

RESOLUTION NO. # 24-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TEHAMA RECOMMENDING THE AFFIRMATION OF THE DETERMINATIONS OF THE ENFORCING OFFICER REGARDING THE EXISTENCE OF A PUBLIC NUISANCE ON THE PROPERTY LOCATED AT:

**Owner: Estate of Juan Alatorre, deceased, Jorge Garcia
c/o Isaias Alatorre
Site Address: 22620 Hawley Rd., Chico
APN: 089-220-032**

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

WHEREAS, Tehama County Code section 17.78.020, provides that any building set up, erected, built, moved or maintained and /or any use of property contrary to the provision of this title shall be unlawful and a public nuisance; and

WHEREAS, Tehama County Code section 10.16.020, subdivision (F)(1)-(5) provides that any condition, including intermingled personal property, constitutes a visual blight; and

WHEREAS, Tehama County Code Section 10.16.060, authorizes the enforcing officer to 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 11/4/2024, the Tehama County Code Enforcement Officer, Ron Robbins, 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 **22620 Hawley Rd., Chico, CALIFORNIA, (APN: 089-220-032)** ("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 an administrative hearing before the Tehama County Planning Commission was set for 12/19/2024, in accordance with Tehama County Code section 10.16.100. and

WHEREAS, the Enforcing Officer appeared before the Tehama County Planning Commission, testified, and presented documentary evidence:

WHEREAS, on 12/19/2024 the Tehama County Planning Commission conducted a duly noticed hearing, and heard and considered the evidence presented by the enforcing officer and other interested persons; 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; and
2. The public nuisances did exist on the Premises constituted an immediate threat to public health, safety, and/or welfare, and was not properly abated in accordance with Tehama County Code Section 10.16.040, subdivision (E) of the Tehama County Code.

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

1. The "Notice to Abate Public Nuisance and Administrative Order to Show Cause" issued by the enforcing officer on 11/4/2024 be affirmed in full; and
2. Pursuant to Tehama County Code section 10.16.020, subdivision (E) the use of the premises is in violation of the zoning code and constitutes a public nuisance and shall be abated by the owner and/or occupant; and
3. The enforcing officer shall present to the Tehama County Board of Supervisors, pursuant to Tehama County Code section 10.16.150, 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 Decision of the Tehama County Board of Supervisors shall be final and conclusive.

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

AYES: Turnbull, Jones, Halpin, King

NOES: None

ABSENT OR NOT VOTING: Bookout


CHAIRPERSON, Planning Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, Melinda Touvell, 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 19th day of December, 2024.

DATED: This 20th day of December, 2024.

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

By Melinda Touvell