

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

619 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 22, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 04-1089
Subject Property: One Lot West of 21820 Cajalco Road, Perris
APN: 318-110-020
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-1089 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 04-1089; 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 04-1089.

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for JOE S. RANK, County Counsel

(Continued)

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
Tina Grande
BY: _____
Tina Grande

County Executive Office Signature

Dept's Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 09/16/08;9.2

District: 1

Agenda Number:

2.17

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 04-1089

Subject Property: One Lot West of 21820 Cajalco Road, Perris

APN: 318-110-020

District One

BACKGROUND:

On September 16, 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 and accumulation of rubbish 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:
Julie A.K. Jarvi, 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 04-1089
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 318-110-020, ONE LOT WEST OF 21820)	CONCLUSIONS AND ORDER TO
CAJALCO ROAD, PERRIS, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; WILLIAM VALOV,)	
OWNER.)	[R.C.O. Nos. 348 (RCC Chapter
)	17.120), 541 (RCC Chapter 8.120) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on September 16, 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 as One Lot West of 21820 Cajalco Road, Perris, Riverside County, California and further described as Assessor's Parcel Number 318-110-020 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.

No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Chapter 17.120) and 541 (Riverside County Code Chapter 8.120) and as a public
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner
5 of THE PROPERTY as William Valov ("OWNER").

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

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 16, 2004,
9 April 5, 2004, December 20, 2004, January 10, 2005, July 28, 2006, July 12, 2007, November 5,
10 2007, January 3, 2008, March 14, 2008, June 10, 2008, July 23, 2008 and September 16, 2008.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
13 were not limited to: two piles of mixed concrete and asphalt rubble, seven vehicles, seven boats,
14 trailers, construction equipment, rusted truck racks, camper shells, metal storage unit, wood, lumber,
15 broken concrete and asphalt, car parts, machinery, tires, heavy equipment and other miscellaneous
16 items. The total amount of excess outside storage of materials and accumulated rubbish was twenty
17 three thousand one hundred fifteen (23,115) square feet. The zoning classification of THE
18 PROPERTY is (A-1-1, Light Agriculture) and the parcel is unimproved. Therefore, no amount of
19 outside storage is allowed on THE PROPERTY.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on May 11, 2004 as Document Number
23 2004-0349579 in the Office of the County Recorder, County of Riverside.

24 7. On August 7, 2007, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On September 19, 2007, Notices of Violation
26 were mailed to OWNER by certified mail, return receipt requested.

27 8. On July 22, 2008, the "Notice To Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled

1 for September 16, 2008, was mailed by certified mail, return receipt requested, to OWNER and was
2 posted on THE PROPERTY on July 23, 2008..

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on September 16, 2008 finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at One Lot West of 21820 Cajalco Road, Perris, Riverside County,
8 California, also identified as Assessor's Parcel Number 318-110-020 violates Riverside County
9 Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public
10 nuisance. Under Riverside County Ordinance No. 348, due to the unimproved parcel, no amount of
11 outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County
12 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
14 the premises should abate the condition by removing all outside storage of materials and removing
15 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
17 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and
24 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically William Valov
25 or anyone having possession or control of THE PROPERTY, by removing all outside storage of
26 materials and removing and disposing of all accumulated rubbish from the subject real property in
27 strict accordance with all Riverside County Ordinances, including but not limited to Riverside
28 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)

1 days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
4 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for
10 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
17 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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1 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
2 this Order to 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)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 9/22/08
JULIE A. KOONS JARVI DATE

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