
CITY OF SUSANVILLE
66 N. Lassen Street • Susanville CA
Melanie Westbrook, Chair
James Merchant, Vice Chair
Tony Ardito • Wayne Jambois • Rod DeBoer

Susanville Planning Commission
Regular Planning Commission Meeting • City Council Chambers 66
N. Lassen Street, Susanville, CA 96130
Tuesday, January 10, 2023 - 5:30 PM

CALL TO ORDER
ROLL CALL

- 1. APPROVAL OF AGENDA:** *(Additions and/or Deletions)*
- 2. BUSINESS FROM THE FLOOR:** *Any person may address the Commission at this time upon any subject on the agenda or not on the agenda within the jurisdiction of the City of Susanville Planning Commission. However, comments on items on the agenda may be reserved until the item is discussed and any matter not on the agenda that requires action will be referred to staff for a report and action at a subsequent meeting.*
Presentations are subject to a five-minute limit.
- 3. CONSENT ITEMS:** *All matters listed under the Consent Calendar are considered to be routine by the Planning Commission. There will be no separate discussion on these items. Any member of the public or the Planning Commission may request removal of an item from the Consent Calendar to be considered separately.*
 - 3.A [Receive and file the December 13, 2022 minutes.](#)
- 4. PUBLIC HEARINGS:**
 - 4.A [Consider Resolution No. 23-1124, Violation of Nuisance Abatement Order: 560 Hospital Lane](#)
 - 4.B [Consider Resolution No. 23-1125, Violation of Nuisance Abatement Order: 1705 Main Street](#)
 - 4.C [Consider Resolution No. 23-1126, Violation of Nuisance Abatement Order: 765 Shasta Street](#)
 - 4.D [Consider Resolution No. 23-1127, Violation of Nuisance Abatement Order: 63 South Weatherlow Street](#)
 - 4.E [Consider Resolution No. 23-1128, Violation of Nuisance Abatement Order: 67 South Weatherlow Street](#)
- 5. NEW BUSINESS: NONE**
- 6. CORRESPONDENCE: NONE**
- 7. COUNTY REFERRALS: NONE**

8. ADJOURNMENT: *The next regular meeting of the Susanville Planning Commission will be held on January 24, 2023 at 5:30PM.

Reports and documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours and at the meeting. These reports and documents are also available at the City's website www.cityofsusanville.net, unless there were systems problems posting to the website.

Accessibility: 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.

I, Ruth McElrath, certify that I caused to be posted notice of the regular meeting scheduled for January, 10, 2023 in the areas designated on January, 06, 2024.

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.

AGENDA ITEM NO. 3.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: January 10, 2023

SUBJECT: Receive and file the December 13, 2022 minutes.

PRESENTED BY: Ruth McElrath, Building Permit Technician

SUMMARY: Staff is presenting minutes from the December 13, 2022 meeting.

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file the December 13, 2022 minutes.

ATTACHMENTS:
[P.C. 12.13.23 min..pdf](#)

SUSANVILLE PLANNING COMMISSION

Regular Planning Commission Meeting Minutes

TUESDAY, DECEMBER 13, 2022 – 5:30 PM

CALL TO ORDER: Meeting called 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 Wayne Jambois, seconded by James Merchant to approve the agenda.
Motion Carried: 5- 0
Voting For: Jambois, Merchant, DeBoer, Ardito, and Westbrook
Voting Against: None

2. **BUSINESS FROM THE FLOOR:** None

3. **CONSENT ITEMS:**

3.A Receive and file minutes of the October 25, 2022, meeting.

[P.C. 10.25.22 min.pdf](#)

Moved by James Merchant; seconded by Rod DeBoer to approve the minutes.

Motion Carried: 5-0

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

Voting Against: None

4. **PUBLIC HEARINGS:**

4.A *City of Susanville General Plan 1990-2010, Land Use Assessment Report.*

Recommend to City Council for consideration.

