
CITY OF SUSANVILLE
66 N. Lassen Street • Susanville CA
Wayne Jambois, Chair
Melanie Westbrook, Vice Chair
Linda Robinette • Jeremiah Sturgeon • Rod DeBoer

Susanville Planning Commission
Regular Planning Commission Meeting • City Council Chambers 66
N. Lassen Street, Susanville, CA 96130
Tuesday, June 28, 2022 - 6:30 PM

CALL TO ORDER
ROLL CALL

1. APPROVAL OF AGENDA:

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

3.A [Receive and file minutes of the April 26, 2022 meeting](#)

3.B [Receive and file minutes of the special May 12, 2022 meeting](#)

3.C [Receive and file minutes from the May 24, 2022 meeting](#)

4. PUBLIC HEARINGS:

***USE PERMIT #2022-008, WILLIAM ROSS.** The applicant is proposing a Use Permit which proposes a new drive thru configuration and building facade upgrade to an existing Burger King restaurant. The subject property is zoned C-2 (General Commercial/Shopping Center Zoning District) with a land use designation General Commercial/Shopping Center pursuant to the City of Susanville General Plan 1990-2010. The subject parcel is located at 1520 Main Street at the corner of Alexander and Main St. in Susanville CA and has an assigned assessor's parcel number of 105-200-021-000. Drive Thru restaurants are allowed by first securing a Use Permit pursuant to the City of Susanville Municipal Code Chapter 17.36.030(F). The project proposal is exempt from the California Environmental Quality Act pursuant to section 15332 of the CEQA guidelines.*

4.A [USE PERMIT #2022-008, Burger King](#)

5. NEW BUSINESS:

5.A [The City of Susanville Planning Commission has requested to change the regularly scheduled Planning Commission monthly meeting times from 6:30 P.M. to 5:30 P.M.](#)

5.B [Consider Resolution No. 22-1111 Nuisance Abatement Order Amendment](#)

6. CORRESPONDENCE: NONE

7. COUNTY REFERRALS:

8. ADJOURNMENT:

The Planning Commission's action on Use Permit (including Planned Development Use Permits) and Variance items may be appealed to the City Council within 5 business days of action. The Planning Commission's action on Tentative Subdivision items may be appealed to the City Council within 10 business days of action. Appeals of the Planning Commission's action must be made in writing on the form provided by the City and must be accompanied by a fee adopted by the City Council. Appeals of Planning Commission actions must be based on comments made known (either through written or verbal comment) at the Planning Commission Meeting. Please contact the Community Development Department for more information regarding appeals.

ACCESSABILITY: *An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.*

SUSANVILLE PLANNING COMMISSION: CHAIR PERSON: Wayne Jambois, COMMISSIONERS ~ Melanie Westbrook, Linda Robinette, Rod DeBoer and Jeremiah Sturgeon

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: June 28, 2022

SUBJECT: Receive and file minutes of the April 26, 2022 meeting

PRESENTED BY: Ruth McElrath, Building & Planning Division

SUMMARY: Staff is presenting minutes from the April 26, 2022 meeting

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes of the April 26, 2022 meeting

ATTACHMENTS:
[P.C. 4.26.22 min..pdf](#)

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, APRIL 26, 2022 – 6:30 PM

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

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

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

1. **APPROVAL OF AGENDA:** Motion by Commissioner Sturgeon, second by Commissioner Robinette to approve the agenda as submitted.
Motion carried: 3-0
Voting For: Sturgeon, Robinette and Jambois
Voting Against: None
Absent: DeBoer and Westbrook

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

- 3.A Receive and file minutes of the April 12, 2022, minutes Receive and file minutes of the April 12, 2022, minutes

[P.C. 4.12.22 minutes .pdf](#)

Motion by Commissioner Robinette, second by Commissioner Sturgeon to approve the April 12, 2022, minutes.

Motion Carried: 3- 0
Voting For: Robinette, Sturgeon, and Jambois.
Voting Against: None
Absent: DeBoer and Westbrook

4. PUBLIC HEARINGS:

- 4.A Consider **Resolution 22-1094** approving the Issuance of an Abatement Order for 63 South Weatherlow Street

Public hearing opened at 6:35 p.m.

Mr. Loflin explained the issue was regarding 63 S. Weatherlow St., Code Enforcement Case CE 2020-003, owners Ricardo and Susan Pellicer. He said Susan has since changed her name and would be referred to as Susan Morrison throughout the proceedings.

A March 14, 2019, fire damaged the building, which resulted in it being declared a dangerous building and subsequently a public nuisance pursuant to the Susanville Municipal Code. The action requested is to approve Resolution 22-1094.

Mr. Loflin provided a timeline of letters notifying the owners about the existence of a public nuisance have been sent with the first being mailed on March 21, 2014. He added the City Building Official has determined the building is irreparable and demolition must commence no later than 30 days of the approved order, and demolition shall be completed no later than 60 days from the date of this order. A demolition permit must be obtained through the City of Susanville Building Department. Failure to commence demolition or complete demolition within the provided timeframe will result in the property owner being assessed a daily civil penalty of \$100 per day and shall be assessed from the date of the issuance of Notice of Violation on Feb. 27, 2022. The penalties will cease once there is compliance.

Commissioner Robinette noted date the first Notice of Nuisance was mailed was five years prior to when the fire occurred, and this has been going on for eight years.

Chair Jambois asked if any representatives were present for the Pellicer family.

Mr. Loflin responded Joseph Hale called in via Zoom and he would like to speak regarding the matter.

Roland Zimmerman, who owns the neighboring property, spoke in favor of the abatement. He explained the March fire was not the first incident. The second fire spread to his building, and now his insurance has been cancelled. He had been complaining about the property and called the police because homeless people were there. He has taken a total loss and a loss of income.

Mr. Hale offered background information explaining his mother is disabled, elderly, and does not have the funds to abate the property. He asked if the City had an interest accepting a donation of his mother's portion of the property, he would ask Mr. Pellicer if he would want to donate his portion as well.

William Tezak spoke in opposition of the abatement.

Public hearing closed at 6:55 p.m.

Commissioner Sturgeon asked if the City gets to a point where it can take over the property.

Ms. Walsh responded there is a one-year statute of limitations and other options can be discussed.

Commissioner Robinette said she walked the properties on the list, there is a fence that has been pushed down, and there is a drop. In addition, there are piles of trash and people are living there. The property also abuts the high school, which can encourage bad decisions. In conclusion she said the problem has been there since 2019 and it is continuing. She asked what the next steps would be after the hearing.

Ms. Walsh responded a written order would be provided in writing to the respondent, the one-year statute of limitations begins and the City could proceed on abating, selling, foreclosing and recouping those costs.

[Staff Report 63 S Weatherlow St Abatement.pdf](#)
[Resolution 22-1094.pdf](#)

Moved by Commissioner Robinette, seconded by Commissioner Sturgeon to approve Resolution 22-1094.

Motion Carried: 3- 0

Voting For: Robinette, Sturgeon, and Jambois.

Voting Against: None

Absent: DeBoer and Westbrook

4.B Consider **Resolution 22-1095** approving the issuance of an Abatement Order for 67 South Weatherlow Street.

Public hearing opened at 7:02 p.m.

Mr. Loflin explained the case regarding 67 S. Weatherlow St., Code Enforcement Case 2020-002, owners Roland and Joanna Zimmerman. The structure suffered damage related to a structure fire on May 24, 2020. It was declared a dangerous building and subsequently a public nuisance. Susanville Municipal Code Chapter 8.32 offers framework to address public nuisances on properties within the City. Staff is following the procedures and seeking a nuisance abatement order to tell property owners to abate their property of declared nuisances.

Mr. Loflin presented exhibits A through J. Exhibit I contained various photographs of the state of the property. He said there has been some compliance with the property owners cleaning up their property and they installed a 6-foot solid fence to prevent illegal trespassing on the property. The fence is already showing signs of damage caused by people or animal presence. In addition, the fire damaged a tree, and it is considered dangerous due to its size and damage received.

In conclusion, Mr. Loflin said the recommendation is to approve the nuisance abatement order directing property owners to abate all nuisances within date specified by the Planning Commission.

In the opinion of the City of Susanville Building Official the condition of the building is irreparable, and demolition must commence no later than 30 days of the approved order. Demolition must be complete within 60 days of the order and a permit obtained through the City of Susanville prior to the commencement of demolition. Failure to comply within 30 days, the property owner will be fined a daily civil penalty of \$100, which will be assessed from the issuance of notice of violation on Feb. 7, 2022. Daily accruals will cease once compliance is met.

Mr. Zimmerman told the Commission he never received any notifications Mr. Loflin referred to in his report, except for the letter received on April 1, 2022. He continued that he hasn't been at the Oregon address for 15 years, and it is just a shop where they store trucks, and he does not receive any mail there.

Two months ago, he inquired getting a demolition permit, but was told because it was a commercial building, a contractor licensed for demolition had to do the work. The property has been a residence for more than 30 years. Mr. Zimmerman stated he would like to demolish the building, and he has the equipment to do so.

In conclusion, Mr. Zimmerman stated COVID cut his income in half. If he can get a permit, he will demolish the building and he's not against it.

Chair Jambois asked Mr. Zimmerman if he received any notices.

Mr. Zimmerman responded the April 1, 2022, notices, sent to both he and his wife, were the first ones he received.

Mr. Loflin clarified all staff requests is an asbestos report and if there is no presence of asbestos, a demolition permit can be issued for Mr. Zimmerman to do the demo himself.

Chair Jambois asked staff who signed the certified letters.

Mr. Loflin responded the Dec. 2020 letter was rejected due to COVID-19, the letters sent to Cave Junction, OR were due diligence on his part to make notification and using as many addresses as possible he could find to notify the property owners of these proceedings.

Mr. Mumper added staff uses the County record as the most current address.

Mr. Tezak asked if he could cross examine Mr. Loflin.

Ms. Walsh responded it is not a formal judicial proceeding, it is an informal administrative hearing and the formal rules of evidence do not apply.

Mr. Tezak said Mr. Loflin's photos did not have a time date stamp, or where the pictures came from. Citing a public nuisance is subjective, and there are no objective criteria before the Planning Commission.

Public hearing closed at 7:28 p.m.

Commissioner Sturgeon clarified if the owner gets the asbestos report and it comes back negative, he could demo the building himself.

Ms. Walsh confirmed that was correct.

Mr. Mumper suggested if the Commission went that route, they should attach a timeframe.

Commissioner Robinette said the issue has been going on since June 1, 2020, and it is now April 2022. She asked Mr. Zimmerman how long it would take to get an asbestos report.

Mr. Zimmerman said he has been talking to a company in Reno, who had requested additional information.

Mr. Mumper explained that based on other code cases, it is not unreasonable to obtain an asbestos contract within 30 days.

Commissioner Robinette said all the commission wants is for the properties to be dealt with and she doesn't want the City to be a hindrance in dealing with these and if we can be an active partner with cleaning up these properties it is best for everybody concerned.

The Commission discussed timeline options for the owner time to obtain an asbestos report and decided to table the item to the May 24, 2022, meeting.

[Staff Report 67 S Weatherlow St Abatement.pdf](#)
[Resolution 22-1095.pdf](#)

Moved by Commissioner Robinette; second by Commissioner Sturgeon to table Resolution 22-1095 to the May 24, 2022, meeting.

Motion Carried: 3- 0

Voting For: Robinette, Sturgeon, and Jambois

Voting Against: None

Absent: DeBoer and Westbrook

4.C Consider **Resolution 22-1096** approving the issuance of an Abatement Order at 1540 Main Street

Public hearing opened at 7:37 p.m.

Mr. Loflin explained the item pertains to Code Enforcement case 2021-008, nuisance abatement order for property maintenance violations, specifically graffiti. Address is 1540 Main St.

He continued there have been multiple attempts seeking compliance to remove graffiti from the southern exterior wall and adjacent signpost. Staff has attempted getting compliance through letters and administrative citations to no avail.

