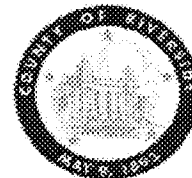


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

715B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulation of Rubbish]
Case No.: CV 07-6357 (CRISMAN)
Subject Property: 40001 Berenda Road AKA: 40025 Berenda Road, Temecula
APN: 942-250-034
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6357 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 07-6357; 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 07-6357.

JULIE A. JARVIS Deputy County Counsel
for PAMELA J. WALLS, 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

☐

Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

BY

Tina Grande

County Executive Office Signature

Dep't Recomm.:
Per Exec. Ofc.:
X Consent
X Policy
X Consent
X Policy

Prev. Agn. Ref.: 04/06/10; 9.2

District: 3

Agenda Number:

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

Case No.: CV 07-6357

Subject Property: 40001 Berenda Road AKA: 40025 Berenda Road, Temecula

APN: 942-250-034

District Three

BACKGROUND:

On April 6, 2010, 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.

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)
4

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**
13

14 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 07-6357
15 [EXCESSIVE OUTSIDE STORAGE AND)	
16 ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
17 APN 942-250-034, 40001 BERENDA ROAD)	CONCLUSIONS AND ORDER TO
18 AKA: 40025 BERENDA ROAD, TEMECULA,)	ABATE NUISANCE
19 RIVERSIDE COUNTY, CALIFORNIA;)	
20 WILFRED G. CRISMAN, OWNER.)	[R.C.O. Nos. 348 (RCC Chapter
)	17.136), 541 (RCC Chapter 8.120) and
)	725 (RCC Title 1)]
)	
)	

21 The above-captioned matter came on regularly for hearing on April 6, 2010, before the Board
22 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
23 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
24 described as 40001 Berenda Road AKA: 40025 Berenda Road, Temecula, Riverside County,
25 California and further described as Assessor's Parcel Number 942-250-034 and referred to hereinafter
26 as "THE PROPERTY."

27 Julie A. Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
28 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Arleigh Crisman, son of deceased owner, 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 outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.136) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owner of
6 THE PROPERTY as Wilfred G. Crisman ("OWNER").

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

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 25, 2008,
10 May 7, 2009, November 9, 2009, March 3, 2010, and April 2, 2010.

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: scrap metal, green waste, trash, scrap wood, lumber, tires, auto parts, car seats,
14 metal cans and barrels, machine parts, tarps, building supplies, plastics and other miscellaneous items.
15 The officer used the GIS measuring table and determined the amount of accumulated rubbish and
16 excess outside storage of materials was approximately sixteen thousand seven hundred seventy
17 (16,770) square feet. Given the size of the parcel (2.03 acres) and the zoning classification (C/V,
18 Citrus/Vineyard zone), two hundred (200) square feet of outside storage and no amount of rubbish is
19 allowed on THE PROPERTY.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 (RCC Chapter 17.136) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on October 22, 2009, as Document Number
23 2009-0547784 in the Office of the County Recorder, County of Riverside.

24 7. On June 25, 2008, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On July 23, 2008, Notices of Violation were
26 mailed to OWNER by certified mail, return receipt requested.

27 8. On March 1, 2010, 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 April 6, 2010, was mailed by certified mail, return receipt requested, to OWNER and was posted
2 on THE PROPERTY on March 3, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on April 6, 2010, finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at 40001 Berenda Road AKA: 40025 Berenda Road, Temecula, Riverside
8 County, California also identified as Assessor's Parcel Number 942-250-034 violates Riverside
9 County Ordinance Nos. 348 (RCC Chapter 17.136) and 541 (RCC Chapter 8.120) and constitutes a
10 public nuisance. Under Riverside County Ordinance No. 348, two hundred (200) square feet 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 removal of 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 17.136) 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 Nuisance,
21 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 Wilfred G.
25 Crisman, or anyone having possession or control of THE PROPERTY, by removing all of the outside
26 storage of materials in excess of two hundred (200) square feet and removing and disposing of all
27 accumulated rubbish from the subject real property in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.136)

1 and 541 (RCC Chapter 8.120) within ninety (90) 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 17.136) 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
10 for 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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owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: JULIE A. MOONS JARVI
DATE: 4/13/10