Mr. Mumper explained the City is under contract with Mintier-Harnish and Greendot Transportation for consulting services for a Land Use Element Update, and a Circulation Element Update. Staff is presenting the draft Land Use Assessment report. He continued that it is important to keep in mind it is a hypothetical snapshot of what could happen should the City initiate annexations or if private land owners come to the City to initiate annexations. If this was a document proposing annexations, there would be a massive environmental impact report accompanying it.

Displaying a map on the screen, Mr. Mumper showed the current sphere of influence, the City limit line and a map of what it would look like if the City expanded. He explained there is an array of land use designations in the existing General Plan and the consultants have used a digital modeling program, Urban Footprint, which takes in data from the General Plan, current policies, acreage allowances, and projects a percentage of increased population. It also gives a snapshot of what the workforce could look like should those zoning districts be designated and annexed in the future.

Proposed growth is easterly, and in the northeast, there is a specialized planning area related to housing, should the City receive an influx of industry, stated Mr. Mumper.

He explained existing conditions are 92 percent single family homes and 8 percent manufactured homes. The growth scenario shows a slight dip in single family homes due to more multi-family being proposed, and an increase in manufactured homes. The employment capacity is significant, but merely a snapshot if every single parcel is built out to its potential. The proposed employment capacity jumps from 5,000 to 37,000 and a population would tentatively increase from 8,700 to almost 26,000.

The high fire severity zones are increasing in Lassen County and Susanville, which will put more of that infrastructure in the danger zone, but that is to be expected, stated Mr. Mumper. The State will be releasing a new map and it will shift the line significantly westward toward the middle of the City. It also increases the populations in the flood zone. Mr. Mumper said the Planning/Building Department does have procedures in place to address development in those flood zones.

The travel modes are adjusted a bit due to proposed hypothetical expansion, Mr. Mumper stated. Due to that growth, the public transit does drop a little bit, as does the bike score.

He continued that between the City and County there is a low stock of industrial/light industrial and turnkey infrastructure in those existing zoning. It's only in our best interest to double or triple that capacity. The document, while it's not specifically annexing parcels, it's going to be accompanied with the general plan so that developers can see we have the foresight to have the soft update to prepare for a massive overhaul down the road and will show we are open for business.

Commissioner Ardito asked if anything in the report addressed water treatment.

Mr. Mumper responded that will be in the circulation assessment.

He concluded his report stating a recommendation to the City Council is not taking permanent action.

Public hearing opened at 5:45 p.m.

Jim McCarthy, public member, suggested resurrecting infill projects that already have water and sewer services.

Public hearing closed at 5:49 p.m.

[SGPU_Land Use Assessment Report_Revised Draft_2022 10 12 MG.pdf Resolution 22-1123.docx](#)

[Land Use Element Assessment Report- Staff Report.docx](#)

Moved by James Merchant; seconded by Wayne Jambois to adopt Resolution 22-1123.

Motion Carried: 5-0

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

Voting Against: None

4.B Susanville Indian Housing Authority (SIRHA) Use Permit, Architectural, and Site Plan Review to allow a four-plex and duplex housing project.

Adopt Resolution No. 22-1122

Mr. Mumper explained the project is a Use permit and Architectural/Site Plan review for a four plex and duplex housing project. The parcel is vacant and was currently assigned an address of 960 Paiute Ln. A use permit is required because a four-plex is being proposed in R3 zoning, a tri-plex would negate a use permit.

The project is environmentally categorically exempt as it is considered an infill project and satisfies 15332 for CEQA. Mr. Mumper showed the elevations, architectural features and design. The project proposes increasing multi-family stock, and he was impressed with the proposed landscaping. The two story four-plex fronts Paiute, and the duplex sits in the rear of the property. Given the topography of the parcel, there is a considerable slope so there will be grading and cutting that will take place. After thorough review, the proposed project has adequate landscaping and parking, meets setbacks and coincides with general plan policies. Paiute Lane is predominantly R3 zoning, a group that has been starving for development, Mr. Mumper said.

If approved, there will be subsequent comments from the Fire and Building departments. The project was submitted under 2019 Building Code cycle, said Mr. Mumper.