Graffiti is classified as a public nuisance per ordinance Susanville Municipal Code Chapter 17.1011. Mr. Loflin presented exhibits A through J, provided a timeline of nuisance abatement notifications, and photographs of the graffiti. Not until the weekend of April 23 or April 24, did the property owners attempt to abate the nuisance. The sign has since been covered to the satisfaction of code enforcement, however, there is graffiti that had been attempted to be covered up but is still visible.

Staff recommends modifying the abatement order from the recommended 10 days to 30 days. Mr. Loflin explained the property owner contacted him and wanted to convey his displeasure regarding the response of the City. The building has been a victim of being tagged on multiple occasions, there are about 30 coats of paint on it with no redress from any City services. The owner has requested a meeting with Mr. Loflin and the City administrator when he is able to do so. In the interest of justice, Mr. Loflin said he would honor the request and modify the timeline to 30 days.

Commissioner Robinette said she didn't think the owner, Ryan Potter, was still in the area.

Mr. Loflin responded he was going to be back in the next 30 days.

Commissioner Sturgeon stated Mr. Potter does have a point about his building being a constant target for graffiti. It's a revolving problem that's not the owner's fault, and he asked what the options are.

Mr. Mumper responded it would be best for staff to discuss with the owner what they can do to improve the situation on that building.

Mr. Loflin stated this matter is where you try to do things informally and get voluntary compliance. The case began in April 2021, it's been a year and there has been no compliance. It has gotten to the point where the City has to do something to cover the graffiti, especially with a word that can be offensive to some people fronted on Main St.

Mr. Tezak urged the commission to seek a resolution and remedy outside of an abatement order for this kind of activity.

Motion by Commissioner Robinette, second by Commissioner Sturgeon, to approve Resolution 22-1096, reflecting the 30-day extension.

Motion carried: 3-0

Voting For: Robinette, Sturgeon and Jambois

Voting Against: None

Absent: DeBoer and Westbrook

[Staff Report 1540 Main St Abatement.pdf](#)
[Resolution 22-1096.pdf](#)

5. NEW BUSINESS:

5.A Conduct Administrative Appeals Hearing and Consider **Resolution 22-1097** Recommendation to the City Council on Planning Commission Decision to Uphold or Cancel Administrative Citations.

Motion to Approve **Resolution 22-1097** recommending to the City Council to uphold each administrative citation.

Public Hearing opened at 8:10 p.m.

Chair Jambois requests the parties identify themselves.

Mr. Loflin introduced himself as the City of Susanville Code Enforcement Officer.

Bill Tezak introduced himself on behalf of the Tezak Family Trust and Vice President of Caribbean Investment Corporation.

Chair Jambois explained the appeals hearing provided the opportunity to present evidence regarding the Administrative Citations issued to the applicant by the City of Susanville. The Commission will hear testimony and reveal documents and hear from any witnesses he may have. Mr. Tezak will have reasonable time to present his appeal, not to exceed one hour, unless more time was warranted and agreed upon by the Commission.

Mr. Tezak questioned due process and the Planning Commission being impartial as they are being paid by the City.

P.J. VanErt, City of Susanville attorney, explained that Mr. Tezak's governmental tort claims are a separate matter and not part of tonight's administrative hearing that he was entitled to have. A disqualification motion is not part of the Susanville Municipal Code, and she explained the Planning Commission has been adopted as a neutral hearing officer for his citations. Tonight's hearing is not to challenge the Susanville Municipal Code, it was his time to provide facts about the citations and what has been observed on his property. He could show his own photos, testify to those

photos and provide witnesses. As noted by Ms. Walsh, he was getting due process by having the hearing, and the formal rules of evidence do not apply.

She concluded if he continued to bring up the Federal Constitution and the Constitution of the State of California, and why the Municipal Code is not Constitutional then she would direct him to move on to a factual presentation because they are not relevant to the administrative appeal. She added everyone is looking forward to hearing what factual objections he has to these citations and hoped we could move forward in a more expeditious manner.

Mr. Tezak responded she has been put on notice that his due process has been violated and she has libeled the City and Commissioners. He concluded he considers the matter a sham proceeding.

Mr. Loflin began his presentation explaining on Feb. 24, 2022, he issued citations 2022-003, through 2022-0012, for 10 citations per the Susanville Municipal Code, citations were issued to properties in control of the Tezak Family Trust. Mr. Tezak has identified himself as the agent to address the citations.

On March 16, 2022, Mr. Tezak requested invoking his right to an administrative hearing with the Susanville Planning Commission and it was received within the appropriate appeals window. An advanced hardship waiver was also received and approved, which allows a hearing to take place without a deposit.

The Planning Commission is tasked to determine if a violation of the Susanville Municipal Code existed and warranted the issuance of an administrative citation and that the Tezak Family Trust is responsible for the violations. The Planning Commission will make a recommendation to the Susanville City Council on Wednesday, May 4, 2022, to make a final decision on this matter.

Mr. Loflin presented Exhibits A through H and provided photographs and information regarding each citation.

- CQS-2022-0002 - 713 Cottage St. - Broken windows. Mr. Loflin explained the window was repaired, but was done without a permit obtained through the City Building Department.
- CQS-2022-0004 - 713 Cottage St. - Vehicle violation. Mr. Loflin said while vehicles may be parked in a legal driveway, they have to be in an operable state. In this matter, there are vehicles in various inoperable states.
- CQS 2022-0005 - 713 Cottage St. - Automotive parts on premises. Mr. Loflin explained it was observed multiple vehicles are being dismantled, and there are truckloads of tires and miscellaneous parts.
- CQS 2022-0006 - 811 Cottage St. - Improper storage of trash rubbish and junk/ vehicles on property
- COS 2022-0007 - 811 Cottage St. - Vehicles on property.

- CQS 2022-0008 - 811 Cottage St. - Dismantling vehicle operation, not allowed in Uptown Business District and would require licensing through the California Department of Motor Vehicles.
- CQS 2022-0009 - 50/44 S Gay St. - Zoning violation - Unpermitted use within Uptown Business District.
- CQS 2022-0010 - 50 S. Gay St. - Dilapidated fence. Mr. Loflin explained the fence is in a dilapidated state, pieces of the chain link fence have been pulled apart or is falling down. There are areas that are coming into compliance and some repairs have been made.
- CQS 2022-0011 - 50 S. Gay St. Property maintenance, household items, trash and junk.
- CQS 2022-0012 - 801 Main St. - Broken window. Currently remains in this condition.

Mr. Loflin explained Mr. Tezak had been notified there were public nuisances on the properties. Staff tried to come to an understanding for voluntary compliance. The violations continued, and it became apparent voluntary compliance was not going to be achieved. Throughout the investigation, Staff's recommendation is to uphold all administrative citations and that recommendation goes to the City Council for a total of \$1100.

In his response, Mr. Tezak requested the matter be continued so he could provide a formal response, which he has not had the opportunity to do because he did not receive any procedures or processes through his public records requests. He requested an hour for each citation.

Ms. Walsh responded he had the opportunity to present his evidence and ask questions right now. The clock was ticking.

Mr. Tezak addressed the case photographs as presented in Exhibit H and asked the record show this was the first time he was receiving those and he didn't have time to respond.

Ms. Walsh responded the packet was part of the public agenda items.

Mr. Tezak described the photos as vague. He said his property has more than 20 different police reports for vandalism created by the vagrants and homeless people. Regarding the broken window, he explained the glass was removed and the frame was still there. It is a non-standard window he had to have glass specially cut for. He looked up the codes and it's considered non-permitted work. The matter was already abated because he doesn't want his buildings exposed to cold air.

Regarding the red building, Mr. Tezak said the tenants wanted to use the building as a shop, which is a compliant use under his rights of ownership. After receiving the notices, he started abating. The administrative citations are misinterpretations by code

enforcement as to what constitutes a public nuisance, and the Municipal Code doesn't have any legal definitions.

He said he took pictures when everything was removed from the properties, and they were gone long before the administrative citations. He stated some photos included in Mr. Loflin's report were not his property or he had the wrong addresses.

Commissioner Robinette asked Mr. Tezak when his pictures were taken.

Mr. Tezak responded about two weeks ago.

She explained she walked his properties yesterday and took pictures of abandoned trucks, trash cans filled to the brim and a truck with no hood, and nothing but auto parts and trash on the property next to the Lassen County Arts Council.

Mr. Tezak said if we are seeking resolution over enforcement, he has been moving toward abatement since the notices came out.

Commissioner Sturgeon thanked Mr. Tezak for the abatement he has done and asked how much time he needed to complete the process.

Mr. Tezak responded about 60 days, as he is trying to find ways to move the vehicles, but parts are hard to find.

Commissioner Sturgeon said the Commissioners want to work with him and aren't there to make a pre-judgement.

Ms. VanErt explained the hearing was different than the cases heard earlier where the Commission heard abatement orders and working with the property owners. This hearing regards the past tense, and the Commission is considering whether the citations are valid and should they be transmitted to the City Council.

Commissioner Robinette thanked Mr. Tezak for the work he has done to clean up the properties. The Commission is doing its due diligence to polish up the town and attract businesses in Uptown.

Mr. Tezak's South Gay property bumps up to where people come all summer long for Farmer's Market. When tenants do not take care of the properties, people make complaints to the City. She continued she did not think anyone on the board was out to pick on Mr. Tezak, isolate him, or take away his rights. They just want the town looking good.

Mr. Tezak said he is in favor of that, but not how it is being performed. He has had to resort to the legal remedy because of adversity among City staff.

Commissioner Sturgeon said he wanted to give Mr. Tezak more time to complete his abatement.

Mr. Loflin clarified the purpose of the hearing. He continued his stance is to get voluntary compliance which is why a courtesy violation was issued. The City was waiting for compliance but wasn't getting it and therefore had to make a decision to issue a citation to get things moving.

Chair Jambois asked Mr. Tezak if he had any witnesses.

Rebecca Williams, identifying herself as Mr. Tezak's assistant, said she has been helping get his property into compliance, but it is not easy, they have been working toward this non-stop.

Commissioner Robinette, commented about CE 2022-0003, broken windows. She said there are no glass stores in town, and it is hard to get windows. She said both window citations should be removed. She was concerned about the vehicles on the property and the unpermitted use. She was also in favor of tossing out the fence violation.

Mr. Tezak said he had not completed his response.

Commissioner Robinette responded he had one hour and she stopped the clock at one hour and 13 minutes.

There was discussion regarding providing Mr. Tezak more time.

Mr. Tezak said he wanted one hour for each citation and needs time to responded in writing.

Ms. VanErt responded the Code allows for the Commission to provide reasonable time and in this case, the Commission has chosen one hour, but it is 10 p.m. Mr. Tezak has had more than one hour and notice and time to prepare. The public records requests are not relevant. The recommendation is to give Mr. Tezak another 30 minutes and put him on notice to provide the last information he would like the Commission to hear prior to a vote.

Commissioner Robinette said she did not want to continue the meeting any longer, and her opinion is to toss citations for the windows and fence, and the rest will go to City Council.

Commissioner Sturgeon said he wanted to squash the matter. He has issues and reservations about this and would like more time. If not allowed more time, he would vote no.

Chair Jambois said he thought Mr. Tezak had more than enough time. He heard a good presentation from staff and thanked Mr. Tezak for his presentation, and he made his case quite succinctly.

Commissioner Robinette provided a brief history of the Commission's work on getting code enforcement going, and it was a huge project. These are the first ones that we are launching off on. We need to move forward on this, but it needs to go to the City Council.

Motion by Commissioner Robinette to approve Resolution 22-1097 with the recommendation to cancellations 2022-0003, 2022-0010 and 2022-0012, and uphold citations 0004, 0005, 0006, 0007, 0008, 0009, and 0011, second by Chair Jambois.

Voting For: Robinette and Jambois.

