

RESOLUTION NO. # _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TEHAMA DECLARING THE EXISTENCE OF A PUBLIC NUISANCE ON THE PROPERTY LOCATED AT 8170 MAREK RD., LOS MOLINOS, CALIFORNIA IN THE UNINCORPORATED AREA OF THE COUNTY OF TEHAMA; ORDERING THE ABATEMENT THEREOF; AND DIRECTING AN ITEMIZED ACCOUNTING OF THE COSTS INCURRED IN ABATING THE NUISANCE

WHEREAS, Tehama County Code section 10.16.020, subdivision (E) provides that any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of any provision of this code or state law; and

WHEREAS, Tehama County Code section 10.16.060, authorizes the enforcing officer issue and serve a "Notice to Abate Public Nuisance and Administrative Order to Show Cause" ("Notice") in accordance with Tehama County Code sections 10.16.070 and 10.16.080 in order to commence abatement proceedings under Chapter 10.16 of the Tehama County Code; and

WHEREAS, under Tehama County Code section 10.16.100, the Tehama County Planning Commission shall hold an administrative hearing, not less than fifteen (15) calendar days after service of the Notice, to determine whether the conditions existing on the property subject to the Notice constitute a nuisance under Chapter 10.16 of the Tehama County Code, or whether there is any other good cause why those conditions should not be abated; and

WHEREAS, on 6/27/2017 the Tehama County Code Enforcement Officer, Keith Curl, issued and served, by posting and certified mailing, a Notice in accordance with Tehama County Code section 10.16.080 upon the owner(s) and occupant(s) of **8170 Marek Rd., Los Molinos, CALIFORNIA**, ("Premises"); and

WHEREAS, the Notice complied with all relevant provisions of Chapter 10.16; and

WHEREAS, pursuant to Tehama County Code section 10.16.070, the Notice advised that an administrative hearing before the Tehama County Planning Commission was set for 7/20/2017, in accordance with Tehama County Code section 10.16.100; and

WHEREAS, on 7/20/2017 the Tehama County Planning Commission conducted a duly noticed hearing, and heard and considered de novo the evidence presented by the enforcing officer and other interested persons; and

WHEREAS, the evidence presented at the hearing clearly shows that there exists approximately 13 animals on the Premises. Such condition constitutes a public

nuisance, in violation of Tehama County Code section 10.16.020, subdivision (E); and

NOW THEREFORE BE IT RESOLVED that the Tehama County Planning Commission hereby finds and declares that:

1. The foregoing recitals are true and correct.
2. The public nuisance, as defined above, presently exists on the Premises.
3. The presence of approximately 13 animals exist when only one animal allowed per one acre exists on the Premises. Such condition constitutes a public nuisance in violation of Tehama County Code section 10.16.020, subdivision (E); and

BE IT FURTHER RESOLVED that the Tehama County Planning Commission of hereby orders that:

1. The "Notice to Abate Public Nuisance and Administrative Order to Show Cause" issued by the enforcing officer on 6/27/2017 is hereby affirmed in full.
2. Pursuant to Tehama County Code section 10.16.020, subdivision (E), approximately 13 animals exist on the premises when only one animal per one acres is allowed and must be abated by the owner and/or occupant of the Premises within 14 days upon service of the Decision of the Board of Supervisors requiring abatement.
3. In the event that such nuisance is not abated by the owner or occupant as set forth above, the enforcing officer shall abate, or cause to be abated, the public nuisance(s) in the manner set forth in Tehama County Code section 10.16.130 , and shall keep an itemized account of the costs incurred by the County to abate the nuisance, to be charged against the Premises and against each person who causes, permits, suffers, or maintains the public nuisance to exist, in accordance with the provisions of Chapter 10.16 of the Tehama County Code .

The Clerk of the Tehama County Planning Commission shall promptly transmit this Recommended Decision ("Recommendation") to the Tehama County Board of Supervisors to adopt without further notice of hearing, or to set for de novo hearing. The Board of Supervisors' Decision shall be final and conclusive.

You may challenge this Decision by timely filing a writ of mandate, pursuant to Code of Civil Procedure sections 1094.5 and 1094.6, in the Tehama County Superior Court. A writ of mandate must be filed within ninety (90) days this Decision.

The foregoing resolution was offered on a motion by Planning Commissioner _____, seconded by Planning Commissioner _____, and carried by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT OR NOT VOTING:

CHAIRPERSON, Planning Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, _____, Administrative Secretary for the Tehama County Planning Department and ex-officio Clerk of the Planning Commission of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Planning Commission on the _____ day of _____, 2016.

DATED: This _____ day of _____, 2016.

_____, Administrative Secretary for the Tehama County Planning Department and ex-officio Clerk of the Planning Commission of the County of Tehama.

By _____