

SUSANVILLE PLANNING COMMISSION
Special Planning Commission Meeting Minutes
THURSDAY, MAY 12, 2022 – 6:30 PM

CALL TO ORDER: Chair Jambois calls meeting to order at 6:30 p.m.

ROLL CALL: Commissioner DeBoer, Commissioner Robinette, Vice Chair Westbrook and Chair Jambois. Absent: Commissioner Sturgeon

Staff Present: Kelly Mumper, City Planner, Ruth McElrath, Building Permit Technician, Cody Loflin, Code Enforcement Officer present via Zoom.

1. APPROVAL OF AGENDA: Mr. Mumper requests moving Item 5A prior to public hearings, as it is a presentation on the nuisance abatement process.

Moved by Commissioner Robinette; seconded by Vice Chair Westbrook to approve the agenda with one change.

Motion Carried: 4- 0

Voting For: Robinette, Westbrook, DeBoer, and Jambois.

Voting Against: None

Absent: Sturgeon

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

3.A Receive and file minutes of the special April 18, 2022, meeting Receive and file minutes of the special April 18, 2022 meeting.

[P.C. 4.18.22 sp. meeting .pdf](#)

Moved by Commissioner DeBoer, second by Commissioner Robinette to approve the April 18, 2022, special meeting minutes.

Motion Carried: 4- 0

Voting For: DeBoer, Robinette, Westbrook, and Jambois.

Voting Against: None

Absent: Sturgeon

NEW BUSINESS:

5.A Informational Presentation on Nuisance Abatement Orders. Information Only.

Mr. Loflin provided brief information regarding the City's administrative nuisance abatement process as provided in the Chapter 8.32.010. The process provides an alternative remedy than instituting a civil suit. The Planning Commission can impose orders and conditions to abate all public nuisances, and the SMC authorizes the Planning Commission to hear these types of matters, weigh the evidence, testimony and information provided. The Commission can take the recommendation of staff, but ultimately has the privilege to consider any order, condition, or penalty it so chooses in these proceedings.

Mr. Loflin outlined the process of a code violation, which first begins with a notice of nuisance. These are typically courtesy letters notifying the property owner there are some issues and how to correct them. If the issue is not remedied, a notice of violation is issued. One option if compliance is not met, is issuing an administrative citation, which is a separate process than what we have tonight. If non-compliance continues and it doesn't make sense to continue issuing citations, there are other options that can be taken such as civil injunctions, or taking it through criminal courts, but we want to stay at the lowest level, which is the administrative abatement process. The next step would be notice of abatement and public hearing which is where we are tonight.

The Planning Commission is tasked with determining if a public nuisance exists based on the evidence, testimony provided by both himself, property owner, or other public members. In addition to the orders, civil penalties can also be assessed, and fines can be upwards to \$500 per day and maxes out at \$10,000. Fines accrue from the date a notice of violation was issued. There is a specified date when the penalties are due.

Mr. Loflin concluded that staff can maintain discretion. If an abatement is ordered to take place within 30 days, but the property owner states he or she needs a couple more days, an extension can be provided in writing. Ultimately, we are looking for compliance, we aren't here to make money or fine people, we just want to see public nuisances abated.

Chair Jambois asked if the Commission has the authority to tweak any abatement orders, if portions have been complied to a substantial degree, can they be deleted from the abatement order and continue with the remaining part.

Mr. Loflin responded the Commission has the authority to make any order, what is in front of the Commission is a draft proposal from staff, items can be added or deleted.

Matthew Mathers, a public member, asked what intentional non-compliance is.

Mr. Loflin responded if the order is not being complied with in full, that person will be under non-compliance status. For an abatement order to be fulfilled, the full order has to be complied with.

PUBLIC HEARINGS:

4.A Consider **Resolution No. 22-1098** approving the issuance of a Nuisance Abatement Order for 201 Alexander Avenue

Public hearing opened at 6:47 p.m.

Mr. Loflin explained the structure at 201 Alexander, suffered major structural damage due to fires during the last several years. The most most recent fire occurred on April 2, 2022, and was declared to be a dangerous building, per Susanville Municipal Code 15.10.010, and subsequently a public nuisance.

