

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

30613



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
AUGUST 11, 2016

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-04561 [CARNEY]
Subject Property: 24480 Juniper Springs Road, Homeland
APN: 455-060-004
District: 5 [\$0]

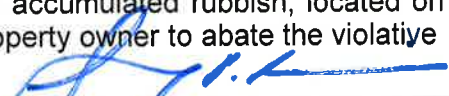
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04561;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04561; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04561.

BACKGROUND:

Summary

On June 21, 2016, 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 violatiye (Continued)


GREGORY P. PRIAMOS
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

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

Prev. Agn. Ref.: 06/21/16; 9.7 | District: 5 | Agenda Number:

2-16

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV14-04561 [CARNEY]

Subject Property: 24480 Juniper Springs Road, Homeland

APN: 455-060-004

District: 5 [\$0]

DATE: AUGUST 11, 2016

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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)
5

6 WHEN RECORDED PLEASE MAIL TO:
7 Michelle Cervantes, Senior Code Enforcement Officer
8 Regina Keyes, Senior Code Enforcement Officer
9 CODE ENFORCEMENT DEPARTMENT
10 4080 Lemon Street, Twelfth Floor (Stop #1012)
11 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

12 **BOARD OF SUPERVISORS**
13 **COUNTY OF RIVERSIDE**

14 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-04561
15 [EXCESSIVE OUTSIDE STORAGE AND)
16 ACCUMULATION OF RUBBISH];)
17 APN 455-060-004, 24480 JUNIPER SPRINGS) FINDINGS OF FACT,
18 ROAD, HOMELAND, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
19 CALIFORNIA; DAVID A. CARNEY, OWNER.) ABATE NUISANCE
20) R.C.O. Nos. 348, 541 and 725
21)
22)
23)
24)
25)
26)
27)
28)

29 The above-captioned matter came on regularly for hearing on June 21, 2016, before the Board
30 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
31 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
32 described 24480 Juniper Springs Road, Homeland, Riverside County, Assessor's Parcel Number
33 455-060-004 and referred to hereinafter as "THE PROPERTY."

34 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
35 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

36 Owner did not appear.

37 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
38 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
39 rubbish on THE PROPERTY as violations of Riverside County Ordinance ("RCO") Nos. 348 and
40 541 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 David A. Carney (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Sheila C. Buchan and Eastern Municipal Water District (hereinafter
6 referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on January 13, 2015,
8 and on eight (8) subsequent follow up inspections, with the last being June 13, 2016.

9 4. During each inspection an accumulation of rubbish and excess outside storage were
10 observed throughout THE PROPERTY consisting of but not limited to: hundreds of pallets, scrap
11 metal, green waste, and heavy equipment of about 6,775 square feet.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 Nos. 348 and 541 by the Code Enforcement Officer.

14 6. On July 30, 2015, a Notice of Pendency of Administrative Proceedings was recorded
15 at the Riverside County Recorder’s Office as instrument number 2015-0339573.

16 7. On January 13, 2015, a Notice of Violation was posted on THE PROPERTY. On
17 January 15, 2015, a Notice of Violation was mailed to OWNER by first class mail and by certified
18 mail, return receipt requested. On July 22, 2015, a Notice of Violation was mailed to OWNER and
19 INTERESTED PARTY Sheila C. Buchan, by certified mail, return receipt requested. On March 3,
20 2016, a Notice of Violation was mailed to INTERESTED PARTY Eastern Municipal Water District
21 by certified mail, return receipt requested.

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 OWNER 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 21, 2016, finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish

1 on the real property located at 24480 Juniper Springs Road, Homeland, Riverside County, California,
2 also identified as Assessor's Parcel Number 455-060-004 violate RCO Nos. 348 and 541 and
3 constitute a public nuisance.

4 2. WHEREAS, the OWNER, occupants and any other person having possession or
5 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
6 materials by removing and disposing of all rubbish and removing and disposing of all excessive
7 outside storage on THE PROPERTY in excess of two hundred (200) square feet and greater than a
8 height of three (3) feet in accordance with all Riverside County Ordinances, including but not limited
9 to RCO Nos. 348 and 541 within ninety (90) days.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
17 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE
18 PROPERTY by removing and disposing of all rubbish and removing and disposing of all excessive
19 outside storage of materials on THE PROPERTY in excess of two hundred (200) square feet and
20 greater than a height of three (3) feet in strict accordance with all Riverside County Ordinances,
21 including but not limited to RCO Nos. 348 and 541, within ninety (90) days of the posting and
22 mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
24 storage of materials in excess of two hundred (200) square feet and greater than a height of three (3)
25 feet are not removed and disposed of in strict accordance with all Riverside County Ordinances,
26 including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date of this Order
27 to Abate Nuisance, the accumulation of rubbish and excessive outside storage of materials may be
28 abated and disposed of by representatives of the Riverside County Code Enforcement Department, a

1 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
2 necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.
6 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses
7 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
8 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
9 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
10 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
11 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
12 Order to Abate Nuisance.

13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 John J. Benoit
17 Chairman, Board of Supervisors

16 ATTEST:
17
18 KECIA HARPER-IHEM
19 Clerk to the Board

20
21 By
22 Deputy
23 (SEAL)

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