

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

418B



FROM: County Counsel/TLMA
Code Enforcement Department

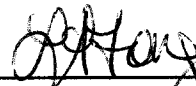
SUBMITTAL DATE:
OCT 6, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 08-09702 (LACROIX)
Subject Property: 1 Parcel North of 39565 Howard Road, Anza
APN: 572-280-012; District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-09702 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 08-09702; 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 08-09702.

(Continued)


L. ALEXANDRA FONG, 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	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:


Tina Grande

County Executive Office Signature

Consent ☒ Policy ☐
Consent ☒ Policy ☐

Dept's Recomm.:

Per Exec. Ofc.:

Order to Abate
Case No. CV 08-09702; LACROIX
1 Parcel North of 39565 Howard Road, Anza
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BACKGROUND:

On August 31, 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 accumulated rubbish located 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 Findings of Fact, Conclusions 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 L. Alexandra Fong, 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**
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11 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 08-09702
12 [EXCESSIVE OUTSIDE STORAGE AND)	
13 ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
14 APN 572-280-012, ONE PARCEL NORTH OF)	CONCLUSIONS AND ORDER TO
15 39565 HOWARD ROAD, ANZA, RIVERSIDE)	ABATE NUISANCE
16 COUNTY, CALIFORNIA; LARRY LACROIX,)	
17 TRUSTEE OF THE LARRY LACROIX TRUST)	[R.C.O. Nos. 348 (RCC Chapter 17.16),
18 DATED 12/8/04, OWNER.)	541 (RCC Chapter 8.120) and 725
)	(RCC Title 1)]

19 The above-captioned matter came on regularly for hearing on August 31, 2010, before the
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
22 property described as One Parcel North of 39565 Howard Road, Anza, Riverside County, California
23 and further described as Assessor's Parcel Number 572-280-012 and referred to hereinafter as "THE
24 PROPERTY."

25 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
26 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

27 Owner, Larry La Croix, appeared but left before the matter was heard and did not address the
28 Board of Supervisors. A member of the public, Mr. Robert Mabee, appeared and addressed the
Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
3 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
4 nuisance.

5 SUMMARY OF EVIDENCE

6 1. Documents of record in the Riverside County Recorder's Office identify the owner of
7 THE PROPERTY as Larry Lacroix, Trustee of the Larry Lacroix Trust Dated 12/8/04 ("OWNER").

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

10 3. THE PROPERTY was inspected by Code Enforcement Officers on June 30, 2009,
11 August 13, 2009, January 14, 2010, March 5, 2010, May 12, 2010, and August 26, 2010.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: metal, plastic, blocks, car parts, wood, seven sheds, and two truck mounted
15 campers. The officer measured the amount of accumulated rubbish and excess outside storage of
16 materials and determined it was twenty thousand five hundred (20,500) square feet. Given the size of
17 the unimproved parcel (2.2 acres) and the zoning classification (R-R, Rural Residential), no amount
18 of outside storage or 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 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on February 4, 2010 as Document Number
22 2010-0051612 in the Office of the County Recorder, County of Riverside.

23 7. On June 30, 2009, Notices of Violation for violation of Riverside County Ordinance
24 Nos. 348 and 541 were posted on THE PROPERTY. On July 1, 2009 and January 21, 2010, Notice
25 of Violations was mailed to OWNER.

26 8. On May 11, 2010, the "Notice To Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
28 for August 31, 2010, was mailed by certified mail, return receipt requested, to OWNER and was

1 posted on THE PROPERTY on May 12, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on August 31, 2010, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at One Parcel North of 39565 Howard Road, Anza, Riverside County,
7 California, also identified as Assessor's Parcel Number 572-280-012 violates Riverside County
8 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public
9 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
10 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
11 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
12 PROPERTY.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
14 the premises shall abate the condition by removal of all outside storage of materials and removing and
15 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 17.16) 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 Larry Lacroix,
25 Trustee of the Larry Lacroix Trust Dated 12/8/04, or anyone having possession or control of THE
26 PROPERTY, by removing all of the outside storage of materials 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 17.16)

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 17.16) 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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FORM APPROVED COUNTY COUNSEL
BY: 9/29/10 DATE
L. ALEXANDRA FONG

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)