

RESOLUTION NO. # 24-02

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: Lisa Rae Martinez
Site Address: 33860 Ponderosa Way, Paynes Creek
APN: 013-250-024**

WHEREAS, Tehama County Code section 10.16.020, subdivision (F)(1)-(5) provides that any condition, including personal property, that constitutes a visual blight is a public nuisance; 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 10/22/2024, 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 **33860 Ponderosa Way, Paynes Creek, CALIFORNIA, (APN: 013-250-024)** ("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 11/7/2024, 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 11/7/2024 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 nuisance(s), presently existing on the Premises constitute(s) a threat to public health, safety, and/or welfare, is subject to abatement in accordance with Tehama County Code Section 10.16.

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 10/22/2024 be affirmed in full; and
2. Pursuant to Tehama County Code section 10.16.020, subdivision (F)(1)-(5) provides that any condition, including personal property, that constitutes a visual blight is a public nuisance and shall be abated by the owner and/or occupant; and
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 Decision of the Tehama County Board of Supervisors shall be final and conclusive.

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

AYES: Halpin, Jones, Turnbull, King, Bookout

NOES: None

ABSENT OR NOT VOTING: None


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 7th day of November, 2024.

DATED: This 19th day of November, 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