He added it is important to note six-foot zone wall to provide screening for the neighbors so their quality of life can be preserved as well.

Public hearing opened at 5:55 p.m.

Mary Loflin, public member, said she and her husband live at 940 Washo Lane. They are concerned about the road as it dead ends at their property, and about 100 feet of it is a non-standard sized road. The City does not maintain it and they do all the maintenance on it. She asked that the road not be used for ingress/egress for the proposed housing units.

Mr. Mumper replied staff hasn't received comments from other departments regarding secondary access on that street, and typically you would find those requirements on subdivisions. Without the fire chief being in attendance, he couldn't speak 100 percent to it.

Jean Marinoni, public member, said she owns the apartment complex adjacent to the property. She commented it seems like a small parcel for that much building and wanted to make sure it doesn't come too close to the property line. She also wanted to make sure there was good fire access to the property, and asked about whether an environmental report is needed, because she was required to do one for her building.

Mr. Mumper responded it is considered an infill development project, which is exempt from environmental review pursuant to CEQA when it's a parcel five acres or less in existing city limits. Regarding the setbacks, Mr. Mumper explained the entirety of Paiute is pre-Subdivision Map Act so you won't find 20 front yard setbacks. Everyone is enjoying 15 feet setbacks on Paiute Lane, which is reflected here. City staff also shows the line on where the building footprint and setbacks are.

Phil Bush, project manager, said this is only partial of what is being proposed as there are two additional duplexes being built across the street. He voiced support for the project and its entirety. When they purchased the property, they did a lot line adjustment to create one lot for this project. The project addresses affordable housing needs for low-income SIRHA tribal members. It complies with the general plan and helps housing density for low-income families.

He added an environmental review was done on the National Environmental Policy Act (NEPA), and there were no findings of significant impact.

Ms. Loflin asked if it's going to be section 8 housing.

Mr. Bush responded no. He explained the requirement is what the Housing of Urban Development classifies as low income, which is 80 percent of the county median income or national. In this case, the national is considerably higher than Lassen County and then they take 10 percent of any over income as well. We want a diverse income.

Public hearing closed at 6:04 p.m.

[Fourplex PCSR.docx](#)

[103-061-063-000 APN Map.pdf](#)

[Res No. 22-1122.docx](#)

[960 Paiute Lane Site Plan and Elevations.pdf](#)

Moved by James Merchant; seconded by Rod DeBoer to approve Use Permit and Architectural/Site Plan Review and adopting Resolution 22-1122

Motion Carried: 5-0

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

Voting Against: None

4.C Nuisance Abatement Order Update for 560 Hospital Lane

Conduct public hearing and set matter for subsequent meeting for the assessment of administrative penalty.

Mr. Loflin explained the Planning Commission met July 12, 2022, to discuss the matter and consider the issuance of a Nuisance Abatement order, which was granted. After hearing written testimony from the property owner's legal counsel and consideration of staff's report and public comment the Planning Commission provided written findings into the fact that the site of the former Lassen Community Hospital is a public nuisance and shall be abated.

Mr. Loflin reported the order has not been followed and that Central Hotel Trust is in violation of said order. Demolition of the annex was completed, but there has been no further attempts at doing any work. There has also been no further communication from Central Hotel Trust.

The old building is still there and open. During a site visit he found more windows have been breached, more plywood has been removed and all doors are open.

He continued that one of the items on the order was the assessment of a civil penalty of \$500 per day to a maximum of \$10,000. Staff is providing due diligence and providing due process rights for the property owners to be given the information so they understand we aren't attempting to be punitive, but following the code in the next process.

The recommendation is to set a public hearing for the assessment of \$10,000 at either the Dec. 27, or Jan. 10, 2023 meetings.

Commission approves holding a public hearing during the Jan. 10, 2023, meeting.

Chair Westbrook asked what will happen after the assessment and still nothing is done.

Mr. Loflin responded the City can still abate the property. One of the conditions in the order is if the property owner does not comply or abate, then the City may, with its own forces or contracting out, may abate the situation. It is under the jurisdiction of the Planning Commission for a full year.

