

RESOLUTION NO. # 25-01

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: D A Katrina James
Site Address: Kopta Rd., Corning
APN: 075-250-042

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 9.42.399, provides maintenance of dormant wells shall have a "permitted use" located on the same parcel; 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 1/7/2025, the Tehama County Code Enforcement Officer 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 Kopta Rd., Corning, CALIFORNIA, (APN: 075-250-042) ("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 2/20/2025, in accordance with Tehama County Code section 10.16.100. and

WHEREAS, on 2/20/2025 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 a public nuisance, in violation of 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 1/7/2025 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 Tehama County 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 Miranda, seconded by Planning Commissioner Jones, and carried by the following vote of the Planning Commission:

AYES: Jones, Halpin, Miranda, Patrick, Harris

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 20th day of February 2025.

DATED: This 20th day of March, 2025.

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