

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, OCTOBER 25, 2022 – 5:30 PM

Chair Westbrook calls meeting to order at 5:30 p.m.

Roll Call of Councilmembers Present: Rod DeBoer, Tony Ardito, Wayne Jambois, James Merchant, and Melanie Westbrook.

1. APPROVAL OF AGENDA:

Moved by Tony Ardito; seconded by James Merchant to approve agenda as submitted
Motion : 5-0

Voting For: Ardito, Merchant, DeBoer, Jambois and Westbrook

Voting Against: None

2. BUSINESS FROM THE FLOOR:

Jim McCarthy, public member, commented about meeting cancellations and that the most important function of the board is for the public to speak to it and report problems they have in the neighborhood.

He continued that he gave a presentation to the City Council and just prior, there were people asking about the abatement of certain properties. No one acknowledged their concerns as has been done in the past.

The City was given a 1 percent sales tax, and Mr. McCarthy said he is interested to see where the money will be spent. He suggested doubling the Commission's budget and hiring a full-time assistant, but it would still take 10 years to catch up.

3. CONSENT ITEMS:

3.A Receive and file minutes of the August 23, 2022, meeting.

Moved by Rod DeBoer, seconded by Wayne Jambois to approve the August 23, 2022 meeting minutes.

Motion : 5-0

Voting For: DeBoer, Jambois, Ardito, Merchant and Westbrook

Voting Against: None

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4. PUBLIC HEARINGS:

4.A Consider Resolution No. 22-1120, approving presentation of Ordinance No. 22-1037, Electric Vehicle Charging Stations to the City Council.

Motion to approve Resolution No. 22-1120, approving submission to City Council.

Public hearing opened at 5:37 p.m.

Mr. Mumper explained the item is to consider Resolution 22-1120 recommending to the City Council approving Ordinance 22-1037 for electric vehicle charging stations. Several years ago, state legislation known as AB 1236 and AB 970 required cities with populations of more than 200,000 people adopt a streamlining ordinance to remove barriers for electrical vehicle charging stations. Applications will be processed at the staff level rather than going through the Planning Commission for a Use Permit.

Mr. Mumper continued the Commission has approved charging stations as part of past Use Permits, such as the former ARCO am/pm project, and there is a large Tesla charging station at the Casino and various hotel locations.

The first round of legislation went to larger populations, and now it's our turn, Mr. Mumper said. The City is required to adopt an ordinance and have it codified by Jan. 1, 2023. The City is in good shape should the Planning Commission recommend to Council to have it in place by that date. The Council will hold two readings, and it takes 30 days to go into effect. No comments were received from affiliated departments. The ordinance was published in the Modoc Record on Oct. 13, 2022, and there were no comments from community members.

Mr. Mumper continued that GOBiz has been tracking the adoption status for each City and County, and the City of Susanville has not implemented AB 1236. Additionally, AB 970 will codify permitting timelines and parking considerations and is effective for small jurisdictions. This is a state mandate, and the City of Susanville is required to comply to remain in compliance.

The ordinance is exempt from environmental review under the California Environmental Quality Act pursuant to Section 15061(b)(3) because it is seen with certainty there is no possibility the activity in question may have a significant effect on the environment.

The adopted ordinance will be added to Chapter 15 of the Susanville Building Code, section 2 15.060. Everything has been reviewed by legal staff and the California Energy Commission, who gave its blessing.

Commissioner Jambois asked about the notification process with the Modoc County Record because there is no dispensary here. The Intermountain Record is distributed locally and is at City Hall. He questioned if it would be better to notify through the Intermountain Record.

Mr. Mumper responded that per the Brown Act, the City is required to use the closest legal publishing outfit, but he will check with legal staff and entertain that as an option. He too would like to use a company that reaches a broader base.

Commissioner Ardito commented about the ARCO am/pm project requiring a Use Permit and needing a separate permit for an EV charging station.

Mr. Mumper responded yes and no. The gas station was a trigger for a use permit and staff accompanied them together. Staff can go after multiple things rather than one.