He provided brief property details and identified the owner as Richard Munoz. Letters have been sent to the property owners notifying the existence of a nuisance with the first letter being sent on June 10, 2016, followed by fire suppression costs from the Susanville Fire Department from 2017 through 2021. A Notice of Violation was sent on February 11, 2022, and a Notice of Intent to Abate and Public Hearing on April 13, 2022. Staff's recommendation is to approve the resolution adopting the draft order as is, and assess civil penalties if order is not complied with.

Commissioner Robinette asked if Mr. Munoz contacted City staff.

Mr. Loflin responded no, but he has been in contact with his son, who located one of the letters that was sent. He is trying to work with the City on a solution.

Chair Jambois stated the critical issue to him is demolishing the existing walls as they pose a danger to anyone on that property.

Mr. Loflin said that was correct, and after the last fire, he had discussions with the fire chief about doing a summary abatement because the potential is that great.

Mr. Mumper clarified a summary abatement is when there is an immediate threat and there isn't time to go through the lengthy process.

No one spoke in favor or against the project.

Public hearing closed at 6:59 p.m.

[Staff Report - 201 Alexander Avenue.pdf](#)

[Item 4A Exhibit Packet.pdf](#)

[Resolution 22-1098.pdf](#)

Moved by Commissioner Robinette; seconded by Vice Chair Westbrook to approve Resolution 22-1098.

Motion Carried: 4- 0

Voting For: Robinette, Westbrook, DeBoer, and Jambois.

Voting Against: None

Absent: Sturgeon

4.B Consider **Resolution No. 22-1099** approving the issuance of a Nuisance Abatement Order for 765 Shasta Street

Public hearing opened at 7 p.m.

Mr. Loflin said the structure suffered major structural damage due a to a fire that occurred on May 13, 2015. The structure has been as source of blight for the residents of Shasta Street for the past seven years. The City of Susanville has provided ample time for the property owner to rehabilitate the structure. The City of Susanville has declared the structure to be a dangerous building and a public nuisance as described in the Susanville Municipal Code.

He provided a brief detail of the property, case number CE 2020-019, property owner Daniel Guerrero. Mr. Loflin stated there have been numerous attempts to gain compliance with a Notice of Violation first being sent on Sept. 11, 2015, followed by Cease and Desist notices, notice of expiring demolition permit, two more Notice of Violations and a Letter of Intent to abate and notice of public hearing.

Vice Chair Westbrook noted Item G on the Exhibit List had the wrong address.

Mr. Loflin explained each exhibit and read into the record the correct address of 765 Shasta St. He showed pictures of the structure and stated the structure remains in its burned state.

Staff's recommendation is all structures shall be demolished or rehabilitated, commencing in 30 days of the issuance of the order and shall be completed within 60 days of the issuance of the order, plus remove all accumulated garbage, debris and weeds by the June 27 weed abatement deadline.

Failure to abate will result in the property owner being assessed a daily penalty in the amount of \$100 per day, and shall be assessed on the date of the issuance of Notice of Violation on Feb. 3, 2021. Daily accrual will cease when the abatement order is fully complied with.

Chair Jambois asked if the buildings are irreparable.

Mr. Loflin responded that is correct. The damage is considered irreparable, and demolition would be the most likely course of action, unless the property owner can provide engineered plans that state otherwise.

Commissioner Robinette asked if the property owner has contacted staff.

Mr. Mumper responded, yes, in the past. He originally picked the case up when he was first hired in 2019. Due diligence has been done by staff and it is his recommendation to move forward.

Mr. Loflin added he spoke with Mr. Guerrero via phone, after he received the notice to abate, and it was indicated he would be present today, but he sees that is not the case.

[Staff Report - 765 Shasta Street.pdf](#)

Public hearing closed at 7:13 p.m.

Moved by Vice Chair Westbrook; seconded by Commissioner Robinette to approve Resolution 22-1099.

Motion Carried: 4- 0

Voting For: Westbrook, Robinette, DeBoer, and Jambois

Voting Against: None

Absent: Sturgeon

4.C Consider **Resolution No. 22-1100** approving the issuance of a Nuisance Abatement Order for 10 Santa Paula Street

Public hearing opened at 7:14 p.m.

Mr. Loflin explained multiple complaints have been received regarding the property at 10 Santa Paula St. Code enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. Public nuisances consist of copious amounts of debris, trash and rubbish, inoperable vehicles and unsanitary living conditions.

This case does have special considerations due to the property owner being deceased, Mr. Loflin explained. Staff recommends the issuance of a nuisance abatement order.

