

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, MAY 24, 2022 – 6:30 PM

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

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

CITY STAFF PRESENT: Kelly Mumper, City Planner, Cody Loflin, Code Enforcement Officer and Ruth McElrath, Building Permit Technician.

1. APPROVAL OF AGENDA: Motion by Commissioner Robinette, second by Commissioner Sturgeon to approve agenda as submitted.

Motion: 4- 0

Voting For: DeBoer, Robinette, Sturgeon and Jambois.

Voting Against: None

Absent: Westbrook.

2. BUSINESS FROM THE FLOOR:

Jim McCarthy asked the City getting reimbursed after staff goes in and secures buildings.

Mr. Loflin responded any work done by the City is going to be a cost recoverable item, which can be done a later time. For instance, he will put everything together for the summary abatements done at the St. Francis, and a cost recovery hearing will be held with the City Council, who will approve the amount, which will be placed on the property a lien, or a separate assessment on the tax rolls.

Mr. McCarthy responded it doesn't change his thinking that when it gets to be a number of years, the City is actually temporarily subsidizing the holding costs on that property, and it can be quite a bit.

Bill Tezak, public member, asked if the Commission received his notice for judicial review regarding the decision it made for administrative citations on his properties.

Mr. Mumper responded the City Clerk received said notices and he would recommend reaching out to the City Clerk or City Administrator regarding the matter.

Mr. Tezak asked where public records requests are done through, the Commission or Clerk? Chair Jambois responded it would be through the Clerk.

3. CONSENT ITEMS: None

4. PUBLIC HEARINGS:

4.A Use Permit #2022-006, Cashman Equipment Company

Approve Resolution No. 22-1103

Public hearing opened at 6:38 p.m.

Mr. Mumper explained Cashman Equipment is proposing a Use Permit to allow for a tractor equipment rental business in a C-2 zoning district at 3020 Riverside Dr., APN 116-040-045-000. The proposed use is on a currently vacant lot, which is approximately a half-acre. The proposed project is exempt from the California Environmental Quality Act.

Comments received from City departments are the Building Department will require building permits for any permissible work; the Fire Department requests a three-foot clearance around the fire hydrant and a Knox box will be required for fire department access; Public Works require the installation of a new ADA driveway.

Property owners were notified within a 300-foot radius of the project and no comments were received.

Mr. Mumper continued the use is allowed by first securing a Use Permit. The applicants intend to use the former Baxter Auto Parts for the retail side of their proposed business and that building is not part of this Use Permit because the storage yard is on a separate parcel. The applicants are also requesting an 8-foot perimeter fence for security.

Staff recommends approval with the conditions outlined in the Resolution. The applicant provided extensive photos.

Mr. Mumper also noted the parcel extends into another parcel. As part of the conditions of approval, the applicants shall apply for a lot line adjustment, and staff commends them as it will clean up the parcel configuration.

Anytime we can get a recently vacated retail space filled, we are really excited about it, Mr. Mumper concluded.

Commissioner Robinette asked about the proposed chain link fence and stated the Commission required other projects to install a wrought iron fence. She is wondering about the frontage and making it look nicer.

Mr. Mumper responded the Planning Commission did require another rental company to install a wrought iron fence, but nothing is codified to require it. The Commissioners can ask for it and the applicants can consider it.

Commissioner Sturgeon responded he just wants it to look nice.

Chair Jambois said the photographs are terrific, and he thinks the front looks presentable.

Todd Gilligan, Vice President of Cashman Equipment, thanked staff for its time. Cashman left Susanville in 2000, a decision made by leadership at that time. They always wanted to find their way back and find the right time to do so. Now is the right time, and they were fortunate to find an available building. Cashman intends to start with hiring four employees. Regarding the aesthetics, Cashman has a brand and image it tries to uphold and very high standards it has to meet with Caterpillar. If approved, the goal is to be open for business before the end of July.

Motion by Commissioner DeBoer, second by Commissioner Robinette to approve Resolution 22-1103.

Public Hearing closed at 6:53 p.m.