Voting Against: Jeremiah Sturgeon

Absent: DeBoer and Westbrook

[Staff Report Administrative Appeals Hearing Tezak.pdf](#)
[Administrative Citations Tezak.pdf Resolution 22-1097.pdf](#)

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: None

8. ADJOURNMENT: Motion by Commissioner Robinette, second by Commissioner Sturgeon to adjourn at 10:12 p.m.

Signed, Chair Wayne Jambois

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On:

AGENDA ITEM NO. 3.B
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: June 28, 2022

SUBJECT: Receive and file minutes of the special May 12, 2022 meeting

PRESENTED BY: Ruth McElrath

SUMMARY: Staff is presenting minutes from the May 12, 2022, special meeting

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes of the special May 12, 2022, meeting

ATTACHMENTS:
[5.12.22 sp. meeting minutes .pdf](#)

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:

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: June 28, 2022

SUBJECT: Receive and file minutes from the May 24, 2022 meeting

PRESENTED BY: Ruth McElrath

SUMMARY: Receive and file minutes from the May 24, 2022 meeting.

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes from the May 24, 2022 meeting

ATTACHMENTS:
[P.C. 5.24.22 minutes.pdf](#)

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 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 permittable 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:

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: June 28, 2022

SUBJECT: **USE PERMIT #2022-008, Burger King**

PRESENTED BY:

SUMMARY:

USE PERMIT #2022-008, WILLIAM ROSS. The applicant is proposing a Use Permit which proposes a new drive thru configuration and building facade upgrade to an existing Burger King restaurant. The subject property is zoned C-2 (General Commercial/Shopping Center Zoning District) with a land use designation *General Commercial/Shopping Center* pursuant to the *City of Susanville General Plan 1990-2010*. The subject parcel is located at 1520 Main Street at the corner of Alexander and Main St. in Susanville CA and has an assigned assessor's parcel number of 105-200-021-000. Drive Thru restaurants are allowed by first securing a Use Permit pursuant to the City of Susanville Municipal Code Chapter 17.36.030(F). The project proposal is exempt from the California Environmental Quality Act pursuant to section 15332 of the CEQA guidelines.

FISCAL IMPACT: None.

ACTION REQUESTED: Adopt Resolution No. 22-1109

ATTACHMENTS:

[Staff Report.docx](#)

[Site Plan-Elevations.pdf](#)

[PC Res Approve 22-1109.docx](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
June 28, 2022

FILE NUMBER	Use Permit/Architectural Review #22-008		
APPLICANT/OWNER	MRB Holdings, William Ross – Burger King		
OWNER	GEE SAMMIE WONG & COLEEN LOK BYPASS TRUST ETAL		
REQUEST	Architectural Review allow façade changes, sign changes, a new painting scheme, and drive thru configuration at Burger King restaurant located at 1520 Main Street in the C-2 (General Commercial and Shopping Center) Zone.		
ASSESSOR=S PARCEL NO.	105-200-11		
PARCEL SIZE	0.55 Acres (approx.)		
LOCATION	1520 Main Street		
EXISTING ZONING	C-2 General commercial and Shopping Center District		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	C-2	Motel
	South	R-2	Single family residence
	East	C-2	Gas station
	West	C-2	Office
GENERAL PLAN DESIGNATION	General Commercial		
ENVIRONMENTAL DETERMINATION	Exempt pursuant to section 15332 of the CEQA Guidelines		

COMMENTS RECEIVED:

City Building Official – Building permits required for any and all remodeling that will be done.

Susanville Dept. of Public Works – Based on the value of the improvements, the existing curb, gutter, and sidewalk and driveway that may be damaged may need to be replaced pursuant to City Code 12.20.030.

BACKGROUND:

The site located at 1520 Main Street is currently developed with a Burger King restaurant. The property is at the southwest corner of Main Street and Alexander Avenue. The original development of the site as a Burger King was approved in 1985 by the Planning Commission.

In 2013, The Planning Commission approved an Architectural and Site Plan Review which included removal and replacement of the existing building signage, removal and replacement of the existing canopy on the main entrance elevation (west side of building), construction of two new parapet stanchions; one on the front elevation and one on the Main Street elevation, installation of two new metal canopies; one on the front elevation and one on the Main Street elevation, and painted the existing building body and awnings per Burger Kings current standards.

PROPOSAL:

The applicant is proposing to make exterior changes to the building including:

1. Remove and replace existing building signage.
2. Patch and repair potholes and cracks in the existing parking lot.
3. Seal and restripe existing parking lot.
4. Replace exterior lighting with new LED lighting.
5. Install new LED parapet light band.
6. Install new steel canopy over side (west) entrance.
7. Install new steel canopy over the three exterior windows that face Alexander Avenue.
8. Install new steel canopy next to the main entrance windows that front Main Street.
9. Install new internally lit signage over the main entrance facing Main Street and over the drive thru window that faces Alexander Avenue.
10. Addition of a 10'x5' "Whopper" graphic/sign to the exterior of the buildings main entrance.
11. Paint the existing building body and awnings per Burger Kings current standards.
12. Reconfigure the existing drive thru configuration to a two into one lane design to improve drive thru congestion during peak hours.

The proposed changes have will have positives impacts or effects on the operational characteristics of the use on the property. The proposed changes are being proposed to maintain the latest "corporate" look of the Burger King Restaurant chain. The colors proposed are in keeping with the following City Design guidelines:

"Building Color shall be used to establish continuity and compatibility within the neighborhood without creating monotony."

"Building color should be used to enhance the character of the visual environment and not be used to compete for attention with other buildings."

"Different colors should be utilized to enhance or "bring out" different building materials where appropriate."

"The use of subdued shades for the primary color is encouraged while the use of brighter more intense shades should be reserved for trim and details."

ANALYSIS:

Access, Circulation, & Parking: The new proposal will reduce the existing parking spaces from 27 to 22 parking spaces to accommodate the new drive thru design. Site constraints on the parcel and the need for the reduced drive thru congestion in the existing parking lot triggers the need for a parking exception which can be approved by the Planning Commission through the Use Permit process pursuant to Chapter 17.100.160 which states the following:

"Any portion of Sections 17.100.030—17.100.150 may be modified for a particular use if a use permit is obtained. The approving body must find, based upon data submitted by the applicant, that the proposed arrangement and design will be of equal or greater excellence in arrangement, design or attractiveness than would be realized by the normal standards of this section. Exceptions to Section 17.100.140(A) may be made if a use permit is first obtained for a facility that existed before the date of the adoption of the ordinance codified in this title, and it is not feasible, due to space constraints, to provide the required parking. (Ord. 06-932 § 1, 2006; Ord. 00-866 § 2, 2000)"

Landscaping and Buffering: Minor changes and additions to the landscaping are proposed. Due to the proposed drive thru configuration, landscaping will be removed from the existing parking median area immediately south of the existing drive thru but also will have landscaping added to the new drive thru islands.

Property Lines & Setbacks: No changes that would impact property lines or setbacks.

Water Quality & Drainage: Slight changes due to the new proposed drive thru configuration in how storm water run-off enters the existing drainage systems, but impacts are considered to be less than significant.

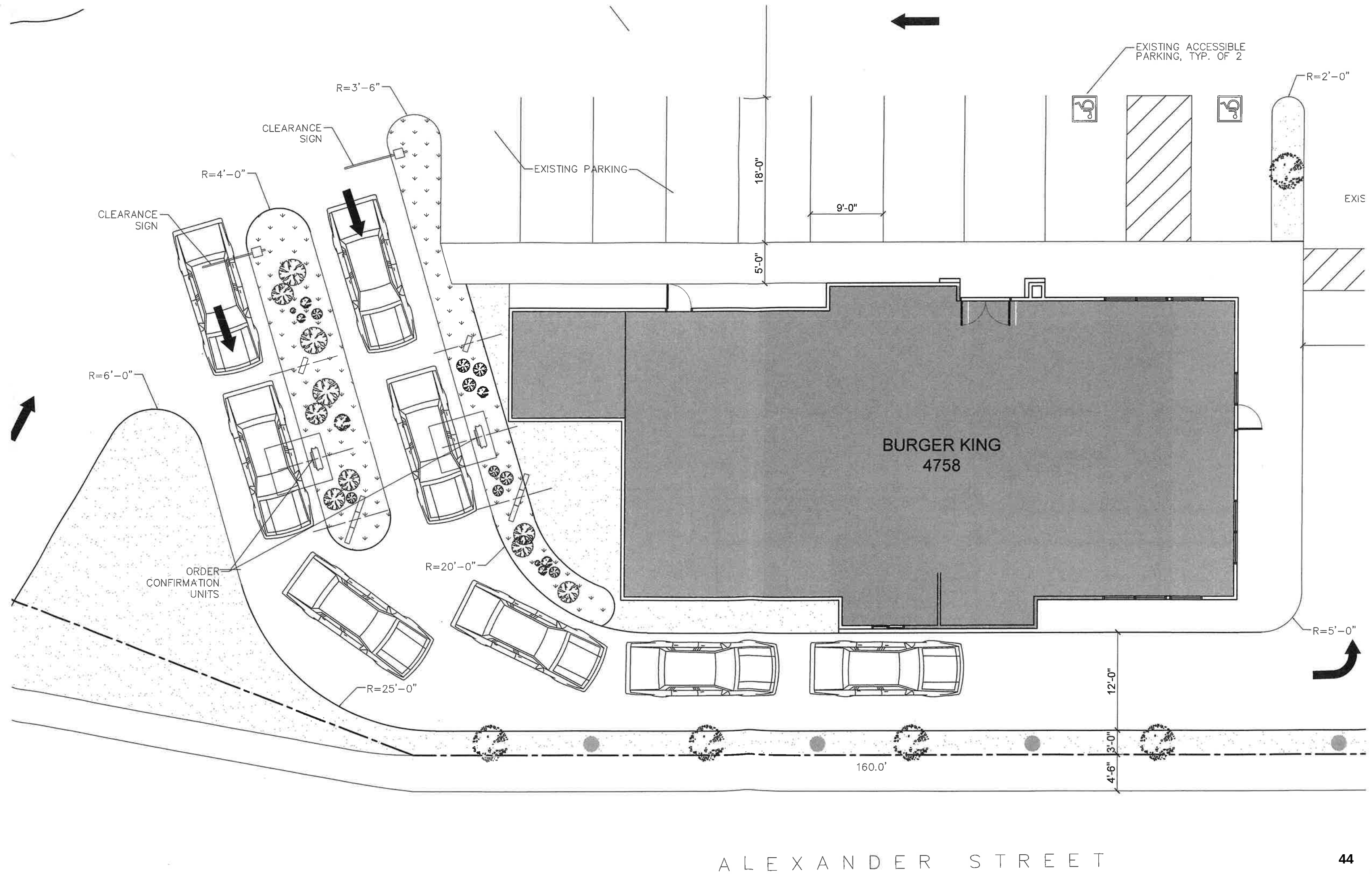
Utilities: No changes.

Signage: The existing sign area for the signs being changed totals 85 square feet. The signage change out will require a separate sign permit to be obtained prior to installation.

RECOMMENDATION: Adoption of Resolution No. 22-1109, approving Use Permit/ Architectural Review No. #22-008, MRB Holdings/Burger King APN: 105-200-21, subject to the conditions listed in the attached Resolution.