The main structure has been deemed a substandard building, which constitutes a public nuisance, per the Susanville Municipal Code.

Lloyd T Harvey, the owner, is now deceased. The request is to issue an abatement order.

Mr. Loflin continued that he picked up the case up on April 30, 2021, and provided a list of notices he sent

He then presented Exhibits A through J. Mr. Mumper read into the record Exhibit G should state 10 Santa Paula.

Mr. Loflin continued that the property was red tagged on January 24, 2022. Code Enforcement staff was on site at the request of the Susanville Fire Department, after they responded for a burning washing machine and noticed the condition of its property, as well as an illegally installed fireplace on the property.

Mr. Loflin explained this is an order to repair, the accessory building in the rear of the property needs to be repaired to the standards of the California Building Code, all inoperable vehicles need to be removed, all trash debris, rubbish and household goods must be removed and properly disposed of. Failure to abate the public nuisance shall be assessed a daily civil penalty of \$100 per day.

Due to the owner being deceased, this case does have some special considerations. The issuance of a nuisance abatement order does begin the process and staff can bring back other people who have an interest in this property or who are associated with it and joined into this nuisance abatement order. Matthew Mathers has indicated he wants to clean up the property and rehabilitate it, as the property owner was his brother.

Mr. Loflin continued that the process would be issuing the order, then Mr. Mathers would be provided with a notice of violation and he would come back at a later time to be joined onto this order.

Chair Jambois asked how many complaints were received.

Mr. Loflin responded there were about seven different complainants. There were threats of violence, and the property was getting to a condition to where the overall general public, health and safety were being threatened.

Destiny Tavares, public member, explained Mr. Mathers and herself have been working on moving the garbage out, however, it's going to be a tedious process. She has a truck, and it takes a lot of gas to drive to the dump. They have taken several loads out since the pictures were taken in May. As far she knows, no one has been staying there.

Mr. Mathers said he is doing what he can, he's kicked people out himself and knows there is no one staying there right now.

Vice Chair Westbrook asked, hypothetically, if Mr. Mathers doesn't finish cleaning up the property, how are fines collected, or will they be attached to the property, which has nothing to do with Mr. Mathers.

Mr. Loflin responded it can be attached to the property.

He added he is also looking to the Commission for coming up with a reasonable timeframe for the abatement, based on the circumstances.

There was general discussion regarding working with Mr. Mathers prior to the hearing.

Chair Jambois stated he is aware of the gas prices, and he is seeing a good faith effort in cleaning up the property. If we assess \$100 a day, that is going to have a crippling effect to get the property cleaned up. He asked if the fees would be encumbered on the property, and if the ownership changed, would they assume those costs.

Mr. Mumper answered that it potentially could if the violations were not remedied within the timeframe decided upon tonight.

The Commission and staff held discussion regarding aid that may be available to help clean up the property.

Public Hearing closed at 7:45 p.m.

The Commission held general discussion regarding the time frame to abate the property and determined the deadline would be August. 31, 2022.

Commissioner DeBoer said as long as they are turning a shovel, he doesn't want to pin them down.

Vice Chair Westbrook said it will come back, and she thought it is better having a tighter goal. She also recommended they call Teen Challenge because they do a lot of work.

[Staff Report - 10 Santa Paula Street.pdf](#)

[Item 4C Exhibit Packet.pdf](#)

[10 Santa Paula Resolution.docx](#)

Moved by Commissioner Robinette; seconded by Vice Chair Westbrook to approve Resolution 22-1100

Motion Carried: 4- 0

Voting For: Robinette, Westbrook, DeBoer and Jambois

Voting Against: None

Absent: Sturgeon

4.D Consider **Resolution No. 22-1101** approving the issuance of a Nuisance Abatement Order for 17 Orange Street

Public hearing opened at 7:54 p.m.

Mr. Loflin explained the structure at 17 Orange St. suffered major structural damage due to a fire that occurred on Feb. 19, 2021. The City of Susanville declared the structure to be a dangerous building and public nuisance per the Susanville Municipal Code. Staff is seeking a Nuisance Abatement order to compel the property owners to abate their property of declared nuisances.

The property situation is similar to 10 Santa Paula in that the owner is deceased, the item pertains to CE 2022-0003, owner Deborah Routhier. He said the structure is unsecured and accessible to the transient population of the area. It is dangerous and a source of blight for the community and could pose a public safety threat in the form of general health and fire and life safety.