[Cashman SR-Site Plan-Elevations.pdf](#)
[Resolution 22-1103.docx](#)

Moved by Commissioner DeBoer; seconded by Commissioner Robinette to approve resolution 22-1103.

Motion: 4- 0

Voting For: DeBoer, Robinette, Sturgeon and Jambois.

Voting Against: None

Absent: Westbrook.

4.B Variance #2022-004, Zarick

Approve Resolution No. 22-1104

Mr. Mumper explained the matter pertains to a variance requested by Steve Zarick of 555 Spruce St. The applicant is requesting a variance to reduce the R-1, Single Family Residential Zoning District, required front yard setback from 20 ft. to 12 ft. to accommodate a proposed covered porch entryway. The project is exempt from the California Environmental Quality Act, pursuant to section 15303.

Comments received from City Staff are: Building Department requires engineered plans designed by a license professional; Fire Department requires compliance with all fire and life safety code. No comments were received from the Police or Fire Departments.

The applicant provided a diagram showing the layout of existing street and setbacks of surrounding residences. Mr. Mumper explained it is staff's opinion the applicant has provided substantial evidence they should share the same luxuries as the rest of the block. Line of site and safety will be preserved if the variance is approved.

Property owners were notified within a 300-foot radius and no comments were received in favor or against. Staff recommends approval with the conditions outlined in the adopting resolution.

Jeff Morrish, NST Engineering and applicant representative, said the intent is to provide an opportunity for Mr. Zarick to improve his residence.

Public hearing closed at 6:59 p.m.

[VA#2022-004 Staff Report.docx](#)
[Application & Site Plan.pdf](#)
[PC Res 22-1104 Approve.docx](#)

Moved by Commissioner Robinette; seconded by Commissioner DeBoer to approve Resolution 22-1104.

Motion: 4- 0

Voting For: Robinette, DeBoer, Sturgeon and Jambois.

Voting Against: None

Absent: Westbrook

4.C Consider **Resolution No. 22-1105**, approving the issuance of a Nuisance Abatement Order for 509 Woodside Way.

Motion to approve **Resolution No. 22-1105**, approving the issuance of a Nuisance Abatement Order

Public hearing opened at 7 p.m.

Mr. Loflin explained on or about June 2022, code enforcement staff started receiving complaints regarding the property at 509 Woodside Way. Alleged violations pertained to the Property Maintenance Ordinance. A diseased or dead tree was verified to exist within the front yard setback of the property, which is considered a public nuisance pursuant to this ordinance.

He noted the owner of record passed away in 2016.

The structure has been deemed to be a substandard structure pursuant to the 17020.3, California Health and Safety Code in 2017 due to a lack of utility services for the structure.

Staff initiated a code enforcement case and began investigating the matter. Notification was made to an adult child of the owner of the property in September 2021, and a request to abate the public nuisance of the dead tree was requested to this person. Code enforcement staff continued receiving complaints regarding the condition of the tree. Complaints were also received regarding the increased use of transients and that the structure was unsecured. Staff determined the structure was unsecured due to forced entry. Red tags were reapplied to notify the public of the substandard nature and provided an order to not occupy the structure.

Staff is recommending approval of the issuance of Nuisance Abatement Order directing the property owners to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition, approve the issuance of civil penalties if failure to abate declared nuisances.

Mr. Loflin presented exhibits A through J.

He explained orders are to remove the deceased and dead tree by 11:59 p.m. on June 27, 2022. This corresponds with the City of Susanville's weed and trash abatement. The property must be cleared of weed and rubbish, remove limbs and damaged portions of trees. Secure the structure to prevent any illegal inhabitation of unauthorized persons, maintain vacant structure in accordance with property maintenance orders and adhere to neglected vacant building standards. There must also be no further violations of the Susanville Municipal Code. If compliance is not met, staff is requesting a fine of \$100 per day, effective March 1, 2022. The maximum administrative penalty will be \$10,000 due Sept. 1, 2022, by 4:30 p.m.

Commissioner Robinette asked about staff's conversations with the property owner's son, Justin Barney.

Mr. Loflin explained when he spoke with Mr. Barney in September, he wanted to walk away. There is a hefty lien on the property, which is rendering it unsaleable. In March, Mr. Barney was speaking with a lawyer, and they cannot take the property through the probate property to transfer it into his name. The attorney did recommend demolishing the structure to mitigate it.