ATTACHMENTS:

1. Resolution No. 22-1109
2. Elevation drawings
3. Site Plan





MAIN ENTRANCE ELEVATION
SCALE: 1/4" = 1'-0"

SPARC

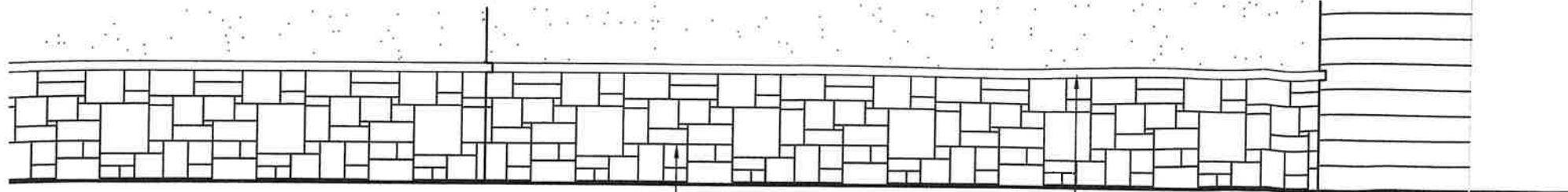
DESIGN

24910 LAS BRISAS RD, STE 112 MURRIETA, CA 92562
WWW.SPARCDESIGNGROUP.COM | 951.293.4526



MODEL FOR
NG #4758

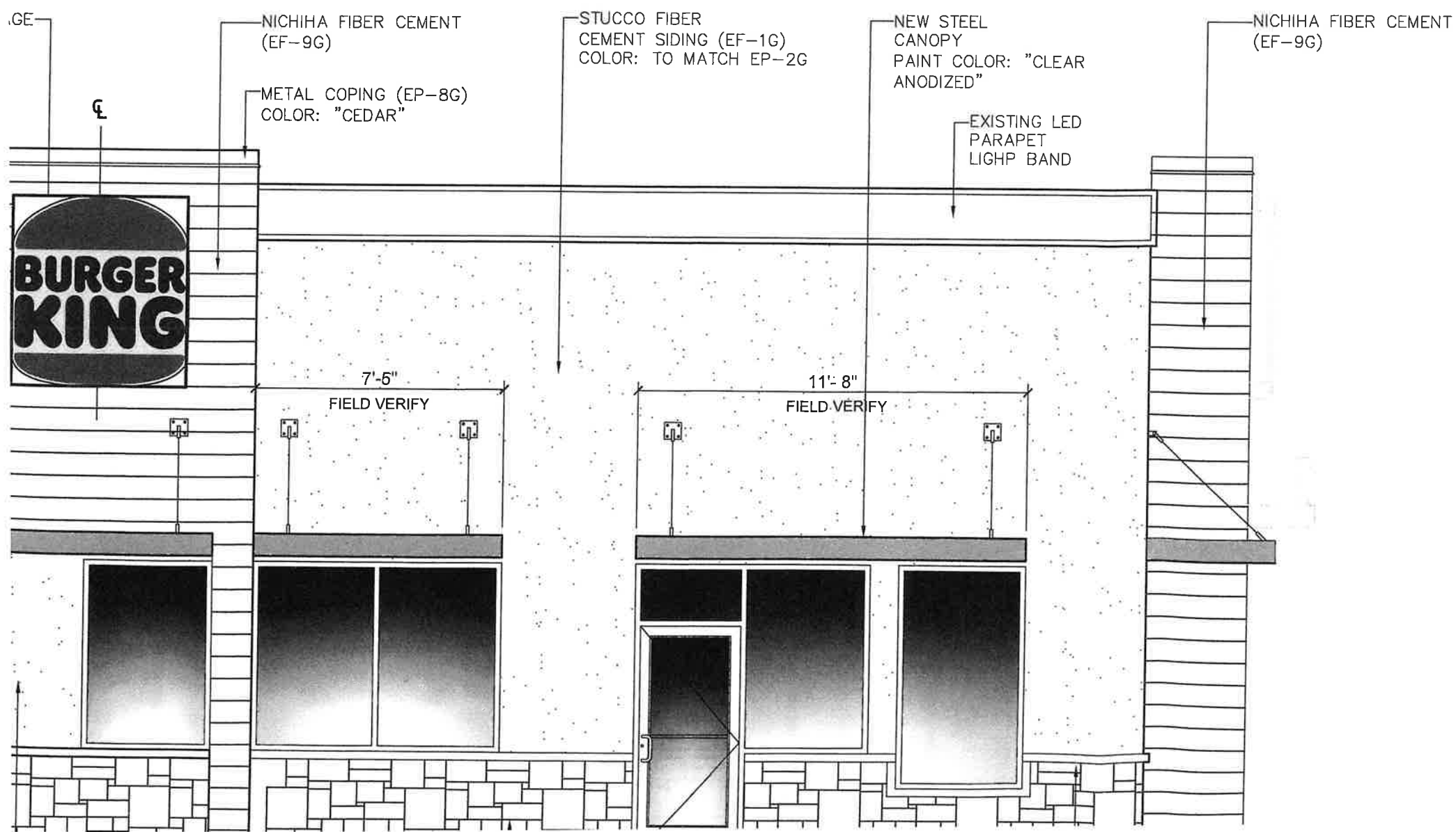
130
S AND FINISH SCHEDULES



EXISTING BRICK
VENEER

WATER TABLE,
PAINT COLOR: "GRANITE"

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WHEREAS, MRB Holdings has submitted an application for an Architectural and Site Plan Review for facade changes, sign changes and a new painting scheme at Burger King restaurant in the C-2 (General Commercial / Shopping Center Zoning District) on Assessor's Parcel Number 105-200-011-000, at 1520 Main Street; and

WHEREAS, the City of Susanville Planning Division has determined that the project is not subject to further CEQA review pursuant to section 15332 of the CEQA Guidelines; and

A. Makes the following findings:

- Reso. 22-1109

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or facilities applied for will not, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City.

3. The conditions imposed upon approval of this use are necessary to meet the existing City of Susanville code requirements of the statutory requirements of other governmental or public utility agencies.

4. The proposed new structure meets the City of Susanville Design guidelines, specifically that the proposed architectural style and materials used, and paint colors are consistent with other structures in the surrounding area and within the same zoning and is consistent with character of the neighborhood.

B. Approves Architectural Site Plan review UP/AR-22-008 for MRB Holdings in accordance with the site plans stamped "Received June 16, 2022, CITY OF SUSANVILLE, CALIFORNIA" on file in the Planning and Building Division office, City of Susanville.

C. Grants a parking exception pursuant to Chapter 17.100.160 due to the sites space constraints and improved drive thru configuration.

AREA /SITE SPECIFIC CONDITIONS

1. Meet the requirements of the City of Susanville Public Works Department for repair of the existing curb, gutter, sidewalk and driveways that may be required by section 12.20.030 of the City code. If work valuation exceeds \$50,000.00, ADA driveway upgrades or curb, gutter, and sidewalk replacement shall be required.

2. Submit appropriate civil engineering plans and obtain required encroachment permits.

2. Obtain a sign permit from the City of Susanville. Proposed signs must meet the City's sign requirements for size and location.

3. The building design, materials, and exterior color scheme shall be as presented to the City of Susanville and contained in file UP/AR-22-008.
4. Exterior LED lighting fixtures shall be a full cut-off design to prevent direct light from affecting adjacent properties.
5. This review is applicable only for the development of the site in accordance with the plans submitted and approved. Changes to the proposed development of the site for another use, an enlargement of the building, a different location of the building, changes in colors or other changes to the site plan may require another Architectural and Site Plan Review.

GENERAL

6. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met. For the purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.
7. All contractors and sub-contractors involved in the project shall obtain a City of Susanville Business License and maintain said license in force for the duration of the project.
8. This permit will become null and void if the approved building modification has not begun within two years from the date of adoption of this resolution unless an extension of the life of the permit is approved by the Planning Commission. It shall be the duty of the applicant to be aware of the expiration date and request any extension of time prior to expiration.
9. The applicant/owner shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suit, writs of mandamus, and other actions and proceedings (whether legal,

equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limit to arbitrations, mediations, and other such procedures, collective actions), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by, the City and/or any of its officials, officers employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, The Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that developer shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the developer of any Action brought and City shall cooperate with developer in the defense of the Action.

10. Prior to the issuance of building permits, improvement plans shall be submitted to and be approved by the City Building Official. All improvements shall be installed in accordance with said improvement plans, prior to the issuance of a certificate of occupancy if required.

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APPROVED: _____

Wayne Jambois, Chairperson

Planning Commission

City of Susanville, State of California

ATTEST: _____

Heidi Whitlock,

Secretary to the Planning Commission

The foregoing Resolution was introduced and adopted at a regular meeting of the Susanville Planning Commission held on the 28th day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heidi Whitlock

Secretary to the Planning Commission

AGENDA ITEM NO. 5.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: June 28, 2022

SUBJECT: The City of Susanville Planning Commission has requested to change the regularly scheduled Planning Commission monthly meeting times from 6:30 P.M. to 5:30 P.M.

PRESENTED BY:

SUMMARY: The City of Susanville Planning Commission has requested to change the regularly scheduled Planning Commission monthly meeting times from 6:30 P.M. to 5:30 P.M.

FISCAL IMPACT: None.

ACTION REQUESTED: Adopt Resolution No. 22-1110

ATTACHMENTS:
[Resolution 22-1110 Meeting Time Change.docx](#)

RESOLUTION NO. 22-1110

A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION APPROVING A TIME CHANGE OF THE REGULARLY SCHEDULED PLANNING COMMISSION MONTHLY MEETINGS FROM 6:30 P.M. TO 5:30 P.M.

WHEREAS, Pursuant to Chapter 2.36.100, The Planning Commission shall meet at least once a month and shall establish a regular meeting date and time by resolution; and

WHEREAS, The City of Susanville Planning Commission has requested to change the regularly scheduled Planning Commission monthly meeting times from 6:30 P.M. to 5:30 P.M.; and

WHEREAS, the Susanville Planning Commission at a public hearing held on June 28, 2022, has considered both written and oral comments presented concerning the proposed time change; and

WHEREAS, the City of Susanville Planning Division has determined that the proposed meeting time change does not constitute a project, is considered a ministerial action, and is therefore Categorically Exempt under Article 19, Section 15300.1 (Relation to Ministerial Projects), of the CEQA guidelines.

NOW, THEREFORE, the City of Susanville Planning Commission:

A. Makes the following findings:

1. That the proposed meeting time change is consistent with the City of Susanville Municipal Code Chapter 2.36.
2. That the proposed meeting time change is consistent with the *City of Susanville General Plan 1990-2010*.
3. The approval of this regularly scheduled meeting time change will not affect the public health, safety, peace, comfort, and general welfare of the city.
4. All future regularly scheduled Planning Commission meetings shall be held at least one Tuesday each month at 5:30 P.M. in the City of Susanville City Hall Council Chambers, located at 66 North Lassen Street, Susanville CA, 96130.

APPROVED:

Wayne Jambois, Chairperson

Planning Commission

City of Susanville, State of California

ATTEST:

Heidi Whitlock, Deputy City Clerk

Secretary to the Planning Commission

The foregoing Resolution was introduced and adopted at a regular meeting of the Susanville Planning Commission held on the 28th day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heidi Whitlock, City Clerk

Secretary to the Planning Commission

AGENDA ITEM NO. 5.B
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 28, 2022

SUBJECT: Consider Resolution No. 22-1111 Nuisance Abatement Order Amendment

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: At the Regular Meeting of the Susanville Planning Commission on April 26, 2022, and May 24, 2022, and at a Special Meeting of the Susanville Planning Commission on May 12, 2022, the Susanville Planning Commission considered the issuance of several Nuisance Abatement Orders affecting multiple properties within the City of Susanville. Planning Commission Resolution No. 22-1094, 22-1095, 22-1096, 22-1098, 22-1099, 22-1100, 22-1101, 22-1102, 22-1105, 22-1106 were adopted which authorized the approval of the issuance of Nuisance Abatement Orders.

A question arose regarding the ability to appeal a Nuisance Abatement Order to the City Council and how long an individual had to cause such appeal. Section 8.32.160 reads as follows: "Whenever any person is aggrieved by any final order of the hearing board issued pursuant to Section 8.32.130, the person may appeal the order to the city council by filing a request for appeal of an order of abatement with the city clerk along with a depose of two hundred dollars (\$200.00). The appellant shall be responsible for all costs of such appeal which exceeds the two hundred dollars (\$200.00) deposit. All costs and expenses incurred by the city for and during such appeal shall be an authorized incidental expense subject to this chapter. If the cost of the appeal is less than two hundred dollars (\$200.00) the difference shall be refunded to the appellant. The appeal shall be heard by the city council at a regularly scheduled meeting within forty-five (45) days of the filing of the appeal. Notice shall be given to the appellant at least ten (10) ten days prior to the scheduled meeting by first class mail sent to the address provided by the appellant on the appeal request form. The appeal hearing shall be conducted in the same manner as the hearing board hearing in Section 8.32.120"

Due to the ambiguous nature of Section 8.32.160, Staff contacted the services of the contracted City Attorney for clarification into the

appeals timeline. The contracted attorney's office provided direction to establish an appeals period of (21) twenty-one days. The establishment of a (21) twenty-one day appeals period would be consistent with the current practice of other administrative functions of the City of Susanville, such as Administrative Citations and Notice of Parking Violations which require a (21) twenty-one day period to pay each fine or request an appeal to a hearing body.