Commissioner Ardito confirmed that there has been no communication with owners.

Mr. Loflin confirmed and replied he has not heard from them since August.

Vice Chair Merchant commented that it's very frustrating. He was hopeful in the summer when they were knocking down the old annex building that they were moving on it. Here we are with snow, and it's not fixed. Let's keep it moving.

Public hearing opened at 6:12 p.m.

Mr. McCarthy stated at the last City Council meeting they were discussing good uses for funding the City has. He suggested some of the funds be used as a back-up for abating these properties. This would establish a workable line of funding so when the property is abated and has better value, a good-sized lien can be put on it and the City can end up owning and controlling the property.

Public hearing closed at 6:13 p.m.

[560 Hospital Lane - Staff Report - Dec 13.docx](#)

[560 Hospital Lane Nuisance Abatement Order.pdf](#)

Commission agrees to set matter for subsequent meeting for assessment of administrative penalty.

4.D Nuisance Abatement Order Update for 1705 Main Street

Conduct public hearing and set matter for subsequent meeting for the assessment of administrative penalty.

Mr. Loflin explained the matter was addressed on July 12, 2022, for issuance of a nuisance abatement order. Shortly after the issuance, the owner began working on a room damaged by a traffic collision without a building permit. The Building Official advised him to stop work until he received a permit which he did after the fact. A violation was not issued at that moment, but the owner was advised he needs to comply. There were also conditions that a progress report needed to be done at 60 and 90 days.

On Oct. 9, 2022, multiple complaints were received regarding demolition of a sign, and it was very hazardous. There was no safety equipment or warnings for traffic and pedestrians, Mr. Loflin explained.

Mr. Loflin stated staff has not received an engineer report, which was required as part of the nuisance abatement order. The sign was demolished without a permit being secured first, although one was secured afterward. Any efforts that have been done have been mostly cosmetic. There has been no communication, and we have to move forward as there have been multiple violations of this order. In addition, no use permit application multi-family housing has been received.

Mr. Loflin said the recommendation is to set a public hearing for Jan. 10.

Commissioner Ardito asked if anyone is living in the building.

Mr. Loflin responded he believes Mr. Kim is still there but is unsure if anyone else living there. Due to the letter of the law interpretation, no one should be living there including Mr. Kim, but he would defer to the Building Official for verification.

There was general discussion regarding what permits have been pulled.

Vice Chair Merchant commented it's disappointing this is the second time we are having this conversation, that work is being done without permits. It's very much like kicking the can down the road and we now need to take the next steps. We were very cordial when he came here and tried to accommodate the situation, but we are still at the same point.

As stated earlier, Mr. Mumper said staff will be moving forward with the violations, but we wanted to reiterate how the process works.

Vice Chair Merchant thanked staff for doing its due diligence, this is very thorough and the next steps can confidently be taken.

Public hearing opened at 6:24 p.m.

Mr. McCarthy commented about the lack of safety measures taken when the sign was demolished. This project would fit into the idea of going ahead and abating a project as a first test case as to how we can do this.

Public hearing closed at 6:24 p.m.

[1705 Main Street - Staff Report - Dec 13.docx](#)

[1705 Main Street Nuisance Abatement Order.pdf](#)

Commission agrees to set matter for subsequent meeting for assessment of administrative penalty.

5. NEW BUSINESS:

5.A Architectural and Site Plan Review-AR#22-010, Susanville Indian Rancheria Housing Authority Duplex Project.

Adopt Resolution No. 22-1121.

Mr. Mumper explained the item does not require a public hearing, because the duplex being proposed is allowed by right. He continued that he made a minor adjustment as to parcel size as it is a .278 parcel, but 2/3 is being developed at this time.

The initial analysis is categorically exempt per CEQA section 15332. Surrounding zoning is predominantly R-3 with R-1 to the east.

Mr. Mumper explained he assigned the parcel an address, as he works with the post master in Sacramento, and buildings are assigned numbers, not letters.