Mr. Loflin provided a brief history of the Notices of Violations issued on Feb. 9, 2022, and Notice of Intent to Abate and Notice of Public Hearing issued on April 13, 2022. He presented exhibits A through J.

Mr. Mumper said the Building Inspector determined the property is salvageable.

There was general discussion regarding the process moving forward with the owner being deceased. Mr. Loflin explained he was provided with a signed contract from the deceased's brother, who said it was sold by the owner's husband. Checking with the title companies, nothing has been recorded, but there is signed documentation. The abatement order will be based on who is on the property of record and then he will have to notice the three who are on the new potential sale and list them as a party of interest. A Notice of Violation will be issued.

Commissioner Robinette asked if the people who might be purchasing the property, but aren't recorded, are they interested in rehabilitating the building and getting it back up to health and safety code standards.

Mr. Loflin said based on conversations, he believed that was correct.

Addressing the Resolution, Mr. Loflin said the information he received was that the building was irreparable, but if he received documentation the building is reparable, he would consider a demolition or rehabilitation order for this property. All structures on the premises shall be demolished, commenced within 30 days and completed within 60 days. Failure to abate would result in property owner assessed a daily civil penalty of \$100 per day and shall be assessed from the date of violation, Feb. 9, 2022. Daily accrual will cease when the abatement order is fully complied.

There was discussion regarding No. 1 on Resolution 22-1101, regarding all structures being demolished.

The Commission determined to add language that all structures upon the premises shall be demolished or provide documentation provided by a licensed engineer that the buildings can be salvaged.

The Commission added if the buildings are to be rehabilitated, work shall begin in sixty (60) days, and shall be completed in ninety (90) days to complete the process.

Public hearing closed at 8:16 p.m.

[Staff Report - 17 Orange Street.pdf](#)

[Item 4D Exhibit Packet.pdf](#)

[17 Orange Resolution.docx](#)

Moved by Commissioner Robinette, second by Commissioner Westbrook to approve Resolution 22-1011 issuance of a nuisance abatement with changes that the structures shall be demolished and/or rehabilitated if a licensed engineer can determine the buildings will be salvaged. The demolition date stands, but if the buildings are to be rehabilitated, they will have 60 and 90 days.

Motion Carried: 4- 0

Voting For: Robinette, Westbrook, DeBoer and Jambois

Voting Against: None

Absent: Sturgeon

4.E Consider **Resolution No. 22-1102** approving the issuance of a Nuisance Abatement Order for 830 Main Street

Public hearing opened at 8:18 p.m.

Mr. Loflin stated the matter regards a Nuisance Abatement Order for 830 Main St. City has been working toward a solution regarding the abandonment of the former St. Francis Hotel. The historic building has been a source of blight and poses a risk for the surrounding residences and businesses. The Susanville Police and Fire Departments have received numerous calls for service. The structure has been breached on numerous occasions and staff has witnessed the illegal occupancy of the building.

Recently, the building has experienced extensive vandalism in conjunction with the lack of upkeep and has rendered the building in a substandard condition which poses various hazards that could be experienced by the community. The current conditions have led the City of Susanville to declare the property as a public nuisance.

The case number is CE 2021-007, owners are Kimberly and Lloyd Holm.

The City has taken on three summary abatements, Mr. Loflin stated. Staff has gone in, cleared the building and secured the building of any broken windows and doors. Staff is continuing to see the building being breached, and with the amount of damage inside there are so many risks. The issuance of a Nuisance Abatement Order will allow staff to start the process it needs to solve this issue once and for all.

Mr. Loflin presented Exhibits A through J. As part of the exhibits, he showed case photographs that he presented to the Commission.

Mr. Mumper noted that Item G, should be corrected to 830 Main St.

Mr. Mumper added this was a case he started in early 2020. He received a call from Ms. Holm that her building had been breached and she wanted the City to secure it for her. He informed her, it was not the City's responsibility to secure a property it did not own, and it was her responsibility. At that point, contact with the owner immediately stopped. To the best of his knowledge, the Holms' think the bank owns the building, but they are still the legal owner. Every time the building is secured, it is a considerable amount of staff time and resources.

