

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 22885 GOINGS AVE., CORNING, CALIFORNIA (APN: 087-290-011) 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 10.16.020, subdivision (F) provides that any condition that constitutes visual blight, defined as any unreasonable or unlawful condition or use of real property, premises, or building exteriors which by reason of its appearance as viewed at ground level from the public right-of-way or from neighboring premises is detrimental to the property of others, offensive to the sense, or significantly degrades the aesthetic appearance of the neighborhood. Such visual blight may include, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the premises of: (i) junk, trash, debris, scrap metal, wood, rubbish, packing materials, (ii) abandoned, discarded or unused object or equipment, (iii) abandoned, wrecked, disabled, dismantles or inoperative vehicles or parts thereof, (iv) stagnant water or abandoned excavations, and/or (v) any personal property, object, device, fence, decoration, design, structure, or clothesline which is unsightly by reason of its condition or inappropriate location, to a reasonable person of average sensibilities is declared to be unlawful and a public nuisance; 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 12/14/2017, the Tehama County Code Enforcement Officer, Clint Weston, 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/or occupant(s) of **22885 Goings Ave., Corning, CALIFORNIA (APN: 087-290-011)**, ("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 a hearing before the Tehama County Planning Commission was set for 1/18/2018, in accordance with Tehama County Code section 10.16.100; and

WHEREAS, on 1/18/2018 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 presently exists three unpermitted containers, where two would be allowed if they met the requirements of 15.02.310 on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (E) and 15.02.310; and

WHEREAS, the evidence presented at the hearing clearly shows that there presently exists an accumulation of junk, trash, debris and wood on the Premises. Such condition constitutes a visual blight, i.e., a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (F)(1); and

WHEREAS, the evidence presented at the hearing clearly shows that there presently exists un-registered, inoperative abandoned, discarded travel trailers, RVs and vehicles on the Premises. Such condition constitutes a visual blight, i.e., a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (F)(3); 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. Three unpermitted containers, where two would be allowed if they met the requirements of 15.02.310 on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (E) and 15.02.310; and
4. Litter, garbage, junk, trash, and debris, including intermingled personal property exist on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (F)(1); and
5. Unregistered, inoperative, abandoned, dismantled travel trailers, RVs and vehicles exist on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (F)(3); 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 December 14, 2017 is hereby affirmed in full.
2. Pursuant to Tehama County Code section 10.16.020, subdivision (E) and 15.02.310, three unpermitted containers presently existing on the premises constitutes a public nuisance and shall be abated by the owner and/or
3. Pursuant to Tehama County Code section 10.16.020, subdivision (F)(1), the garbage, junk, trash, debris, including intermingled personal property presently existing on the Premises constitutes a public nuisance and shall 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.
4. Pursuant to Tehama County Code section 10.16.020, subdivision (F)(3), the un-registered, inoperative abandoned, dismantled travel trailers, RVs and vehicles presently existing on the Premises constitutes a public nuisance and shall 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.
5. In the event that such nuisance is not abated by the owner and/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