In the interest of justice Staff is recommending the addition of "Amendment #1" which provides the appeals language and provides the Respondent an opportunity to lodge an appeal request. Additionally, an additional 21-days will be added to the compliance deadline established by the Planning Commission for each Nuisance Abatement Order issued by said Planning Commission Resolutions.

FISCAL IMPACT:

None.

ACTION REQUESTED:

Approve Resolution No. 22-1111 approving the addition of "Amendment #1" to 10 Nuisance Abatement Orders issued at the meetings of April 26, May 12, and May 24, and authorizing the Chairperson to sign each order.

ATTACHMENTS:

[Planning Commission Resolution 22-1111.docx](#)
[63 South Weatherlow Street Amendment 1.pdf](#)
[67 South Weatherlow Street Amendment 1.pdf](#)
[1540 Main Street Amendment 1.pdf](#)
[201 Alexander Avenue Amendment 1.pdf](#)
[17 Orange Street Amendment 1.pdf](#)
[765 Shasta Street Amendment 1.pdf](#)
[830 Main Street Amendment 1.pdf](#)
[10 Santa Paula Street Amendement 1.pdf](#)
[509 Woodside Way Amendment 1.pdf](#)
[1502 Cornell Street Amendment 1.pdf](#)

RESOLUTION NO. 22-1111
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ADDITION OF AN AMENDMENT TO A NUISANCE ABATEMENT
ORDER

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance No. 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapter 8.32 of the Susanville Municipal Code to outline the procedures for abating nuisance conditions and for the collection of civil penalties; and

WHEREAS, the Susanville Planning Commission met at the Regular Meeting of the Susanville Planning Commission on April 26, 2022, and May 24, 2022, to consider the issuance of a Nuisance Abatement Order as authorized by Chapter 8.32 of the Susanville Municipal Code.

WHEREAS, the Susanville Planning Commission met at a Special Meeting of the Susanville Planning Commission on May 12, 2022, to consider the issuance of a Nuisance Abatement Order as authorized by Chapter 8.32 of the Susanville Municipal Code.

WHEREAS, at said meetings, the Susanville Planning Commission approved the issuance of Nuisance Abatement Orders by approval and passing of Resolution. Resolution Nos. 22-1094, 22-1095, 22-1096, 22-1098, 22-1099, 22-1100, 22-11001, 22-1102, 22-1105, 22-1106 were approved by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves an amendment to the Nuisance Abatement Orders issued under said Planning Commission Resolution Nos.

BE IT FURTHER RESOLVED, the City of Susanville Planning Commission hereby approves an amendment to the Nuisance Abatement Orders issued under said Planning Commission Resolution Nos. to contain the following elements.

1. The title of the amendment shall be titled "Amendment #1"
2. The establishment of a (21) twenty-one-day appeals period shall be expressed within the amendment entitled "Amendment #1"
3. An additional (21) twenty-one days shall be added to the established compliance deadline and shall be included within the amendment entitled "Amendment #1"

APPROVED: _____
Wayne Jambois, Chairperson
Planning Commission

ATTEST: _____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 22-1111 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 28th day of June 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

1 Margaret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11 v
12 Ricardo Pellicer and Susan Morrison
13 Respondent

Nuisance Abatement Order

Hearing: April 26, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 14
- 15 1. This proceeding was heard:
- 16 a. On April 26, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Linda Robinette, and Jerimiah Sturgeon.
- 21 c. Wayne Jambois presided over the procedure as Chairperson.
- 22 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 23 of Public Hearing" dated March 29, 2022, and served on Respondent Ricardo and
- 24 Susan Pellicer by Certified Mail on March 29, 2022, and posted on the structure at
- 25 63 South Weatherlow Street on March 29, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement Officer for the City of Susanville, Kelsey
- 28 Walsh, City Attorney for the City of Susanville, P.J. Van Ert, (appeared via

- 1 Zoom) City Attorney for the City of Susanville, Kelly Mumper, City
2 Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning
3 Commission, representing the City of Susanville and
4 ii. Joseph Hale (appeared via Zoom) representing his mother and property
5 owner Susan Morrison.

6 **FINDINGS**

7 The Hearing Board makes the following findings.

- 8 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
9 or use property or allow their property to be maintained or used in a manner that creates
10 or fosters the creation of a public nuisance."
11 2. Ricardo and Susan Pellicer are the owners of and responsible party for the property
12 located at 63 South Weatherlow Street.
13 3. Susan Pellicer has since had her name lawfully changed and will be referred to as Susan
14 Morrison in this order.
15 4. Ricardo Pellicer and Susan Morrison were properly served with a Notice of Violation on
16 June 1, 2020, September 2, 2020, September 1, 2021, October 1, 2021, and February 7, 2022,
17 service pursuant to City of Susanville Municipal Code section 8.32.060.
18 5. Ricardo Pellicer and Susan Morrison were properly served with a Notice of Intention to
19 Abate Public Nuisance and Notice of Public Hearing on March 29, 2022, and that said
20 notice was properly posted at 63 South Weatherlow Street on March 29, 2022, pursuant
21 to City of Susanville Municipal Code section 8.32.090.
22 6. The condition of the property and certain outbuildings located at 63 South Weatherlow
23 Street is a public nuisance as defined by City of Susanville Municipal Code section
24 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Ricardo Pellicer and Susan Morrison must abate the public nuisance at 63 South Weatherlow Street by doing the following at 63 South Weatherlow Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 25, 2022.
 - c. To protect general public safety, at minimum a fence must be installed along the property line parallel to South Weatherlow Street, to protect the general public from a fall hazard, and must be maintained while in possession of this property. Fence must be installed no later than 10 days from the issuance of this order which will be 11:59 pm on May 6, 2022.
2. Ricardo Pellicer and Susan Morrison must fully abate this public nuisance no later than June 25, 2022.
3. Ricardo Pellicer and Susan Morrison must obtain any and all required permits that may be required to abate the public nuisance at 63 South Weatherlow Street.
4. After Ricardo Pellicer and Susan Morrison abates the nuisance at 63 South Weatherlow Street, Ricardo Pellicer and Susan Morrison must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 63 South Weatherlow Street to determine if the public nuisance was abated.
5. If Ricardo Pellicer and Susan Morrison do not abate the public nuisance at 63 South Weatherlow Street by 11:59 pm on June 25, 2022, the City of Susanville may have the property at 63 South Weatherlow Street abated.

- 1 6. If Ricardo Pellicer and Susan Morrison do not abate the public nuisance at 63 South
2 Weatherlow Street by 11:59 pm on June 25, 2022, an administrative penalty pursuant to
3 section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
- 4 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
5 with.
 - 6 b. Effective from October 1, 2021
 - 7 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
8 costs and interest.
 - 9 d. Assessment Penalty shall be due by 4:30 pm on September 2, 2022.
- 10 7. All costs of the City's abatement efforts, including the abatement work and administrative
11 time to investigate and to hear and effect the abatement shall be charged against Ricardo
12 Pellicer and Susan Morrison as a personal debt or may be assessed upon 63 South
13 Weatherlow Street and will constitute a lien or special assessment upon the property
14 until paid.
- 15 8. This Order shall be effective for one year after issuance. During such period, the hearing
16 board shall retain jurisdiction over the conditions of the building, structure or property
17 which constituted the nuisance established by this Order, as well as the abatement
18 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
19 property is maintained in such a manner so as not to create a nuisance. If, during this one-
20 year period, any enforcement official determines that the same or another nuisance, as
21 defined by this chapter exists with respect to the building, structure or property, he or she
22 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
23 Susanville Municipal Code. If Ricardo Pellicer and Susan Morrison do not abate the
24 nuisance at any time within the abatement period, the City may proceed with the
25 abatement itself under the provisions of section 8.32.190 of the City of Susanville
26 Municipal Code without further action of the hearing board. The City of Susanville may
27 also recover all of its abatement effort costs as provided for in the City of Susanville
28 Municipal Code.

AMENDMENT #1

Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance Abatement Order shall be amended as follows.

1. Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days from the issuance of this amended order of their request to have this appeal heard by the City Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five (45) days of the filing appeal at a regularly scheduled meeting of the Susanville City Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
2. An additional twenty-one (21) days shall be added to the compliance orders that went into effect on April 26, 2022. Due to the expiration of the original orders with no compliance achieved, the Respondents, Ricardo Pellicer and Susan Morrison shall only receive the twenty-one (21) day extension. All orders remain in effect, with the exception that all orders shall be complied with by 11:59 p.m. on July 19, 2022.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville,
11 Petitioner
12 v
13 Roland and Joanna Zimmerman
14 Respondent

Nuisance Abatement Order

Hearing: April 26, 2022, at 6:30 p.m.
May 12, 2022, at 6:30 p.m. (Continued)
Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 1. This proceeding was heard:

- 16 a. On April 26, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
19 Hearing Board or the Board) with the following commissioners of the Planning
20 Commission present: Wayne Jambois, Linda Robinette, and Jeremiah Sturgeon.
- 21 c. Wayne Jambois presided over the procedure as Chairperson.
- 22 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
23 of Public Hearing" dated March 29, 2022 and served on Respondent Roland and
24 Joanna Zimmerman by Certified Mail on March 29, 2022, and posted on the
25 structure at 67 South Weatherlow Street on March 29, 2022.
- 26 e. Present at the hearing were:
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- i. Cody Loflin, Code Enforcement Officer for the City of Susanville and P.J. Van Ert, (appeared via Zoom) City Attorney for the City of Susanville representing the City of Susanville and
 - ii. Roland Zimmerman representing himself.
 - f. On a 3-0 vote, the Susanville Planning Commission, tabled this matter and rescheduled the hearing for May 12, 2022, at 6:30 p.m.
2. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130 the public hearing was reopened and heard.
 - a. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, Rob DeBoer, and Melanie Westbrook.
 - b. Wayne Jambois presided over the procedure as Chairperson.
 - c. Present at the hearing were:
 - i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary to the Planning Commission, and Cody Loflin, Code Enforcement Officer representing the City of Susanville.
 - ii. There was no appearance at this hearing by the Respondents or a Representative.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.”
2. Roland and Joanna Zimmerman are the owners of and responsible party for the property located at 67 South Weatherlow Street.