He continued there is a provision in the ordinance allowing the building official to make a call if they feel there is a threat to public health and safety. The Building Official has to come forth with legitimate findings, but that decision is appealable to the City Council.

There was general discussion regarding the environmental impact and CEQA designation. Commissioner Ardito commented about the potential for the stations to catch fire and leak battery acid.

Commissioner DeBoer stated his son installs charging stations across the State, and the restrictions and guidelines are very strict. It has not been an issue so far in the State.

Chair Westbrook questioned if anyone contacted LMUD for comment about the implementation and practicality.

Mr. Mumper responded he heard LMUD plans to add chargers to their new parking lot. Susanville is also a prime spot for TESLA vehicles. With that being said, there is only going to be enough room for competition. He doesn't see this opening flood gates for charging stations, or putting a burden on the local grid, at least instantly.

Mr. McCarthy stated he imagined these charging stations go on a GPS and those traveling looking for points of interest will show up and have people stop here rather than drive through.

Public hearing closed at 5:54 p.m.

[PC Staff Report.docx](#)

[Electronic Vehicle Charging Station Ord. 22-1037.docx](#)

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Moved by James Merchant; seconded by Rod DeBoer to approve Resolution 22-1120.

Motion Carried: 5-0

Voting For: James Merchant, Rod DeBoer, Tony Ardito, Wayne Jambois, and Melanie Westbrook

Voting Against: None

5. NEW BUSINESS:

5.A Oral presentation providing the Planning Commission with statistical data of the City of Susanville Code Enforcement effort for quarters 1, 2, and 3 of 2022.

Receive report from staff.

Mr. Loflin provided an update on code enforcement activities which addresses weeds, trash, abandoned vehicles, quality of life issues, and burned buildings. He added he considers government overreach, because with code enforcement, we are dealing with private property and making sure we are giving citizens their due process, which is paramount with this type of work.

He explained the State's Code Enforcement mission is in mind when handling a code enforcement case. Is there a public health safety/welfare standard violation? The answer has to be yes before moving forward.

Mr. Loflin continued his report explaining the preferred method of receiving a complaint is through the City Click and Fix portal, which was approved by the City Council to provide a platform to report issues. Complaints can also be given over the phone or in writing on a code enforcement complaint form. He outlined the process of how a code enforcement complaint is handled and routed to the appropriate department. Susanville Fire Department-weed, rubbish; Susanville Police Department - parking; Building, Planning and Code Enforcement - zoning, public nuisance, general violations.

A site visit is conducted within 72 business hours. If a violation exists, a notice of public nuisance is sent out and requests to remedy the situation. If it escalates, a notice of violation is issued, then an administrative citation and then to the Planning Commission for a nuisance abatement

order. If those don't work, it will go through civil process and the city attorney will file complaints through the courts or criminal citation or complaint.

Mr. Loflin then provided quarterly updates. There were 20 cases the first quarter and 12 administrative citations were issued. During the second quarter, there were 62 cases handled, with being 25 for abandoned vehicles. The primary focus was cleaning up the streets of abandoned vehicles or hoarding vehicles in their backyards. Staff also came to the Planning Commission during the second quarter for issuance of nuisance abatement orders. Ten have been issued at this time and three have been completed.

Ten abatement orders have been issued at this time, and three have been completed. Mr. Loflin explained 17 Orange has entered the probate process, and the St. Francis Hotel has a potential interest due to liens the City has on it.

Mr. Mumper added he has been working on the St. Francis project, and while he hasn't gotten anywhere with the bank, legal counsel said the City can force a foreclosure.

Chair Westbrook asked about 10 Santa Paula as it is worse.

Mr. Loflin responded the compliance deadline was Sept. 21, 2022. When a nuisance abatement order is issued, the City can move forward with the process, and it is not necessarily brought back unless something comes up. It is in the City's best interest when there is an assessment of a penalty to bring it back and memorialize it in a resolution. It gives a person a 21-day appeal window, and they have 45 days to pay before taking it to a lien.