Mr. Loflin said the building is still habitable.

Commissioner Robinette asked if staff upholds the abatement order and goes about the path in the Susanville Municipal Code can the property be saved.

Mr. Loflin responded staff would more than likely pursue a receivership. One of the first steps is starting the abatement process and moving forward to show there is an available structure, and the City is unable to get compliance from other family members.

Mr. Tezak spoke in opposition of the abatement, and said he considered it a sham proceeding. He is a proponent of less government on personal property.

Public hearing closed at 7:22 p.m.

[Exhibit List - 509 Woodside Way.pdf](#)

[Staff_Report_509_Woodside_Way.docx](#)

[509 Woodside Wy Resolution.docx](#)

Moved by Commissioner Sturgeon; seconded by Commissioner Robinette to Approve resolution 22-1105.

Motion: 4- 0

Voting For: Sturgeon, Robinette, DeBoer and Jambois

Voting Against: None

Absent: Westbrook

4.D Consider **Resolution No. 22-1106**, approving the issuance of a Nuisance Abatement Order for 1502 Cornell Street

Motion to approve **Resolution No. 22-1106**, approving the issuance of a Nuisance Abatement Order.

Public hearing opened at 7:22 p.m.

Mr. Loflin explained the structure at 1502 Cornell St. has been declared a substandard building pursuant to California Health and Safety Code 17920.3, due to conditions of the building and the lack of sanitary conditions. Mainly, the Susanville Sanitary District physically disconnected the sewer. The structure has been a source of criminal activity and frequented by the transient population, which has resulted in many reports by the Susanville public safety departments. A nuisance abatement was conducted on the property in 2018 with the issuance of two inspection warrants. Since then, the condition of the property has improved, but remains a nuisance. In February 2022, Mr. Loflin went to re-tag the structure and there were two transients on the property. Law enforcement responded and cited the individuals.

Mr. Loflin continued the case is CE 2022-020, property owner Thomas and Shannah Glenn. Due to the substandard designation, it falls under the neglected, vacant building standards. Staff is recommending the approval of a nuisance abatement order directing property owners to abate all public nuisances prior to the date specified by the Planning Commission and approve the issuance of civil penalties if failure to abate the declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

Mr. Loflin provided exhibit list A through J. The owners have secured a demolition permit and demolition shall commence within 30 days and be completed within 45 days of the order. All weeds and rubbish shall be removed by June 27, 2022, at 11:59 p.m. If the order is not complied with, penalties will be assessed at \$100 per day starting from Feb.22, 2022, with the maximum penalty of \$10,000 due on Sept. 1, 2022, by 4:30 p.m.

There was discussion regarding the demolition permit being issued within the last two weeks.

Mr. Mumper said staff is confident it will be demolished, but if not, we are looking for the Commission's direction.

Richard Wilburn spoke in favor of the abatement. He said the issues have been going on for five to six years, there have been fights in the street, and people crawling into his daughter's yard hooking up hoses. He asked if there is any recourse if it doesn't get done, it is destroying the neighborhood.

Mr. Loflin responded if the building is not demolished, the City can secure an abatement and inspection warrant and take on the burden to demolish it. A cost recovery can be done through liens, however, the City would rather see compliance.

Public hearing closed at 7:41 p.m.

[Exhibit List - 1502 Cornell Street.pdf](#)
[1502_Cornell_Street_Resolution.docx](#)
[Staff_Report_1502_Cornell_St.docx](#)

Moved by Commissioner DeBoer; seconded by Linda Robinette to approve Resolution 22-1106, approving the issuance of a Nuisance Abatement Order for 1502 Cornell St.

Motion: 4-0

Voting For: DeBoer, Robinette, Sturgeon and Jambois.

Voting Against: None

Absent: Commissioner Westbrook

4.E Consider **Resolution No. 22-1107**, approving the issuance of a Nuisance Abatement Order for 2440 Main Street

Motion to continue discussion of **Resolution No. 22-1107**, at the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022

Public hearing opened at 7:41 p.m.