3. Roland and Joanna Zimmerman were properly served with a Notice of Violation on June 1, 2020, December 16, 2020, and February 7, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Roland and Joanna Zimmerman were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on March 29, 2022, and that said notice was properly posted at 67 South Weatherlow Street on March 29, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 67 South Weatherlow Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Roland and Joanna Zimmerman must abate the public nuisance at 67 South Weatherlow Street by doing the following at 67 South Weatherlow Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 27, 2022.
 - c. To protect general public safety, at minimum a fence must be installed along the property line parallel to South Weatherlow Street, to protect the general public from a fall hazard, and must be maintained while in possession of this property. Fence must be installed no later than 10 days from the date the building is demolished.
 - d. Roland and Joanna Zimmerman must remove the hazardous tree from the rear of the property. This tree was damaged due to the structure fire and is a public safety

- 1 hazard and public nuisance. This nuisance must be abated by 11:59 pm on June 27,
2 2022.
- 3 2. Roland and Joanna Zimmerman must fully abate all public nuisances, unless specifically
4 noted, by 11:59 pm on July 25, 2022.
- 5 3. Roland and Joanna Zimmerman must obtain any and all required permits that may be
6 required to abate the public nuisance at 67 South Weatherlow Street.
- 7 4. After Roland and Joanna Zimmerman abates the nuisance at 67 South Weatherlow Street,
8 Roland and Joanna Zimmerman must contact the Building and Planning Department at
9 the City of Susanville and request that an official at the City of Susanville inspect the
10 condition of the property and buildings at 67 South Weatherlow Street to determine if the
11 public nuisance was abated.
- 12 5. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
13 Weatherlow Street by 11:59 pm on July 25, 2022, the City of Susanville may have the
14 property at 67 South Weatherlow Street abated.
- 15 6. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
16 Weatherlow Street by 11:59 pm on July 25, 2022, an administrative penalty pursuant to
17 section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
- 18 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
19 with.
- 20 b. Effective from February 7, 2022
- 21 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
22 costs and interest.
- 23 d. Assessment Penalty shall be due by 4:30 pm on September 2, 2022.
- 24 7. All costs of the City's abatement efforts, including the abatement work and administrative
25 time to investigate and to hear and effect the abatement shall be charged against Roland
26 and Joanna Zimmerman as a personal debt or may be assessed upon 67 South Weatherlow
27 Street and will constitute a lien or special assessment upon the property until paid.
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1 8. This Order shall be effective for one year after issuance. During such period, the hearing
2 board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by this Order, as well as the abatement
4 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
5 property is maintained in such a manner so as not to create a nuisance. If, during this one-
6 year period, any enforcement official determines that the same or another nuisance, as
7 defined by this chapter exists with respect to the building, structure or property, he or she
8 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
9 Susanville Municipal Code. If Roland and Joanna Zimmerman do not abate the nuisance at
10 any time within the abatement period, the City may proceed with the abatement itself
11 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
12 further action of the hearing board. The City of Susanville may also recover all of its
13 abatement effort costs as provided for in the City of Susanville Municipal Code.

14 **AMENDMENT #1**

15 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
16 Abatement Order shall be amended as follows.

- 17 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
18 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
19 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
20 writing, within twenty-one (21) days from the issuance of this amended order of their
21 request to have this appeal heard by the City Council. The aggrieved person shall deposit
22 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
23 responsible for all costs of such appeal which exceeds the deposited amount. If the
24 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
25 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
26 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
- 27 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
28 effect on May 12, 2022, except for any order issued regarding the abatement of weeds or

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rubbish from the premises that corresponds to the yearly weed abatement efforts with such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a compliance deadline of 11:59 p.m. on August 15, 2022.

Dated: _____
Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11 v
12 Ryan Potter
13 Respondent

Nuisance Abatement Order

Hearing: April 26, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 14
- 15 1. This proceeding was heard:
- 16 a. On April 26, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Linda Robinette, Jerimiah Sturgeon.
- 21 c. Wayne Jambois presided over the procedure as Chairperson.
- 22 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 23 of Public Hearing" dated April 6, 2022 and served on Respondent Ryan Potter by
- 24 Certified Mail on April 6, 2022 and posted on the structure at 1540 Main Street on
- 25 April 6, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement Officer for the City of Susanville, Kelsey
- 28 Walsh, City Attorney for the City of Susanville, P.J. Van Ert, (appeared via

1 Zoom) City Attorney for the City of Susanville, Kelly Mumper, City
2 Planner, and Ruth McElrath Permit Technician/Secretary of the Planning
3 Commission, representing the City of Susanville and

- 4 ii. Ryan Potter representing himself by way of personal message relayed by
5 Cody Loflin, Code Enforcement Officer.
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7 FINDINGS

8 The Hearing Board makes the following findings.

- 9 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain
10 or use property or allow their property to be maintained or used in a manner that creates
11 or fosters the creation of a public nuisance.”
12 2. Ryan Potter are the owners of and responsible party for the property located at 1540 Main
13 Street.
14 3. Ryan Potter was properly served with a Notice of Violation on October 28, 2021, and
15 February 9, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
16 4. Ryan Potter was properly served with a Notice of Intention to Abate Public Nuisance and
17 Notice of Public Hearing on April 6, 2022, and that said notice was properly posted at
18 1540 Main Street on April 6, 2022, pursuant to City of Susanville Municipal Code section
19 8.32.090.
20 5. The condition of the property and certain outbuildings located at 1540 Main Street is a
21 public nuisance as defined by City of Susanville Municipal Code section 8.32.050 and
22 8.52.030.
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ORDERS

The Hearing Board orders the following.

1. Ryan Potter must abate the public nuisance at 1540 Main Street by doing the following at 1540 Main Street:
 - a. Paint over any graffiti on the building and the adjacent signpost.
2. Ryan Potter must fully abate this public nuisance within thirty (30) days of this order which shall be by 11:59 pm on May 26, 2022.
3. After Ryan Potter abates the nuisance at 1540 Main Street, Ryan Potter must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 1540 Main Street to determine if the public nuisance was abated.
4. If Ryan Potter do not abate the public nuisance at 1540 Main Street by 11:59 pm on May 26, 2022, the City of Susanville may have the property at 1540 Main Street abated.
5. If Ryan Potter do not abate the public nuisance at 1540 Main Street by 11:59 pm on May 26, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$25.00 per day until the nuisance abatement has been complied with.
 - b. Effective from March 2, 2022
 - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
 - d. Assessment Penalty shall be due by 4:30 pm on September 1, 2022.
6. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against Ryan Potter as a personal debt or may be assessed upon 1540 Main Street and will constitute a lien or special assessment upon the property until paid.
7. This Order shall be effective for one year after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property

1 which constituted the nuisance established by this Order, as well as the abatement
2 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
3 property is maintained in such a manner so as not to create a nuisance. If, during this one-
4 year period, any enforcement official determines that the same or another nuisance, as
5 defined by this chapter exists with respect to the building, structure or property, he or she
6 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
7 Susanville Municipal Code. If Ryan Potter do not abate the nuisance at any time within
8 the abatement period, the City may proceed with the abatement itself under the
9 provisions of section 8.32.190 of the City of Susanville Municipal Code without further
10 action of the hearing board. The City of Susanville may also recover all of its abatement
11 effort costs as provided for in the City of Susanville Municipal Code.

12 13 **AMENDMENT #1**

14 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
15 Abatement Order shall be amended as follows.

- 16 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
17 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
18 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
19 writing, within twenty-one (21) days from the issuance of this amended order of their
20 request to have this appeal heard by the City Council. The aggrieved person shall deposit
21 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
22 responsible for all costs of such appeal which exceeds the deposited amount. If the
23 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
24 (45) days of the filing appeal at a regularly scheduled meeting of the Susanville City
25 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
- 26 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
27 effect on April 26, 2022. Compliance was achieved prior to the expiration of the
28 compliance order. Therefore, the extension shall be issued in order to provide the

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Respondent, Ryan Potter, an opportunity to appeal to City Council if he so wishes. All orders remain in effect, with the exception that all orders shall be complied with by 11:59 p.m. on July 19, 2022.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margaret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11 v
12 Richard Munoz
13 Respondent

Nuisance Abatement Order

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 14
- 15 1. This proceeding was heard:
- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and
- 21 Rod DeBoer.
- 22 c. Wayne Jambois presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated April 13, 2022 and served on Respondent Richard Munoz
- 25 by Certified Mail on April 13, 2022, and posted on the structure at 201 Alexander
- 26 Avenue on April 14, 2022.
- 27 e. Present at the hearing where:
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- i. Cody Loflin, Code Enforcement, Kelly Mumper, City Planner, and Ruth McElrath, Building Permit Technician/Secretary of the Planning Commission, representing the City of Susanville and
- ii. No person on behalf of the respondent was present.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. Richard Munoz is the owner of and responsible party for the property located at 201 Alexander Avenue.
3. Richard Munoz was properly served with a Notice of Violation on February 11, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Richard Munoz was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 201 Alexander Avenue on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 201 Alexander Avenue is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Richard Munoz must abate the public nuisance at 201 Alexander Avenue by doing the following at 201 Alexander Avenue:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.

- 1 b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds
2 from the property that had accumulated prior to and as a result of demolition
3 activities. Must be completed no later than 11:59 pm on June 27, 2022, which
4 corresponds to the order of the Susanville Fire Chief and Susanville City Council
5 resolution approving the deadline of the city's weed and rubbish abatement efforts.
- 6 2. Richard Munoz must fully abate this public nuisance no later than July 11, 2022.
- 7 3. Richard Munoz must obtain any and all required permits that may be required to abate
8 the public nuisance at 201 Alexander Avenue.
- 9 4. After Richard Munoz abates the nuisance at 201 Alexander Avenue, Richard Munoz must
10 contact the Building and Planning Department at the City of Susanville and request that
11 an official at the City of Susanville inspect the condition of the property and buildings at
12 201 Alexander Avenue to determine if the public nuisance was abated.
- 13 5. If Richard Munoz does not abate the public nuisance at 201 Alexander Avenue by 11:59 pm
14 on July 11, 2022, the City of Susanville may have the property at 201 Alexander Avenue
15 abated.
- 16 6. If Richard Munoz do not abate the public nuisance at 201 Alexander Avenue by 11:59 pm
17 on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the City of
18 Susanville Municipal Code shall be assessed as followed:
- 19 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
20 with.
- 21 b. Effective from February 11, 2022
- 22 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
23 costs and interest.
- 24 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 25 7. All costs of the City's abatement efforts, including the abatement work and administrative
26 time to investigate and to hear and effect the abatement shall be charged against Richard
27 Munoz as a personal debt or may be assessed upon 201 Alexander Avenue and will
28 constitute a lien or special assessment upon the property until paid.

1 8. This Order shall be effective for one year after issuance. During such period, the hearing
2 board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by this Order, as well as the abatement
4 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
5 property is maintained in such a manner so as not to create a nuisance. If, during this one-
6 year period, any enforcement official determines that the same or another nuisance, as
7 defined by this chapter exists with respect to the building, structure or property, he or she
8 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
9 Susanville Municipal Code. If Richard Munoz does not abate the nuisance at any time
10 within the abatement period, the City may proceed with the abatement itself under the
11 provisions of section 8.32.190 of the City of Susanville Municipal Code without further
12 action of the hearing board. The City of Susanville may also recover all of its abatement
13 effort costs as provided for in the City of Susanville Municipal Code.

14 15 **AMENDMENT #1**

16 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
17 Abatement Order shall be amended as follows.

- 18 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
19 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
20 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
21 writing, within twenty-one (21) days from the issuance of this amended order of their
22 request to have this appeal heard by the City Council. The aggrieved person shall deposit
23 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
24 responsible for all costs of such appeal which exceeds the deposited amount. If the
25 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
26 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
27 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
28

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11 v
12 The Estate of Deborah Routhier
13 Respondent

Nuisance Abatement Order

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 14
- 15 1. This proceeding was heard:
- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and
- 21 Rod DeBoer.
- 22 c. Wayne Jambois presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated April 13, 2022 and served on Respondent The Estate of
- 25 Deborah Routhier by Certified Mail on April 13, 2022, and posted on the structure
- 26 at 17 Orange Street on April 14, 2022.
- 27 e. Present at the hearing where:
- 28

- i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary of the Planning Commission, and Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. There was no appearance by any party representing the Respondent.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. The Estate of Deborah Routhier is the owner of and responsible party for the property located at 17 Orange Street.
3. The Estate of Deborah Routhier was properly served with a Notice of Violation on February 9, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. The Estate of Deborah Routhier was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 17 Orange Street on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 17 Orange Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. The Estate of Deborah Routhier must abate the public nuisance at 17 Orange Street by doing the following at 17 Orange Street:
 - a. The structures shall be demolished and/or rehabilitated if a licensed engineer can determine the buildings will be salvaged. If the structures are to be demolished the demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order. If the

1 structures are to be rehabilitated the work shall commence no later than sixty (60)
2 days from the date of this order and shall be completed no later than ninety (90)
3 days from the date of this order.

4 *b.* Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds
5 from the property that had accumulated prior to and as a result of demolition
6 activities. Must be completed no later than 11:59 pm on June 27, 2022, which
7 corresponds to the order of the Susanville Fire Chief and Susanville City Council
8 resolution approving the deadline of the city's weed and rubbish abatement efforts.