Mr. Loflin gave an overview of the Resolution and staff recommendation. The property owners shall remove all debris and garbage, personal effects from the interior building to

mitigate any fire hazards. They shall schedule an inspection with the City Building Official for fully determination of any repair work that needs to be made to mitigate safety hazards., remove weeds, secure all access points. Failure to abate the public nuisance will result in the assessment of a civil penalty in the amount of \$100 per day, starting from the first Notice of Violation issued on Aug. 21, 2021. Civil penalties will cease when the orders are fully complied with.

There was discussion regarding attempts to contact and work with the owners.

Mr. Mumper said the initial abatements would've been the perfect time to have contact with the property-owners. On the last visit, staff did have to detain and cite someone found in the building. There is a very real risk for staff and the general public.

Jim McCarthy, a local realtor, said his office is across the street and he looks right at that property. He provided a brief history of the building. He explained Ms. Holm worked hard to manage the building and it was left to her. The Holms do not have the assets to rehabilitate the building. He is asking to come up with ideas to make this a turnaround for Uptown. He requested the time-period be cut shorter because the owners can't do it.

He complimented the Commission on its professionalism in handling the cases.

Commissioner Robinette asked if there is anyone who can talk to the owners and can they quitclaim the property to the City and turn it into low-income housing, or any housing.

Mr. Mumper responded he was not opposed to suggestions, but he and Mr. Loflin's attempts have fallen on deaf ears.

Commissioner Robinette stated she agreed with Mr. McCarthy's statements that time is running out on some of these buildings.

Staff and the community would like the building to be rehabilitated, but without pushing the process forward, we are going to lose it, she said.

Public hearing closed at 8:40 p.m.

The Commission discussed dates to complete the abatement, and decided to give a deadline of 30 days.

[Staff Report - 830 Main Street.pdf](#)
[Item 4E Exhibit Packet.pdf](#)
[830 Main Street Resolution.docx](#)

Moved by Commissioner Westbrook; seconded by Commissioner DeBoer to adopt Resolution 22-1102, with an amended time frame of 30 days.

Motion Carried: 4-0

Voting For: Westbrook, DeBoer, Robinette, and Jambois

Voting Against: None

Absent: Sturgeon

4.F Continue discussion from April 26, 2022, to consider **Resolution No. 22-1095** approving the issuance of a Nuisance Abatement Order for 67 South Weatherlow Street.

Public hearing opened at 8:45 p.m.

Mr. Loflin explained the matter was regarding a continuing discussion from April 26, 2022, meeting, Resolution 22-1095, Nuisance Abatement Order for 67 S. Weatherlow St. It was one of the structures damaged due to a fire, owners are Roland and Joanna Zimmerman.

Mr. Zimmerman was present during the April 26, 2022, hearing and provided some opposition to the order. The motion was tabled with direction for staff to try working with Mr. Zimmerman and coming to an agreement with this property.

Mr. Loflin stated that within those two weeks, there has been no contact with Mr. Zimmerman, nor has a demolition permit been issued for this property.

Staff is coming back today to continue this discussion and see if the Commission will approve Resolution 22-1095 and issuing the Nuisance Abatement Order to begin that process.

Chair Jambois asked how many times staff tried to contact Mr. Zimmerman.

Mr. Loflin responded he sent a letter to his Janesville address, and by phone the week of April 26, 2022.

Commissioner Robinette discussed Mr. Zimmerman's hearing, and the conversations that took place regarding asbestos reports and demolition. The Commission tabled the item, figuring he would pull a permit in the meantime, but that didn't happen.

Mr. Mumper commented he felt we were given that assurance at the last meeting, and he didn't come in for a permit.

Public hearing closed at 8:55 p.m.

[Staff Report 67 S Weatherlow St Abatement.pdf](#)

[Hearing Exhibit List 67 S Weatherlow.pdf](#)

[Resolution 22-1095.pdf](#)

Motion by Commissioner DeBoer, second by Commissioner Robinette to approve Resolution No. 22-1095.

Motion Carried: 4-0

Voting For: Westbrook, DeBoer, Robinette, and Jambois.

Voting Against: None
Absent: Sturgeon

6. CORRESPONDENCE: None.

7. COUNTY REFERRALS: None

8. ADJOURNMENT: Motion by Commissioner Robinette, second by Vice Chair Westbrook to adjourn at 9 p.m.

Signed, Chair Wayne Jambois

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: June 28, 2022