It is a similar design to the duplex from the project, it's one project. In addition, both projects bring curb, gutter and sidewalk along. Have a jack and jill duplex for senior housing. Project staff is in favor for.

The Commission is voting on the design and site plan and it is staff's recommendation to adopt.

Chair Westbrook asked if it's on the City's purview to fix the corner on Paiute.

Bob Godman, Public Works Director, explained there is money left over from a previous project, and Paiute is on the list to be redone with that money.

[2 Duplexes PCSR.docx](#)

[Resolution No. 22-1121.docx](#)

[103-061-064-000 APN Map.pdf](#)

[985 Paiute Site Plan and Elevations.pdf](#)

Moved by Wayne Jambois; seconded by Rod DeBoer to approve Architectural/Site Plan review and adopt resolution 22-1121.

Motion Carried: 5- 0

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

Voting Against: None

6. CORRESPONDENCE: None.

7. COUNTY REFERRALS: None

Staff and Commission held general discussion about cancelling the December 27, 2022, meeting and resuming at the regular Jan. 10, 2023 meeting.

8. ADJOURNMENT: Motion by James Merchant, seconded by Wayne Jambois to adjourn meeting at 6:33 p.m. Motion carries.

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: January 10, 2023

SUBJECT: Consider Resolution No. 23-1124, Violation of Nuisance Abatement Order: 560 Hospital Lane

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The Susanville Planning Commission met at their regularly scheduled meeting on July 12, 2022, to continue discussion of a Nuisance Abatement Order for the former site of the Lassen Community Hospital. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling the property owner to address the conditions that constitute a public nuisance upon the property. Currently, the property remains a public nuisance and is in violation of the Nuisance Abatement Order issued against the property. The Susanville Planning Commission may take action to assess a civil assessment penalty in the amount of \$10,000.00 for the violation of the order.

FISCAL IMPACT: The assessment and collection of civil penalties would have an increase in the abatement budget line for Code Enforcement abatements.

ACTION REQUESTED: Motion to approve Resolution No. 23-1124 approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
[Resolution 23-1124.docx](#)
[Nuisance Abatement Order 560 Hospital Ln.doc](#)

RESOLUTION NO. 23-1124
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 560
HOSPITAL LANE

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 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 conditions of real property upon the lands of 560 Hospital Lane have been declared to be a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a regular meeting of July 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the declared public nuisance remains upon the premises located at 560 Hospital Lane in violation of the nuisance abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 560 Hospital Lane are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. The Central Hotel Trust is the owner of record for the property of 560 Hospital Lane.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties upon the property located at 560 Hospital Lane as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due within forty-five (45) days with a payment deadline of 4:30 p.m. on Friday February 24, 2023.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 560 Hospital Lane.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1124 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 10th day of January 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the 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 Central Hotel Trust

14 Respondent

Nuisance Abatement Order

Hearing: July 12, 2022, at 5:30 p.m. in

Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 1. This proceeding was heard:

- 16 a. On July 12, 2022, at 5:30 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: **names of Commissioners present.*
- 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 13, 2022 and served on Respondent Central Hotel
24 Trust by Certified Mail on April 13, 2022, and posted on the structure at 560
25 Hospital Lane on April 14, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement representing the City of Susanville and
28 ii. **Property Owner* representing himself.

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 Central Hotel Trust is the owner of and responsible party for the property located at 560 Hospital Lane.
3. Central Hotel Trust was properly served with a Notice of Violation on August 27, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Central Hotel Trust 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 560 Hospital Lane 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 560 Hospital Lane is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. Central Hotel Trust must abate the public nuisance at 560 Hospital Lane by doing the following at 560 Hospital Lane:
 - a. Shall provide the City of Susanville with a plan for the property at 560 Hospital Lane within forty-five (45) days from the issuance of this order.
 - b. If the remaining buildings are to be demolished, the Central Hotel Trust shall secure a demolition permit within sixty (60) days from the issuance of this order, and work shall commence within ninety (90) days. The completion of the demolition shall be completed by one-hundred twenty (120) days from the issuance of this order.