Mr. Loflin explained the matter before the Commission is consideration of Resolution 22-1107, a nuisance abatement order for 2440 Main St. He provided a brief history that on or about August 2021, code enforcement staff received reports of an unsecured commercial building with known transient occupation. The structure has been breached by the in both the front and rear of the property.

He continued the initial intent is to bring the property owner in front of the Susanville Planning Commission along with another nuisance property. However, the property owner's legal counsel requested an extension. Staff considered the request and is moving to continue the matter to a later date. Staff recommends hearing public comment then continuing the matter to the Planning Commission's regular Tuesday, July 12, 2022, meeting.

Mr. McCarthy provided a history of the building. He found that the Central Hotel Trust purchased the property, not a little old lady who fell on bad luck. As a taxpayer, he's concerned the City of Susanville is unwittingly subsidizing the holding costs for these people. He said he didn't want to see the matter continued and do whatever needs to be done to get the property abated.

Commissioner DeBoer asked if the taxpayer having to put out money or being deprived of money that the City should be receiving.

Mr. Loflin responded there are multiple options for any of these matters. The City has the ability to get an abatement warrant and do the work at the City's cost, which later goes to cost recovery. The other options are receiverships, which takes the cost out of the City's hands, and handles the financing and liens. The City can also go through the civil and criminal route. He said if we have to go about these procedures, what is going to be the most cost-effective.

Commissioner Robinette asked what the goal is for the property - secure or remove it. She continued explaining that a neighboring property had offered to paint it for them.

Mr. Loflin responded he spoke with the agent of the Central Hotel Trust who was in the area on Oct. 2021. He was looking into painting the building and was wanting to convert it into office space.

Public hearing closed at 7:56 p.m.

Moved by Commissioner Robinette; seconded by Commissioner Sturgeon to approve continuing the hearing to the regularly scheduled July 12, 2022, meeting.

Motion: 4- 0

Voting For: Robinette, Sturgeon, DeBoer and Jambois

Voting Against: None

Absent: Westbrook

4.F Consider **Resolution No. 22-1108**, approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane

Motion to continue discussion of **Resolution No. 22-1108** to the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022

Public hearing opened at 7:57 p.m.

Mr. Loflin explained May 2022 marks the 19th anniversary since the closure of Lassen Community Hospital and the subsequent opening of Banner Lassen Medical Center. the former site of the hospital has become a major source of blight for the community. All buildings within the property have suffered significant damage caused by vandalism and those seeking scrap metal, and elements at large. The site contains hazards and a structure fire that occurred in December 2020 destroyed the building known as the Annex Building. A demolition permit was secured, but the work has not been completed and the burned skeleton remains visible to the public.

The property currently remains well below the minimum standards established through the Property Maintenance Ordinance. The City of Susanville is moving to issue a Nuisance Abatement Order to compel the property owner to rectify all public nuisances upon the property and to abate each nuisance. Code enforcement plans to accomplish this with the issuance of abate, repair, and/or demolish orders.

Mr. Loflin continued that staff intended for this matter to be heard in its entirety at this regular meeting of the Planning Commission, but the property owner's counsel submitted an extension request. Staff intends to allow for initial discussion and for any public comment before making a motion to continue this matter to the regular July 12, 2022, meeting.

Mr. McCarthy commented that the property owners are coincidentally the same as 2440 Main St., and this is nine acres of valuable property. He was not in favor of granting an extension.

Public hearing closed at 8:03 p.m.

Motion by Commissioner Sturgeon, second by Commissioner DeBoer to continue hearing to July 12, 2022.

Moved by Commissioner Sturgeon; seconded by Commissioner DeBoer to continue the hearing to the regularly scheduled July 12, 2022, meeting.

Motion: 4--0

Voting For: Sturgeon, DeBoer, Robinette and Jambois.

Voting Against: None

Absent: Westbrook

5. NEW BUSINESS: None.

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: None

8. ADJOURNMENT: Motion by Commissioner Sturgeon, second by Commissioner Robinette to adjourn at 8:09 p.m.

Signed, Chair Wayne Jambois

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: July 12, 2022