9 2. The Estate of Deborah Routhier must fully abate this public nuisance no later than July 11,
10 2022, if the structures are to be demolished and August 10, 2022 if the structures are to be
11 rehabilitated.

12 3. The Estate of Deborah Routhier must obtain any and all required permits that may be
13 required to abate the public nuisance at 17 Orange Street.

14 4. After The Estate of Deborah Routhier abates the nuisance at 17 Orange Street, The Estate
15 of Deborah Routhier must contact the Building and Planning Department at the City of
16 Susanville and request that an official at the City of Susanville inspect the condition of the
17 property and buildings at 17 Orange Street to determine if the public nuisance was abated.

18 5. If The Estate of Deborah Routhier does not abate the public nuisance at 17 Orange Street
19 by 11:59 pm on July 11, 2022, if the structures are to be demolished or 11:59 pm on August
20 10, 2022 if the structures are to be rehabilitated, the City of Susanville may have the
21 property at 17 Orange Street abated.

22 6. If The Estate of Deborah Routhier do not abate the public nuisance at 17 Orange Street by
23 11:59 pm on August 10, 2022, an administrative penalty pursuant to section 8.32.290 of the
24 City of Susanville Municipal Code shall be assessed as followed:

25 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
26 with.

27 b. Effective from February 11, 2022
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- 1 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
2 costs and interest.
- 3 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 4 7. All costs of the City's abatement efforts, including the abatement work and administrative
5 time to investigate and to hear and effect the abatement shall be charged against The
6 Estate of Deborah Routhier as a personal debt or may be assessed upon 17 Orange Street
7 and will constitute a lien or special assessment upon the property until paid.
- 8 8. This Order shall be effective for one year after issuance. During such period, the hearing
9 board shall retain jurisdiction over the conditions of the building, structure or property
10 which constituted the nuisance established by this Order, as well as the abatement
11 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
12 property is maintained in such a manner so as not to create a nuisance. If, during this one-
13 year period, any enforcement official determines that the same or another nuisance, as
14 defined by this chapter exists with respect to the building, structure or property, he or she
15 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
16 Susanville Municipal Code. If The Estate of Deborah Routhier does not abate the nuisance
17 at any time within the abatement period, the City may proceed with the abatement itself
18 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
19 further action of the hearing board. The City of Susanville may also recover all of its
20 abatement effort costs as provided for in the City of Susanville Municipal Code.

21 **AMENDMENT #1**

22 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
23 Abatement Order shall be amended as follows.

- 24 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
25 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
26 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
27 writing, within twenty-one (21) days from the issuance of this amended order of their
28 request to have this appeal heard by the City Council. The aggrieved person shall deposit

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two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City Council. The appellant shall be notified within ten (10) days of the scheduled meeting.

2. An additional twenty-one (21) days shall be added to the compliance orders that went into effect on May 12, 2022, except for any order issued regarding the abatement of weeds or rubbish from the premises that corresponds to the yearly weed abatement efforts with such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a compliance deadline of 11:59 p.m. on August 1, 2022, if the structures are to be demolished and 11:59 p.m. on August 31, 2022, if the structures are to be rehabilitated.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margaret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11 v
12 Daniel Guererro
13 Respondent

Nuisance Abatement Order

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 14
- 15 1. This proceeding was heard:
- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and
- 21 Rod DeBoer
- 22 c. Wayne Jambois presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated April 13, 2022 and served on Respondent Daniel Guererro
- 25 by Certified Mail on April 13, 2022, and posted on the structure at 765 Shasta
- 26 Street on April 14, 2022.
- 27 e. Present at the hearing where:
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- i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary to the Planning Commission, and Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. There was no appearance by the Respondent or Respondent's Representative.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. Daniel Guererro is the owner of and responsible party for the property located at 765 Shasta Street.
3. Daniel Guererro was properly served with a Notice of Violation on September 3, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Daniel Guererro was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 765 Shasta Street on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 765 Shasta Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Daniel Guererro must abate the public nuisance at 765 Shasta Street by doing the following at 765 Shasta Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the main residential structure and the accessory building are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, limbs and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 27, 2022, which corresponds to the order of the Susanville Fire Chief and Susanville City Council resolution approving the deadline of the city's weed and rubbish abatement efforts.
2. Daniel Guererro must fully abate this public nuisance no later than July 11, 2022.
3. Daniel Guererro must obtain any and all required permits that may be required to abate the public nuisance at 765 Shasta Street.
4. After Daniel Guererro abates the nuisance at 765 Shasta Street, Daniel Guererro must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 765 Shasta Street to determine if the public nuisance was abated.
5. If Daniel Guererro does not abate the public nuisance at 765 Shasta Street by 11:59 pm on July 11, 2022, the City of Susanville may have the property at 765 Shasta Street abated.
6. If Daniel Guererro do not abate the public nuisance at 765 Shasta Street by 11:59 pm on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$100.00 per day until the nuisance abatement has been complied with.

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- b. Effective from September 3, 2021
 - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
 - d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against Daniel Guerro as a personal debt or may be assessed upon 765 Shasta Street and will constitute a lien or special assessment upon the property until paid.
8. This Order shall be effective for one year after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by this Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one-year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060 of the City of Susanville Municipal Code. If Daniel Guerro does not abate the nuisance at any time within the abatement period, the City may proceed with the abatement itself under the provisions of section 8.32.190 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

1 AMENDMENT #1

2 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
3 Abatement Order shall be amended as follows.

- 4 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
5 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
6 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
7 writing, within twenty-one (21) days from the issuance of this amended order of their
8 request to have this appeal heard by the City Council. The aggrieved person shall deposit
9 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
10 responsible for all costs of such appeal which exceeds the deposited amount. If the
11 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
12 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
13 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
- 14 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
15 effect on May 12, 2022, except for any order issued regarding the abatement of weeds or
16 rubbish from the premises that corresponds to the yearly weed abatement efforts with
17 such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a
18 compliance deadline of 11:59 p.m. on August 1, 2022.

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21 Dated: _____

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23 Wayne Jambois, Chairperson
24 Susanville Planning Commission
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1 Margaret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville,
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Petitioner
v
Kimberly and Lloyd Holm
Respondent

Nuisance Abatement Order

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:

- a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and Rod DeBoer.
- c. Wayne Jambois presided over the procedure as Chairperson.
- d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated April 13, 2022 and served on Respondent Kimberly and Lloyd Holm by Certified Mail on April 13, 2022, and posted on the structure at 830 Main Street on April 14, 2022.
- e. Present at the hearing where:

- i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary of the Planning Commission, and Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. There was no appearance by the Respondents.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.”
2. Kimberly and Lloyd Holm are the owners of and responsible party for the property located at 830 Main Street.
3. Kimberly and Lloyd Holm were properly served with a Notice of Violation on February 11, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Kimberly and Lloyd Holm were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 830 Main Street on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 830 Main Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Kimberly and Lloyd Holm must abate the public nuisance at 830 Main Street by doing the following at 830 Main Street:
 - a. Mitigate the potential fire hazard caused the condition of the interior portion of the building. To mitigate the fire hazard, Kimberly and Lloyd Holm shall remove all debris, garbage, rubbish, rubble, trash, and personal effects from the interior of the building.

- b. The interior building shall be inspected by the Building Official for the City of Susanville for full determination of any repair work that must be done to mitigate any other safety hazards caused by any vandalism while the property had been in an abandoned state. The Building Official shall prepare a written report and provide a reasonable timeline in addition to any timelines prescribed in this order.
 - c. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the exterior of the property and within the courtyard area.
 - d. Must secure all access points of the structure and to mitigate the attractive nuisance nature of the structure and to prevent the illegal occupancy of any person.
2. Kimberly and Lloyd Holm must commence the rehabilitation of the property within thirty (30) days of this order and shall complete the rehabilitation of the property within sixty (60) days of this order.
3. Kimberly and Lloyd Holm must fully abate this public nuisance by 11:59 pm on August 10, 2022.
4. Kimberly and Lloyd Holm must obtain any and all required permits that may be required to abate the public nuisance at 830 Main Street.
5. After Kimberly and Lloyd Holm abates the nuisance at 830 Main Street, Kimberly and Lloyd Holm must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 830 Main Street to determine if the public nuisance was abated.
6. If Kimberly and Lloyd Holm do not abate the public nuisance at 830 Main Street by 11:59 pm on August 10, 2022, the City of Susanville may have the property at 830 Main Street abated.
7. If Kimberly and Lloyd Holm do not abate the public nuisance at 830 Main Street by 11:59 pm on August 10, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$100.00 per day until the nuisance abatement has been complied with.

- b. Effective from August 21, 2021
 - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
 - d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
8. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against Kimberly and Lloyd Holm as a personal debt or may be assessed upon 830 Main Street and will constitute a lien or special assessment upon the property until paid.
 9. This Order shall be effective for one year after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by this Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one-year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060 of the City of Susanville Municipal Code. If Kimberly and Lloyd Holm do not abate the nuisance at any time within the abatement period, the City may proceed with the abatement itself under the provisions of section 8.32.190 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

AMENDMENT #1

Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance Abatement Order shall be amended as follows.

1. Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days from the issuance of this amended order of their

1 request to have this appeal heard by the City Council. The aggrieved person shall deposit
2 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
3 responsible for all costs of such appeal which exceeds the deposited amount. If the
4 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
5 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
6 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.

7 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
8 effect on May 12, 2022. All other orders shall be extended to a compliance deadline of
9 11:59 p.m. on August 31, 2022.

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12 Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11
12 v
13 Lloyd Trevanion Harvey (Deceased),
14 Kevin Lee Harvey, Matthew Mathers
Respondent

Nuisance Abatement Order

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 15 1. This proceeding was heard:
- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and
- 21 Rod DeBoer.
- 22 c. Wayne Jambois presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated April 19, 2022 and served on Respondent Lloyd Trevanion
- 25 Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers by Certified Mail on
- 26 April 19, 2022, and posted on the structure at 10 Santa Paula Street on April 19,
- 27 2022.
- 28 e. Present at the hearing where:

- i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary of the Planning Commission and Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. Matthew Mathers, Interested Party/Sibling of the deceased property owner, representing the property as an interested party.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.”
2. Lloyd Trevanion Harvey (Deceased) is the owner of the property located at 10 Santa Paula Street.
3. Kevin Lee Harvey is listed as next of kin of the decedent, and Matthew Mathers has verbally identified himself as a responsible party of the property located at 10 Santa Paula Street.
4. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers were properly served with a Notice of Violation on October 1, 2021, November 1, 2021, and on January 24, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
5. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 19, 2022, and that said notice was properly posted at 10 Santa Paula Street on April 19, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
6. The condition of the property and certain outbuildings located at 10 Santa Paula Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must abate the public nuisance at 10 Santa Paula Street by doing the following at 10 Santa Paula Street:
 - a. Must make repairs to the building located at 10 Santa Paula Street and bring structure into compliance with the California Building Code.
 - b. The shed / accessory structure in the rear of the property must be brought into compliance with the building code and all permits must be obtained for the structure.
 - c. All inoperable vehicles must be removed from the property
 - d. All trash, debris, junk, rubbish and discarded household goods must be removed and properly disposed of in accordance with state law.
 - e. Repairs must be made to the fence along the side property lines and with the fence along the alleyway.
2. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must fully abate this public nuisance by 11:59 pm on August 31, 2022.
3. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must obtain any and all required permits that may be required to abate the public nuisance at 10 Santa Paula Street.
4. After Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers abates the nuisance at 10 Santa Paula Street, Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 10 Santa Paula Street to determine if the public nuisance was abated.
5. If Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers does not abate the public nuisance at 10 Santa Paula Street by 11:59 pm on August 31, 2022, the City of Susanville may have the property at 10 Santa Paula Street abated.

