

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

804B



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

**SUBMITTAL DATE:**  
November 3, 2011

**SUBJECT:** Order to Abate [Substandard Mobilehome/Structure; Land Use Violations]  
Case No: CV 10-08355 [Property Owner: WILSON]  
Subject Property: 15250 Plum St., Cabazon, APN: 528-063-009  
District: Five

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08355 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 10-08355; 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 10-08355.

Departmental Concurrence

(Continued)

PATTI F. SMITH, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<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>	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**

Policy  Policy

Consent  Consent

Dept Recept  
 ATTACHMENTS FILED  
 WITH THE CLERK OF THE BOARD  
 Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No.: CV10-08355 [WILSON]  
15250 Plum St., Cabazon  
APN#528-063-009  
District 5  
Page 2

**BACKGROUND:**

On September 27, 2011 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 substandard mobilehome/structure, land use violation and illegal residence housing 2 or more parolee/probationers located on the subject property to be public nuisances. 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:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
3  
4

5 WHEN RECORDED PLEASE MAIL TO:  
6 Patti F. Smith, Deputy County Counsel  
County of Riverside  
7 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Suite 500 (Stop #1350)  
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-08355  
12 )  
13 15250 PLUM ST., CABAZON, RIVERSIDE ) FINDINGS OF FACT,  
COUNTY, CALIFORNIA; APN 528-063-009 ) CONCLUSIONS AND ORDER TO  
14 ) ABATE NUISANCE  
LARRY WILSON, )  
15 ) [R.C.O. Nos. 348, 449, 457 and 725]  
OWNER. )  
16 )

17 The above-captioned matter came on regularly for hearing on September 27, 2011, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 15250 Plum Street, Cabazon, Assessor's Parcel Number 528-063-009 and  
21 referred to hereinafter as "THE PROPERTY."

22 Patti F. Smith, Deputy County Counsel, appeared along with Jason Heagstedt, Code  
23 Enforcement Officer and Glenn Baude, Director of the Code Enforcement Department.

24 Members of the public addressed the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard mobilehome/structure, land use violation and  
27 illegal residence housing 2 or more parolee/probationers on THE PROPERTY as violation of  
28 Riverside County Ordinance Nos. 348, 449, 457 and as a public nuisance.

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as Larry Wilson (“OWNER”).

4 2. THE PROPERTY is occupied by parishioners from Set Free Christian Fellowship –  
5 Yucaipa (hereinafter referred to as “SET FREE”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on January 13, 2011,  
7 February 23, 2011, May 24, 2011 and July 20, 2011.

8 4. During the July 20, 2011 inspection, the officer observed substandard  
9 mobilehome/structures, nineteen (19) men residing in an illegal halfway house, group home or  
10 addiction recovery center, and two or more unrelated parolees/probationers residing in the same  
11 residence on THE PROPERTY. The structures were observed to be dilapidated and contained  
12 numerous deficiencies, including but not limited to: lack of improper water closet, lavatory, bathtub,  
13 shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous  
14 plumbing; lack of adequate lighting; hazardous wiring; lack of adequate heating facilities; defective  
15 or deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and roof supports or  
16 other horizontal members which sag, split or buckle due to defective material or deterioration;  
17 dampness of habitable rooms; faulty weather protection; general dilapidation or improper  
18 maintenance; fire or explosion hazard; public and attractive nuisance; improper use of mobilehome;  
19 and substandard/illegal additions to mobilehome.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinances  
21 Nos. 348, 449 and 457 by the Code Enforcement Officer.

22 6. A Notice of Pendency of Administrative Proceedings was recorded on June 15, 2011,  
23 as Document Number 2011-0263125 in the Office of the County Recorder, County of Riverside.

24 7. On July 20, 2011, Notice of Violation, Notice of Defects and a “Danger Do Not  
25 Enter” sign was posted on THE PROPERTY. On July 26, 2011, Notices of Violation and Notice of  
26 Defects was mailed to OWNER and SET FREE.

27 8. On September 6, 2011, a “Notice to Correct County Ordinance Violations and Abate  
28 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on

1 September 27, 2011, was mailed to OWNER and SET FREE and was posted on THE PROPERTY  
2 on September 8, 2011.

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 27, 2011, finds and concludes that:

6 1. WHEREAS, the substandard mobilehome/structure, land use violation and illegal  
7 residence housing 2 or more parolee/probationers on the real property located at 15250 Plum Street,  
8 Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-063-009  
9 violates Riverside County Ordinance Nos. 348, 449, 457 and constitutes a public nuisance.

10 2. WHEREAS, the OWNER, occupants and any person having possession or control of  
11 THE PROPERTY shall abate the substandard structures condition by razing, removing and disposing  
12 of the substandard structures, including the removal and disposal of all structural debris and  
13 materials, and contents therein or by reconstruction and rehabilitation of said structures provided that  
14 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County  
15 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
16 days.

17 3. WHEREAS, the OWNER, occupants and any person having possession or control of  
18 THE PROPERTY shall cease the use of THE PROPERTY as a halfway house, group home or  
19 addiction recovery center without express land use approval.

20 4. WHEREAS, the OWNER, occupants and any person having possession or control of  
21 THE PROPERTY shall cease any occupancy of THE PROPERTY by more than one (1)  
22 parolee/probationer as per County Ordinance No. 449.

23 5. WHEREAS, the OWNER AND SET FREE ARE HEREBY FURTHER NOTICED  
24 that the time within which judicial review of the administrative determinations made herein must be  
25 sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and  
26 Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

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**ORDER TO ABATE NUISANCE**

IT IS THEREFORE ORDERED:

1. That all above referenced violations on THE PROPERTY be abated by the OWNER, Larry Wilson, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

2. That if the substandard structures are not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural debris and materials, may be abated by representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

3. The OWNER is ordered to ascertain the existence or non-existence of asbestos containing materials in said structures by survey and materials sample testing by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure the removal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines by South Coast Air Quality Management District (SCAQMD).

4. That OWNER shall cease the use of THE PROPERTY as a halfway house, group home or addiction recovery center without express land use approval.

5. That THE PROPERTY shall not be occupied by more than one (1) parolee/probationer as per County Ordinance No. 449.

6. That reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE

1 PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos.  
2 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs  
3 or expenses reasonably related to the abatement of conditions which violate County Land Use  
4 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
5 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
6 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
7 recoverable from the OWNER even if THE PROPERTY is brought into compliance within ninety  
8 (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)