Chair Westbrook added 509 Woodside is owned by a deceased person, it's not in probate, and asked when imminent domain comes into effect.

Mr. Loflin responded that would have to come down from the City administrator as to what direction we want to take. The City can assign a receivership, and they will take over the property, address all violations and bring it to a habitable state and fix violations. The receiver will be able to add a lien, foreclose upon that lien and eventually take over the property if need be. The City also has the same options.

Chair Westbrook asked what if the receiver says no.

Mr. Loflin responded the City will have to handle the work themselves or keep fining to the point it becomes a delinquent lien, then foreclose on the lien and the City takes it over. He does not believe the City can go imminent domain.

The Commission held further discussion regarding what determines abandoned vehicles and people living in RVs. Mr. Loflin explained which are determined on a case-by-case basis.

Mr. Loflin continued his report with quarter three, which included an expansion of code enforcement efforts. There were 29 property maintenance violations, 24 warning notices for violating water restrictions, 15 cases were related to graffiti, and there were four nuisance abatement orders, with one for 1409 Fourth St.

He gave updates on 1409 Fourth St. and the old hospital, which went back into violation several days ago, and the Hotel Mt Lassen, whose owner received a list of items to be taken care of. Mr. Loflin said he also conducted a graffiti enforcement sweep and received 100 percent compliance.

In conclusion, Mr. Loflin explained Code Enforcement is moving forward and increasing in overall cases. Looking ahead the goals are to continue working on the caseloads, being more proactive than reactive, providing the public with educational resources, creating a welcome packet and community clean-up events.

Commissioner Ardito commented on the increase in cases each quarter. He asked whether it's Mr. Loflin's good work, are more citizens reporting things, or are things getting worse?

Mr. Loflin responded that See Click Fix is another part of people being in a different comfort zone, and it allows them to remain anonymous. In addition, results are showing. and people are confident submitting a complaint knowing things are getting done.

Commissioner Jambois asked if the information has been presented to the City Council.

Mr. Loflin responded it has been on Council's agenda since August, but it has been delayed. It is scheduled for the November 2, 2022, meeting.

Mr. McCarthy stated it is fantastic what has been happening. He pointed out the additional duties Mr. Loflin has been doing, and said he needs to be devoted entirely to this job.

5.B Informational/Training presentation by staff regarding Zoning, General Plan, California Environmental Quality Act, and Roles and Responsibilities of Planning Commissioners. Receive report from staff.

Mr. Mumper explained that CEQA, enacted in 1972, is the most stringent set of environmental laws in the United States. It serves to disclose to the public significant environmental effects of a proposed discretionary project through the preparation of an initial study, negative declaration, mitigated negative declaration or environmental impact reports. It is designed to prevent or minimize damage to the environment through development of project alternatives, mitigation measures and mitigation monitoring.

Since he has been the City Planner no projects have required CEQA, Mr. Mumper stated.

He continued his report with the General Plan, which serves as a jurisdiction's constitution or blueprint for future decisions constitution or blueprint for future decisions concerning a variety of issues including land use, housing, mobility, health, safety and resource conservation.

The City is currently in the middle of a general plan update in multiple areas - housing element, land use element, circulation, and economic development. If more than two elements are being updated, the safety element must also be updated. Other elements of the general plan are noise, conservation, open space, and environmental justice to be implemented 2025.

It's an exciting snapshot for us because the general plan is out of date. The land use and circulation elements are going to paint a picture of how the town is going to grow, especially if moving forward without prisons, Mr. Mumper said.

Regarding zoning, Mr. Mumper explained zoning districts are tied to the General Plan, and the zoning ordinance must be in concert with whatever the General Plan designation that has been assigned to a particular parcel or special planning area.

His report concluded with a brief overview of Planning Commissioner roles.

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: Mr. Mumper stated the hazard mitigation plan is being updated. He and the fire chief are actively working with County in holding joint meetings.

8. ADJOURNMENT: Meeting adjourned at 7 p.m.

Signed, Chair Wayne Jambois

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: December 13, 2023