

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 16383 & 16403 LARIAT LOOP, CORNING, CALIFORNIA (APN: 062-500-050 AND 062-500-032) 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 10.16.020, subdivision (G) provides that any condition that constitutes an attractive nuisance, including intermingled personal property; those dangerous objects or conditions that, by their nature may attract children or other curious individuals, including, but not limited to unprotected hazardous or unfilled pools, ponds, ice boxes, refrigerators, freezers, abandoned wells, shafts, septic tanks, or other excavations; 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, 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/or occupant(s) of **16383 and 16403 Lariat Loop, Corning, CALIFORNIA (APN: 062-500-050 and 062-500-032)**, ("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 4 livestock animals when only one livestock animal is allowed on each Premises. Such condition constitutes a visual blight, i.e., a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (E) and 17.14.020; and

WHEREAS, the evidence presented at the hearing clearly shows that there presently exists an accumulation of putrescible garbage, 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 abandoned, discarded or unused objects or equipment including but not limited to appliances 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)(2); and

WHEREAS, the evidence presented at the hearing clearly shows that there presently exists several unregistered, inoperative abandoned, discarded travel trailers, RVs and vehicles and or parts thereof 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

WHEREAS, the evidence presented at the hearing clearly shows that there presently exists personal property, objects, device, decoration, design, fence, structure or clothesline which is unsightly by reason of its condition or its inappropriate location 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)(5); and

WHEREAS, the evidence presented at the hearing clearly shows that there presently exists any condition that constitutes an attractive nuisance, including intermingled personal property; those dangerous objects or conditions that, by their nature may attract children or other curious individuals, including, but not limited to unprotected hazardous or unfilled pools, ponds, ice boxes, refrigerators, freezers,

abandoned wells, shafts, septic tanks, or other excavations; Such condition constitutes a visual blight, i.e., a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (G); 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. Four livestock animals exists on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (E) and 17.14.020; and
4. Putrescible garbage, 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. Abandoned, discarded or unused objects or equipment, including, but not limited to, appliances exist on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (F)(2); and
6. 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
7. Personal property, objects, device decoration, design, fence structure or clothesline which is unsightly by reason of its condition or its inappropriate location exists on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (F)(5); and
8. Condition that constitutes an attractive nuisance, including intermingled personal property; those dangerous objects or conditions that, by their nature may attract children or other curious individuals, including, but not limited to unprotected hazardous or unfilled pools, ponds iceboxes, refrigerators, freezers. Abandoned wells, shafts, septic tanks or other excavations exists on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (G)

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 17.14.020, four livestock animals when only one livestock is allowed on each premises constitutes a public nuisance and shall be abated by the owner and/or occupants of the Premises with 14 days upon service of the Decision of the Board of Supervisors requiring abatement
3. Pursuant to Tehama County Code section 10.16.020, subdivision (F)(1), the putrescible 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)(2), the abandoned, discarded or unused objects or equipment such as appliances, carpet, chairs, sofa, stools, couch, 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. Pursuant to Tehama County Code section 10.16.020, subdivision (F)(3), all unregistered, 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.
6. Pursuant to Tehama County Code section 10.16.020, subdivision (F)(5), the inappropriately located items, including, but not limited to, the bathtubs, mattress, bed frames, furniture, stove refrigerators and other appliances 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.
7. Pursuant to Tehama County Code section 10.16.020, subdivision (G), all attractive nuisance including intermingled personal property; those dangerous objects or conditions that, by their nature may attract children or other curious individuals, including, but not limited to unprotected hazardous or unfilled pools, ponds iceboxes, refrigerators, freezers. Abandoned wells, shafts, septic tanks or other excavations exists on the

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 _____, 2017.

DATED: This _____ day of _____, 2017.

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

By_____