

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



705 B

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

**SUBMITTAL DATE:**  
AUGUST 16, 2012

**SUBJECT:** Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish]  
Case No. : CV10-09440 [ESTATE OF STOPHER]  
Subject Property: 25140 Marion Ridge Drive, Idyllwild; APN: 559-164-007  
District: 3/3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09440 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. CV10-09440; 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. CV10-09440.

Departmental Concurrence

(Continued)

PATRICIA MUNROE, 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**

- |   |                                 |
|---|---------------------------------|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |

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

Abatement of Public Nuisance  
Case No.: CV10-09440 [ESTATE OF STOPHER]  
25140 Marion Ridge Drive, Idyllwild  
APN#559-164-007  
District 3/3  
Page 2

**BACKGROUND:**

On July 31, 2012, 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 structures (2 substandard cabins), excess outside storage and accumulation of 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 the Findings of Fact, Conclusions and Order to Abate.

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

5 WHEN RECORDED PLEASE MAIL TO:  
6 Patricia Munroe, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Suite 500 (Stop #1350)  
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 10-09440  
12 [SUBSTANDARD STRUCTURES, EXCESSIVE )  
13 OUTSIDE STORAGE AND ACCUMULATION ) FINDINGS OF FACT,  
OF RUBBISH]; APN 559-164-007, 25140 ) CONCLUSIONS AND ORDER TO  
14 MARION RIDGE DRIVE, IDYLLWILD, ) ABATE NUISANCE  
RIVERSIDE COUNTY, CALIFORNIA; THE )  
15 ESTATE OF DOROTHY L. STOPHER, OWNER. ) R.C.O. Nos. 348, 457, 541 and 725

16  
17 The above-captioned matter came on regularly for hearing on July 31, 2012, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described as 25140 Marion Ridge Drive, Idyllwild, Assessor's Parcel Number 559-164-007 and  
21 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on Owner's behalf.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials  
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.  
28 348, 457 and 541 and as a public nuisance.

**SUMMARY OF EVIDENCE**

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2           1.       Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as The Estate of Dorothy L. Stopher (“OWNER”).

4           2.       Documents of title indicate that no other parties may potentially hold a legal interest  
5 in THE PROPERTY.

6           3.       THE PROPERTY was inspected by Code Enforcement Officers on December 2,  
7 2010, January 27, 2011, March 9, 2011, March 23, 2011, April 14, 2011, July 15, 2011, June 6, 2012  
8 and July 30, 2012.

9           4.       During each inspection, two substandard structures (cabins) were observed on THE  
10 PROPERTY.   The structures were observed to be abandoned, dilapidated and vacant.   The  
11 structures contained numerous deficiencies, including but not limited to: lack of or improper water  
12 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing  
13 fixtures; hazardous plumbing; lack of adequate heating facilities; deteriorated or inadequate  
14 foundation; hazardous wiring; defective or deteriorated flooring or floor supports; members of walls,  
15 partitions or other vertical supports that split, lean list or buckle due to defective material or  
16 deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal members  
17 which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms;  
18 faulty weather protection; general dilapidation or improper maintenance; and public and attractive  
19 nuisance – abandoned/vacant.

20           5.       During each inspection an accumulation of rubbish and excess outside storage was  
21 also observed throughout THE PROPERTY consisting of but not limited to: pine needles, household  
22 trash, wire, building materials, and other miscellaneous items.

23           6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
24 Nos. 348, 457 and 541 by the Code Enforcement Officer.

25           7.       On May 4, 2011, a Notice of Noncompliance was recorded at the Riverside County  
26 Recorder’s Office as instrument number 2011-0194727.

27           8.       On December 2, 2010, a Notice of Violation and a “Do Not Dump” sign was posted  
28 on THE PROPERTY. On January 27, 2011, a Notice of Violation, Notices of Defects and “Do Not

1 Enter” signs were posted on THE PROPERTY.

2 9. On December 7, 2010, Notice of Violation for the accumulated rubbish and excessive  
3 outside storage of materials was mailed by certified mail, return receipt requested to OWNER. On  
4 February 1, 2011 and August 3, 2011, a Notice of Violation for the substandard structures and  
5 Notices of Defects were mailed by certified mail, return receipt requested to OWNER.

6 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
7 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
8 was posted on THE PROPERTY.

9 **FINDINGS AND CONCLUSIONS**

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
11 regular session assembled on July 31, 2012, finds and concludes that:

12 1. WHEREAS, the substandard structures (2 cabins), excessive outside storage of  
13 materials and accumulation of rubbish on the real property located at 25140 Marion Ridge Drive,  
14 Idyllwild, Riverside County, California, also identified as Assessor's Parcel Number 559-164-007  
15 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

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

23 3. WHEREAS, the OWNER, occupants and any other person having possession or  
24 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
25 materials by removing and disposing of all rubbish and excessive outside storage on THE  
26 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
27 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

28 4. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that the time within

1 which judicial review of the administrative determinations made herein must be sought is ninety (90)  
2 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate  
3 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the substandard structures (2 cabins) on THE  
6 PROPERTY be abated by the OWNER, specifically The Estate of Dorothy L. Stopher, or anyone  
7 having possession or control of THE PROPERTY, by razing and removing the substandard  
8 structures including the removal and disposal of all structural debris and materials, as well as the  
9 contents therein, or by reconstruction and rehabilitation of said structures provided such  
10 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County  
11 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
12 days of the posting and mailing of this Order to Abate Nuisance.

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

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

27 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage  
28 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of

1 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of  
2 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including  
3 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the  
4 posting and mailing of this Order to Abate Nuisance.

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

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
15 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,  
16 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions  
17 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,  
18 investigation, collection and administrative costs, attorneys fees, and the costs associated with the  
19 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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1 Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought  
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
John F. Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)