- 1 6. If Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers do not abate
2 the public nuisance at 10 Santa Paula Street by 11:59 pm on August 31, 2022, an
3 administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal
4 Code shall be assessed as followed:
- 5 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
6 with.
 - 7 b. Effective from November 1, 2021
 - 8 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
9 costs and interest.
 - 10 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 11 7. All costs of the City's abatement efforts, including the abatement work and administrative
12 time to investigate and to hear and effect the abatement shall be charged against Lloyd
13 Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers as a personal debt or
14 may be assessed upon 10 Santa Paula Street and will constitute a lien or special assessment
15 upon the property until paid.
- 16 8. This Order shall be effective for one year after issuance. During such period, the hearing
17 board shall retain jurisdiction over the conditions of the building, structure or property
18 which constituted the nuisance established by this Order, as well as the abatement
19 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
20 property is maintained in such a manner so as not to create a nuisance. If, during this one-
21 year period, any enforcement official determines that the same or another nuisance, as
22 defined by this chapter exists with respect to the building, structure or property, he or she
23 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
24 Susanville Municipal Code. If Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey,
25 Matthew Mathers do not abate the nuisance at any time within the abatement period, the
26 City may proceed with the abatement itself under the provisions of section 8.32.190 of the
27 City of Susanville Municipal Code without further action of the hearing board. The City of
28

Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

AMENDMENT #1

Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance Abatement Order shall be amended as follows.

1. Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days from the issuance of this amended order of their request to have this appeal heard by the City Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
2. An additional twenty-one (21) days shall be added to the compliance orders that went into effect on May 12, 2022. All other orders shall be extended to a compliance deadline of 11:59 p.m. on September 21, 2022.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margaret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
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7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville,
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Petitioner
v
The Estate of Cynthia Barney,
All Parties with Interest in 509
Woodside Way
Respondent

Nuisance Abatement Order

Hearing: May 24, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:
 - a. On May 24, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
 - b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, Rod DeBoer, and Jeremiah Sturgeon.
 - c. Wayne Jambois presided over the procedure as Chairperson.
 - d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated April 13, 2022 and served on Respondent, The Estate of Cynthia Barney and all interested parties to 509 Woodside Way by Certified Mail on April 13, 2022, and posted on the structure at 509 Woodside Way on April 14, 2022.

1 e. Present at the hearing where:

2 i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary
3 to the Planning Commission, and Cody Loflin, Code Enforcement
4 representing the City of Susanville and

5 ii. There was no appearance by an interested party.

6 **FINDINGS**

7 The Hearing Board makes the following findings.

- 8 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
9 or use property or allow their property to be maintained or used in a manner that creates
10 or fosters the creation of a public nuisance."
11 2. The Estate of Cynthia Barney is the owner of and responsible party for the property
12 located at 509 Woodside Way.
13 3. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way were
14 properly served with a Notice of Violation on September 3, 2021, service pursuant to City
15 of Susanville Municipal Code section 8.32.060.
16 4. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way were
17 properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public
18 Hearing on April 13, 2022, and that said notice was properly posted at 509 Woodside Way
19 on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
20 5. The condition of the property and certain outbuildings located at 509 Woodside Way is a
21 public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

22 **ORDERS**

23 The Hearing Board orders the following.

- 24 1. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must abate
25 the public nuisance at 509 Woodside Way by doing the following at 509 Woodside Way:
26 a. Remove the diseased and/or dead tree from the front yard setback of the property
27 at 509 Woodside Way by 11:59 p.m. on June 27, 2022. Prior to commencement of
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- 1 any work involving the tree, an inquiry shall be made to the Susanville Public
2 Works Department to verify if an Encroachment Permit is required prior to work.
- 3 *b.* Clear property of weeds and rubbish prior to the established deadline of the City
4 Council for the abatement of Weeds and Rubbish which shall be by 11:59 p.m. on
5 June 27, 2022.
- 6 *c.* Remove any limbs or damaged portions of trees in the rear of the property. This
7 work shall be completed by 11:59 p.m. on June 27, 2022.
- 8 *d.* Secure the structure to prevent the illegal habitation of unauthorized persons.
- 9 *e.* Maintain the vacant structure in accordance with the Property Maintenance
10 Ordinance and adhere to the provisions of Chapter 15.09 of the Susanville
11 Municipal Code which regulates the Neglected Vacant Building program.
- 12 *f.* Have no further violations of the Susanville Municipal Code while under the
13 jurisdiction of the Susanville Planning Commission.
- 14 2. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must fully
15 abate this public nuisance no later than June 27, 2022.
- 16 3. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must obtain
17 any and all required permits that may be required to abate the public nuisance at 509
18 Woodside Way.
- 19 4. After The Estate of Cynthia Barney and all interested parties to 509 Woodside Way abates
20 the nuisance at 509 Woodside Way, The Estate of Cynthia Barney and all interested
21 parties to 509 Woodside Way must contact the Building and Planning Department at the
22 City of Susanville and request that an official at the City of Susanville inspect the
23 condition of the property and buildings at 509 Woodside Way to determine if the public
24 nuisance was abated.
- 25 5. If The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not
26 abate the public nuisance at 509 Woodside Way by 11:59 pm on June 27, 2022, the City of
27 Susanville may have the property at 509 Woodside Way abated.
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- 1 6. If The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not
2 abate the public nuisance at 509 Woodside Way by 11:59 pm on June 27, 2022, an
3 administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal
4 Code shall be assessed as followed:
- 5 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
6 with.
 - 7 b. Effective from March 1, 2022
 - 8 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
9 costs and interest.
 - 10 d. Assessment Penalty shall be due by 4:30 pm on September 1, 2022.
- 11 7. All costs of the City's abatement efforts, including the abatement work and administrative
12 time to investigate and to hear and effect the abatement shall be charged against The
13 Estate of Cynthia Barney and all interested parties to 509 Woodside Way as a personal
14 debt or may be assessed upon 509 Woodside Way and will constitute a lien or special
15 assessment upon the property until paid.
- 16 8. This Order shall be effective for one year after issuance. During such period, the hearing
17 board shall retain jurisdiction over the conditions of the building, structure or property
18 which constituted the nuisance established by this Order, as well as the abatement
19 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
20 property is maintained in such a manner so as not to create a nuisance. If, during this one-
21 year period, any enforcement official determines that the same or another nuisance, as
22 defined by this chapter exists with respect to the building, structure or property, he or she
23 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
24 Susanville Municipal Code. If The Estate of Cynthia Barney and all interested parties to
25 509 Woodside Way do not abate the nuisance at any time within the abatement period,
26 the City may proceed with the abatement itself under the provisions of section 8.32.190 of
27 the City of Susanville Municipal Code without further action of the hearing board. The
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1 City of Susanville may also recover all of its abatement effort costs as provided for in the
2 City of Susanville Municipal Code.

3 **AMENDMENT #1**

4 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
5 Abatement Order shall be amended as follows.

- 6 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
7 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
8 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
9 writing, within twenty-one (21) days from the issuance of this amended order of their
10 request to have this appeal heard by the City Council. The aggrieved person shall deposit
11 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
12 responsible for all costs of such appeal which exceeds the deposited amount. If the
13 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
14 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
15 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
- 16 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
17 effect on May 24, 2022, regarding the assessment of any civil penalty. The final deadline
18 for compliance shall be 11:59 p.m. on July 19, 2022.
- 19 3. Any order regarding the abatement of weeds or rubbish pursuant to Chapter 8.28 of the
20 Susanville Municipal Code shall have priority over this order. The issuance of a 10-day
21 Notice pursuant to Chapter 8.28 by a representative of the Susanville Fire Department is
22 not affected by this order and the Susanville Fire Department may continue to enforce the
23 provision of the Susanville Municipal Code and the Susanville Weed Abatement Program.

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25 Dated: _____

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27 Wayne Jambois, Chairperson
28 Susanville Planning Commission

1 Margaret E. Long SBN: 227176
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7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner
11 v
12 Thomas and Shannah Glenn
13 Respondent

Nuisance Abatement Order

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66 North Lassen Street
Susanville, CA 96130

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- 15 1. This proceeding was heard:
- 16 a. On May 24, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
- 19 Hearing Board or the Board) with the following commissioners of the Planning
- 20 Commission present: Wayne Jambois, Linda Robinette, Rod DeBoer, and Jeremiah
- 21 Sturgeon.
- 22 c. Wayne Jambois presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated April 13, 2022 and served on Respondent Thomas and
- 25 Shannah Glenn by Certified Mail on April 13, 2022, and posted on the structure at
- 26 1502 Cornell Street on April 14, 2022.
- 27 e. Present at the hearing where:
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- i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary to the Planning Commission, and Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. There was no appearance by the Respondents or Representative.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. Thomas and Shannah Glenn are the owner of and responsible party for the property located at 1502 Cornell Street.
3. Thomas and Shannah Glenn were properly served with a Notice of Violation on February 18, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Thomas and Shannah Glenn were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 1502 Cornell Street on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 1502 Cornell Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Thomas and Shannah Glenn must abate the public nuisance at 1502 Cornell Street by doing the following at 1502 Cornell Street:
 - a. A demolition permit for the main structure located upon 1502 Cornell Street has been issued. The demolition of the main structure shall commence within thirty (30) days of the issuance of this order.
 - b. The completion of the demolition of the main structure shall be completed within forty-five (45) days of the issuance of this order.

- c. The haul-away and disposal of all demolition rubbish and refuse shall be completed within the prescribed demolition timeline.
 - d. Shall comply with the annual Weed and Rubbish Abatement deadline of 11:59 p.m. on June 27, 2022. All weeds and rubbish must be removed from the property prior to this deadline.
2. Thomas and Shannah Glenn must fully abate this public nuisance no later than forty-five (45) days from the issuance of this order.
3. Thomas and Shannah Glenn must obtain any and all required permits that may be required to abate the public nuisance at 1502 Cornell Street.
4. After Thomas and Shannah Glenn abates the nuisance at 1502 Cornell Street, Thomas and Shannah Glenn must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 1502 Cornell Street to determine if the public nuisance was abated.
5. If Thomas and Shannah Glenn do not abate the public nuisance at 1502 Cornell Street by 11:59 pm on July 11, 2022, the City of Susanville may have the property at 1502 Cornell Street abated.
6. If Thomas and Shannah Glenn do not abate the public nuisance at 1502 Cornell Street by 11:59 pm on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$100.00 per day until the nuisance abatement has been complied with.
 - b. Effective from February 18, 2022
 - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
 - d. Assessment Penalty shall be due by 4:30 pm on September 1, 2022.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against Thomas

1 and Shannah Glenn as a personal debt or may be assessed upon 1502 Cornell Street and
2 will constitute a lien or special assessment upon the property until paid.

- 3 8. This Order shall be effective for one year after issuance. During such period, the hearing
4 board shall retain jurisdiction over the conditions of the building, structure or property
5 which constituted the nuisance established by this Order, as well as the abatement
6 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
7 property is maintained in such a manner so as not to create a nuisance. If, during this one-
8 year period, any enforcement official determines that the same or another nuisance, as
9 defined by this chapter exists with respect to the building, structure or property, he or she
10 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
11 Susanville Municipal Code. If Thomas and Shannah Glenn do not abate the nuisance at
12 any time within the abatement period, the City may proceed with the abatement itself
13 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
14 further action of the hearing board. The City of Susanville may also recover all of its
15 abatement effort costs as provided for in the City of Susanville Municipal Code.

16 **AMENDMENT #1**

17 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
18 Abatement Order shall be amended as follows.

- 19 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
20 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
21 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
22 writing, within twenty-one (21) days from the issuance of this amended order of their
23 request to have this appeal heard by the City Council. The aggrieved person shall deposit
24 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
25 responsible for all costs of such appeal which exceeds the deposited amount. If the
26 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
27 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
28 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.

1 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
2 effect on May 24, 2022, except for any order issued regarding the abatement of weeds or
3 rubbish from the premises that corresponds to the yearly weed abatement efforts with
4 such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a
5 compliance deadline of 11:59 p.m. on August 1, 2022.

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9 Dated: _____
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11 Wayne Jambois, Chairperson
12 Susanville Planning Commission
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