  
3 OWNERS and was posted on THE PROPERTY on April 2, 2008.

4 9. OWNER, Lon Bike, addressed the Board of Supervisors during the public hearing on  
5 April 29, 2008. He provided a brief history of the status of THE PROPERTY. Mr. Bike stated that  
6 his building plans had been submitted to the County and approved in 2006 but construction did not  
7 begin due to litigation with his neighbors. Mr. Bike stated he will resubmit his building plans to the  
8 County for the building permit for his residence. When asked by the Board of Supervisors, he stated  
9 that one of the storage containers on THE PROPERTY contains hay for his horses and the other  
10 contains construction materials. Mr. Bike said that the commercial office trailer was for use during  
11 construction.

12 10. During the public hearing, William Pascoe, Esq., counsel for OWNERS, stated that  
13 he is trial counsel for the OWNERS regarding the lawsuit brought by their neighbors. He stated that  
14 the Riverside County Superior Court recently ruled that the storage materials were not a public  
15 nuisance and were not a violation of the CC&Rs.

16 11. Susan Mason, Esq., counsel for Mitch Wagner, addressed the Board of Supervisors  
17 during the public hearing. Ms. Mason represents the Wagners, in the ongoing litigation between the  
18 Wagners and the OWNERS. Ms. Mason said that the two metal storage containers and commercial  
19 office trailer have been on THE PROPERTY for over 5 years. Ms. Mason further stated that the  
20 Superior Court’s intended ruling was that the Wagners could not maintain the public nuisance case  
21 Ms. Mason stressed that the trial court did not say that the outside storage items were not a public  
22 nuisance. The trial court only ruled that the Wagners could not maintain a case for a public nuisance.

23 12. Mitch Wagner, neighbor of OWNERS, then addressed the Board of Supervisors  
24 during the public hearing. Mr. Wagner asked that THE PROPERTY be declared a public nuisance  
25 because it is an eyesore in the community.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on April 29, 2008 finds and concludes that:



1 or anyone having possession or control of THE PROPERTY, by removing of the excess outside  
2 excess storage of materials (two metal storage containers and commercial office trailer) from the  
3 subject real property in strict accordance with all Riverside County Ordinances, including but not  
4 limited to Riverside County Ordinance No. 348 (RCC Chapter 17.32) within ninety (90) days of the  
5 date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the materials (two metal storage containers and  
7 commercial office trailer) are not removed and disposed of in strict accordance with all Riverside  
8 County Ordinances, including but not limited to Riverside County Ordinance No. 348 (RCC Chapter  
9 17.32) within ninety (90) days of the date of this Order to Abate Nuisance, the excess outside storage  
10 of materials shall be abated and disposed of by representatives of the Riverside County Code  
11 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
12 consent or a Court Order when necessary under applicable law.

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
16 County Ordinance No. 348 (RCC Title 17) and 725 (RCC Chapter 1.16). Under Riverside County  
17 Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the  
18 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be  
19 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the  
20 costs associated with the removal or correction of the violation." Reasonable abatement costs

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1 accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if  
2 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to  
3 Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Roy Wilson  
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO  
Clerk to the Board

By  
Deputy  
(SEAL)

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