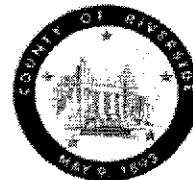


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

847B



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

**SUBMITTAL DATE:**  
October 10, 2008

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 08-02476  
Subject Property: 17586 Nelson Avenue, Lake Elsinore  
APN: 383-091-029  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02476 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 08-02476; 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 08-02476.

Departmental Concurrence

*Julie A.K. Jarvi*  
\_\_\_\_\_  
JULIE A.K. JARVI, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE  
*Tina Grande*  
BY \_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

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

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

Case No.: CV 08-02476

Subject Property: 17586 Nelson Avenue, Lake Elsinore

APN: 383-091-029

District One

**BACKGROUND:**

On September 30, 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 08-02476
[EXCESSIVE OUTSIDE STORAGE AND	)	
ACCUMULATION OF RUBBISH];	)	FINDINGS OF FACT,
APN 383-091-029, 17586 NELSON AVENUE,	)	CONCLUSIONS AND ORDER TO
LAKE ELSINORE, RIVERSIDE COUNTY,	)	ABATE NUISANCE
CALIFORNIA; SANDRA SUE CRAFT, 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 30, 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 17586 Nelson Avenue, Lake Elsinore, Riverside County, California and further described as Assessor's Parcel Number 383-091-029 and referred to hereinafter as "THE PROPERTY."

Pamela Walls, Assistant 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 Sandra Sue Craft ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to wit: First American Loanstar Trustee Services and BNC Mortgage, Inc., a Delaware  
8 Corporation ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 19, 2008,  
10 April 23, 2008, June 11, 2008, August 5, 2008 and September 29, 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: household trash, wood pallets, aluminum and plastic containers, cardboard  
14 boxes, gardening equipment, vacuum cleaner, children's toys, a propane tank, vehicle parts and a  
15 wheelbarrow. The officer visually estimated the amount of accumulated rubbish and excess outside  
16 storage of materials as one thousand one hundred sixty-one (1,161) square feet. Given the size of the  
17 parcel (.07 acres) and the zoning classification (R-1, One Family Dwelling), no amount of outside  
18 storage or accumulated rubbish is allowed on THE PROPERTY.

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

21 6. Notices of Noncompliance were recorded on April 16, 2008 as Document Numbers  
22 2008-0188570 and 2008-0188571 in the Office of the County Recorder, County of Riverside.

23 7. On March 19, 2008, Notices of Violation for violation of Riverside County Ordinance  
24 Nos. 348 and 541 were personally delivered to and executed by OWNER. On March 20, 2008,  
25 Notice of Violations was mailed to OWNER by certified mail, return receipt requested. On April 8,  
26 2008 was mailed to INTERESTED PARTIES, by certified mail, return receipt requested.

27 8. On August 1, 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 30, 2008, was mailed by certified mail, return receipt requested, to OWNER and  
2 INTERESTED PARTIES and was posted on THE PROPERTY on August 5, 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 30, 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 17586 Nelson Avenue, Lake Elsinore, Riverside County, California, also  
8 identified as Assessor's Parcel Number 383-091-029 violates Riverside County Ordinance Nos. 348  
9 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
10 Riverside County Ordinance No. 348, due to the size of the parcel and zoning classification, no  
11 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under  
12 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE  
13 PROPERTY.

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
26 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Sandra Sue  
27 Craft or anyone having possession or control of THE PROPERTY, by removing all of the outside  
28 storage of materials and removing and disposing of all accumulated rubbish from the subject real

1 property in strict accordance with all Riverside County Ordinances, including but not limited to  
2 Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within  
3 ninety (90) days of the date of this Order to Abate Nuisance.

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for  
12 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
14 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
15 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
16 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
17 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
18 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
19 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 10/18/08  
JULIE A. KOONS JARVI DATE

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