

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

908 B



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

**SUBMITTAL DATE:**

**SUBJECT:** Order to Abate [Excessive Outside Storage]  
Case No. CV11-00486 [STOUT/MASLANIK]  
Subject Property: 28230 El Toro Road, Lake Elsinore  
APN: 347-420-023  
District: 1/1 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate related to excess outside storage in Case No. CV11-00486;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-00486; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-00486.

**BACKGROUND:**

**Summary**

On June 3, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive 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  
(Continued)

PATRICIA MUNROE  
Deputy County Counsel

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

**SOURCE OF FUNDS:**

**Budget Adjustment:**

**For Fiscal Year:**

**C.E.O. RECOMMENDATION:**

APPROVE

BY

Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 06/03/14; 9.2

District: 1/1

Agenda Number:

2-14

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Order to Abate [Excessive Outside Storage]**  
**Case No. CV11-00486 [STOUT/MASLANIK]**  
**Subject Property: 28230 El Toro Road, Lake Elsinore**  
**APN: 347-420-023**  
**District: 1/1 [\$0.00]**

**DATE:**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary (continued)**

conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

**Impact on Citizens and Businesses**

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

Findings of Fact

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 Michelle Cervantes, Senior Code Enforcement Officer  
Regina Keyes, Senior Code Enforcement Officer  
7 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
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 11-00486  
12 [EXCESSIVE OUTSIDE STORAGE]; )  
APN 347-420-023, 28230 EL TORO ROAD, ) FINDINGS OF FACT,  
13 LAKE ELSINORE, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; JEFF T. STOUT AND CECILIA ) ABATE NUISANCE  
14 MASLANIK, OWNERS. )  
15 ) R.C.O. Nos. 348 and 725  
16 )

17 The above-captioned matter came on regularly for hearing on June 3, 2014, 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 28230 El Toro Road, Lake Elsinore, Riverside County, Assessor's Parcel Number 347-  
21 420-023 and 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 Owners did not appear. However, a tenant appeared and 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 excessive outside storage of materials and accumulation of  
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance No. 348 and as a public  
28 nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners  
3 of THE PROPERTY as Jeff T. Stout and Cecilia Maslanik (“OWNERS”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Jeff T. Stout, David G. Cross, Debora Cross, Robert G. Williams, Jordan  
6 Ehrenkranz and Jennie Ehrenkranz, Trustees of the Ehrenkranz Family Trust dated March 11, 1995  
7 and David Shrader.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 22, 2011,  
9 and on approximately 13 other occasions, the last being November 26, 2013.

10 4. During each inspection excess outside storage was observed throughout THE  
11 PROPERTY consisting of but not limited to: storage of construction materials and boxes in excess of  
12 8,403 square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
14 No. 348 by the Code Enforcement Officer.

15 6. On July 27, 2012, a Notice of Pendency of Administrative Proceeding was recorded at  
16 the Riverside County Recorder’s Office as instrument numbers 2012-0352560.

17 7. On June 22, 2011 and November 7, 2013, a Notice of Violation was posted on THE  
18 PROPERTY. On June 23, 2011, a Notice of Violation was mailed to OWNER MASLANIK by  
19 certified mail with return receipt requested. On June 27, 2013, a Notice of Violation was mailed to  
20 OWNER STOUT by certified mail. On October 29, 2013, a Notice of Violation was mailed to  
21 OWNERS and INTERESTED PARTIES by first class mail.

22 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
23 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and  
24 INTERESTED PARTIES and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on June 3, 2014, finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials on the real property located at

1 28230 El Toro Road, lake Elsinore, Riverside County, California, also identified as Assessor's Parcel  
2 Number 347-420-023 violates Riverside County Ordinance No. 348 and constitutes a public  
3 nuisance.

4 2. WHEREAS, the OWNERS, occupants and any other person having possession or  
5 control of THE PROPERTY shall abate the excessive outside storage of materials by removing all  
6 excessive outside storage on THE PROPERTY in strict accordance with all Riverside County  
7 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)  
8 days.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS ORDERED that the excessive outside storage of materials on THE PROPERTY be  
15 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing all  
16 excessive outside storage of materials on THE PROPERTY in strict accordance with all Riverside  
17 County Ordinances, including but not limited to Riverside County Ordinance No. 348, within ninety  
18 (90) days of the posting and mailing of this Order to Abate Nuisance.

19 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
20 storage of materials is not removed and disposed of in strict accordance with all Riverside County  
21 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)  
22 days of the date of this Order to Abate Nuisance, the excessive outside storage of materials may be  
23 abated and disposed of by representatives of the Riverside County Code Enforcement Department, a  
24 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
25 necessary under applicable law.

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

1 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, “abatement  
2 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate  
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
5 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement

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

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

COUNTY OF RIVERSIDE

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6 By \_\_\_\_\_  
7 Jeff Stone  
8 Chairman, Board of Supervisors

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9 ATTEST:

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10 KECIA HARPER-IHEM

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11 Clerk to the Board

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13 By

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14 Deputy

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15 (SEAL)

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