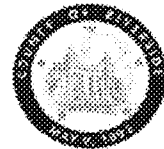


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case Nos: CV 08-10823 and CV08-04649 [SOTELO]
Subject Property: 1 Parcel North of 18623 Lawton Blvd., Perris; APN: 343-020-018

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10823 and CV08-04649 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 Nos. CV 08-10823 and CV08-04649; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10823 and CV08-04649.

(Continued)

L. Alex Fong

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:

County Executive Office Signature

[Signature Area]

Departmental Concurrence

Consent Policy
 Consent Policy

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

Order to Abate
Case Nos. CV08-10823 and CV08-04649 [SOTELO]
1 Parcel North of 18623 Lawton Blvd., Perris
Page 2

BACKGROUND:

On November 30, 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, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

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

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV08-10823 and CV08-
14 [EXCESSIVE OUTSIDE STORAGE AND) 04649
15 ACCUMULATION OF RUBBISH];)
16 APN 343-020-018, ONE PARCEL NORTH OF) FINDINGS OF FACT,
17 18623 LAWTON BLVD., PERRIS, RIVERSIDE) CONCLUSIONS AND ORDER TO
18 COUNTY, CALIFORNIA; DIEGO SOTELO AND) ABATE NUISANCE
19 AUDELINA SOTELO, OWNERS.)
20) [R.C.O. Nos. 348 (RCC Chapter 17.32),
21) 541 (RCC Chapter 8.120) and 725
22) (RCC Title 1)]
23)
24)
25)
26)
27)
28)

29 The above-captioned matter came on regularly for hearing on November 30, 2010, before the
30 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
31 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
32 property described as One Parcel North of 18623 Lawton Blvd., Perris, Riverside County, California
33 and further described as Assessor's Parcel Number 343-020-018 and referred to hereinafter as "THE
34 PROPERTY."

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

37 Owner Diego Sotelo appeared and addressed the Board of Supervisors.

38 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 17.32) 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 owners of
6 THE PROPERTY as Diego Sotelo and Audelina Sotelo ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: Tsutomu and Mikoyo Hirayama ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 31, 2009,
10 August 17, 2009, September 28, 2009, November 13, 2009, January 4, 2010, March 18, 2010, May
11 14, 2010, June 11, 2010, September 23, 2010 and November 23, 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, work equipment, tools, wheel axles, metal beams, fencing materials, scrap
15 wood, PVC pipes, tires, trash and other miscellaneous items. The officer visually estimated the
16 amount of accumulated rubbish and excess outside storage of materials was approximately thirty two
17 thousand nine hundred fifty (32, 950) square feet. Given the size of the unimproved parcel (19.37
18 acres) and the zoning classification (R-A-5, Rural Agricultural), no amount of outside storage or
19 rubbish is allowed on THE PROPERTY.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on May 11, 2009 as Document Number
23 2009-0235962 in the Office of the County Recorder, County of Riverside.

24 7. On March 31, 2009, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On April 16, 2009, September 30, 2009 and
26 November 20, 2009, Notices of Violation were mailed to OWNERS and on September 30, 2009,
27 Notice of Violation mailed to INTERESTED PARTIES.

28 8. On March 17, 2010, the "Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled
2 for May 18, 2010, was mailed by certified mail, return receipt requested, to OWNERS and was
3 posted on THE PROPERTY on March 18, 2010.

4 9. On May 25, 2010, the “Continuation Notice to Correct County Ordinance Violations
5 and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors
6 scheduled for June 15, 2010, was mailed by certified mail, return receipt requested, to OWNERS and
7 was posted on THE PROPERTY on June 1, 2010.

8 10. On June 17, 2010, the “Continuation Notice to Correct County Ordinance Violations
9 and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors
10 scheduled for September 28, 2010, was mailed by certified mail, return receipt requested, to
11 OWNERS and was posted on THE PROPERTY on June 18, 2010.

12 11. On October 6, 2010, the “Continuation Notice to Correct County Ordinance
13 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
14 Supervisors scheduled for November 30, 2010, was mailed by certified mail, return receipt requested,
15 to OWNERS and was posted on THE PROPERTY on October 7, 2010.

16 FINDINGS AND CONCLUSIONS

17 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
18 regular session assembled on November 30, 2010 finds and concludes that:

19 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
20 the real property located at One Parcel North of 18623 Lawton Blvd., Perris, Riverside County,
21 California, also identified as Assessor's Parcel Number 343-020-018 violates Riverside County
22 Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a public
23 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
24 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
25 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
26 PROPERTY.

27 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
28 of the premises shall abate the condition by removal of all outside storage of materials and removing

1 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
2 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
3 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

9 IT IS THEREFORE ORDERED that the excess outside storage of materials and
10 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Diego Sotelo,
11 Audelina Sotelo, or anyone having possession or control of THE PROPERTY, by removing all of the
12 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
13 real property in strict accordance with all Riverside County Ordinances, including but not limited to
14 Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within
15 ninety (90) days of the date of this Order to Abate Nuisance.

16 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
17 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
18 County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90)
19 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
20 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
21 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
22 consent or a Court Order when necessary under applicable law.

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
27 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
28 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and

FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong 12/13/10 DATE
L. ALEXANDRA FONG

1 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
2 attorneys fees, and the costs associated with the removal or correction of the violation.” Reasonable
3 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
4 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
5 this Order to Abate Nuisance.

6
7 Dated: _____

COUNTY OF RIVERSIDE

8
9 By _____
Marion Ashley
Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13
14 By

15 Deputy

16 (SEAL)

17
18
19
20
21
22 L:\Code Enforcement\Abatements\2010\2008\CV08-04649 CV 08-10823\348 541 FOF.DOC