

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

418B



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

**SUBMITTAL DATE:**  
OCT 6, 2010

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 08-09702 (LACROIX)  
Subject Property: 1 Parcel North of 39565 Howard Road, Anza  
APN: 572-280-012; District: 3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-09702 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 08-09702; 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 08-09702.

(Continued)

*[Signature]*  
L. ALEXANDRA FONG, 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:

*[Signature]*  
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: October 19, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board

By: *[Signature]*  
Deputy

Departmental Concurrence

Consent ☒ Policy ☐  
Consent ☒ Policy ☐

Dept's Recomm.:  
Per Exec. Ofc.:

Order to Abate  
Case No. CV 08-09702; LACROIX  
1 Parcel North of 39565 Howard Road, Anza  
Page 2

**BACKGROUND:**

On August 31, 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

DOC # 2010-0512221

10/26/2010 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records  
County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE: )  
12 [EXCESSIVE OUTSIDE STORAGE AND )  
13 ACCUMULATION OF RUBBISH]; )  
14 APN 572-280-012, ONE PARCEL NORTH OF )  
15 39565 HOWARD ROAD, ANZA, RIVERSIDE )  
16 COUNTY, CALIFORNIA; LARRY LACROIX, )  
17 TRUSTEE OF THE LARRY LACROIX TRUST )  
18 DATED 12/8/04, OWNER. )

CASE NO. CV 08-09702

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.16),  
541 (RCC Chapter 8.120) and 725  
(RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on August 31, 2010, 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 One Parcel North of 39565 Howard Road, Anza, Riverside County, California  
21 and further described as Assessor's Parcel Number 572-280-012 and referred to hereinafter as "THE  
22 PROPERTY."

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

25 Owner, Larry La Croix, appeared but left before the matter was heard and did not address the  
26 Board of Supervisors. A member of the public, Mr. Robert Mabee, appeared and addressed the  
27 Board of Supervisors.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside  
3 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public  
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
7 THE PROPERTY as Larry Lacroix, Trustee of the Larry Lacroix Trust Dated 12/8/04 ("OWNER").

8 2. Documents of title indicate that no other party potentially holds a legal interest in THE  
9 PROPERTY.

10 3. THE PROPERTY was inspected by Code Enforcement Officers on June 30, 2009,  
11 August 13, 2009, January 14, 2010, March 5, 2010, May 12, 2010, and August 26, 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, plastic, blocks, car parts, wood, seven sheds, and two truck mounted  
15 campers. The officer measured the amount of accumulated rubbish and excess outside storage of  
16 materials and determined it was twenty thousand five hundred (20,500) square feet. Given the size of  
17 the unimproved parcel (2.2 acres) and the zoning classification (R-R, Rural Residential), no amount  
18 of outside storage or rubbish is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on February 4, 2010 as Document Number  
22 2010-0051612 in the Office of the County Recorder, County of Riverside.

23 7. On June 30, 2009, Notices of Violation for violation of Riverside County Ordinance  
24 Nos. 348 and 541 were posted on THE PROPERTY. On July 1, 2009 and January 21, 2010, Notice  
25 of Violations was mailed to OWNER.

26 8. On May 11, 2010, the "Notice To Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
28 for August 31, 2010, was mailed by certified mail, return receipt requested, to OWNER and was



1 posted on THE PROPERTY on May 12, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on August 31, 2010, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at One Parcel North of 39565 Howard Road, Anza, Riverside County,  
7 California, also identified as Assessor's Parcel Number 572-280-012 violates Riverside County  
8 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public  
9 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no  
10 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under  
11 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE  
12 PROPERTY.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
14 the premises shall abate the condition by removal of all outside storage of materials and removing and  
15 disposing of all accumulated rubbish from the subject real property in strict accordance with all  
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
17 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
24 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Larry Lacroix,  
25 Trustee of the Larry Lacroix Trust Dated 12/8/04, or anyone having possession or control of THE  
26 PROPERTY, by removing all of the outside storage of materials and removing and disposing of all  
27 accumulated rubbish from the subject real property in strict accordance with all Riverside County  
28 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)



1 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
4 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)  
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
8 consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
12 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
17 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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2010-0512221  
10/26/2010 08:00A  
4 of 6

FORM APPROVED COUNTY COUNSEL  
BY: 9/29/10 DATE  
L. ALEXANDRA FONG

owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: October 19, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Karen Burger  
Deputy  
(SEAL)



2010-0512221  
10/26/2010 08:00A  
5 of 6



LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

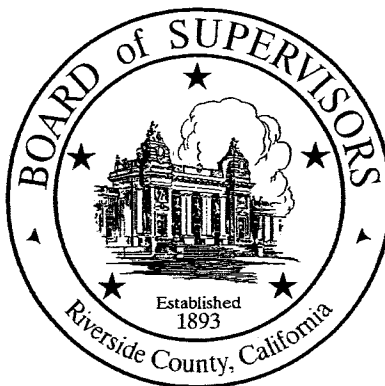
Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrclrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

10-19-10

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board





# NOTICE LIST

Subject Property: 1 Parcel North of 39565 Howard Rd., Anza  
Case No.: CV 08-09702 APN: 572-280-012; District 3

LARRY LACROIX  
PO BOX 1076  
NILAND, CA 92257

Office of County Counsel  
3960 Orange Street, 5th Floor  
Riverside, CA 92501

**CERTIFIED MAIL™**



7010 0290 0002 1422 3717

LARRY LACROIX  
PO BOX 1076  
NILAND, CA 92257

9225710002100000

NIXIE

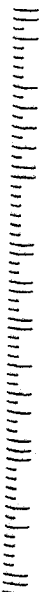
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NOT DELIVERABLE TO SENDER  
UNABLE TO FORWARD

BC: 9250100000

\*0904-18223-08-40



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P  
0003958246 NOV 08 2010  
MAILED FROM ZIP CODE 92501  
**\$ 005.710**

**PROOF OF SERVICE**

Case No. CV 08-09702

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, 5<sup>th</sup> Floor, Riverside, California 92501-3674.

That on November 8, 2010, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**

XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON November 8, 2010, at Riverside, California.

  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**GLENN BAUDE**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

November 12, 2010

RE CASE NO: CV0809702

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 11/12/2010 at 11:04 a.m., I securely and conspicuously posted Notice of Public Nuisance / Excessive Outside Storage and Accumulated Rubbish at the property described as:

**Property Address:** 1 PARCEL N OF 39565 HOWARD, ANZA

**Assessor's Parcel Number:** 572-280-012

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in cursive script, appearing to read "Anita Bustillos", is written over a horizontal line.

By: Anita Bustillos, Code Enforcement Technician