- i. Central Hotel Trust shall be aware of the weather conditions and plan for such conditions to ensure compliance with this order.
 - c. If the remaining buildings are to be rehabilitated, the Central Hotel Trust shall provide the City of Susanville with engineered plans with a timeline of construction events.
 - d. All construction work requiring permits shall be secured prior to the commencement of any permittable job.
2. Central Hotel Trust must fully abate this public nuisance.
 3. Central Hotel Trust must obtain any and all required permits that may be required to abate the public nuisance at 560 Hospital Lane.
 4. After Central Hotel Trust abates the nuisance at 560 Hospital Lane, Central Hotel Trust 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 560 Hospital Lane to determine if the public nuisance was abated.
 5. If Central Hotel Trust does not comply with this order for 560 Hospital Lane by 11:59 pm on September 15, 2022, the City of Susanville may have the property at 560 Hospital Lane abated.
 6. If Central Hotel Trust do not comply with this order an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$500.00 per day until the nuisance abatement has been complied with.
 - b. Effective from July 12, 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 November 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 Central

Hotel Trust as a personal debt or may be assessed upon 560 Hospital Lane 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 Central Hotel Trust 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.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

AGENDA ITEM NO. 4.B
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: January 10, 2023

SUBJECT: Consider Resolution No. 23-1125, Violation of Nuisance Abatement Order: 1705 Main Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The Susanville Planning Commission met at their regularly scheduled meeting on July 12, 2022, to discuss the issuance of a Nuisance Abatement Order for the Knights' Inn Motel. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling the property owner to address the conditions that constitute a public nuisance upon the property. Currently, the property remains a public nuisance and is in violation of the Nuisance Abatement Order issued against the property. The Susanville Planning Commission may take action to assess a civil assessment penalty in the amount of \$10,000.00 for the violation of the order.

FISCAL IMPACT: The assessment and collection of civil penalties would have an increase in the abatement budget line for Code Enforcement abatements.

ACTION REQUESTED: Motion to approve Resolution No. 23-1125 approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
[Resolution 23-1125.docx](#)
[Nuisance Abatement Order 1705 Main.doc](#)

RESOLUTION NO. 23-1125
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 1705
MAIN STREET

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 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 conditions of real property upon the lands of 1705 Main Street have been declared to be a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a regular meeting of July 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the declared public nuisance remains upon the premises located at 1705 Main Street in violation of the nuisance abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 1705 Main Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Michelle Myung Ok Kim is the owner of record for the property of 1705 Main Street.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties upon the property located at 1705 Main Street as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due within forty-five (45) days with a payment deadline of 4:30 p.m. on Friday February 24, 2023.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 1705 Main Street.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1125 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 10th day of January 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the 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 Michelle Myung Ok Kim

14 Respondent

Nuisance Abatement Order

Hearing: July 12, 2022, at 5:30 p.m. in

Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 1. This proceeding was heard:

- 16 a. On July 12, 2022, at 5:30 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: **names of Commissioners present.*
- 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 13, 2022 and served on Respondent Michelle Myung
24 Ok Kim by Certified Mail on April 13, 2022, and posted on the structure at 1705
25 Main Street on April 14, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement representing the City of Susanville and
28 ii. **Property Owner* representing himself.

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 Michelle Myung Ok Kim is the owner of and responsible party for the property located at 1705 Main Street.
3. Michelle Myung Ok Kim was properly served with a Notice of Violation on June 3, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Michelle Myung Ok Kim was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on June 17, 2022, and that said notice was properly posted at 1705 Main Street on June 17, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 1705 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. Michelle Myung Ok Kim must abate the public nuisance at 1705 Main Street by doing the following at 1705 Main Street:
 - a. Shall provide engineered plans to the City of Susanville Building Official if the building is to be rehabilitated.
 - b. Rehabilitation of the building shall commence within sixty (60) days from the issuance of this order.
 - c. Shall continue to address all property maintenance violations and shall be completed within sixty (60) days from the issuance of this order.
 - d. If the motel is going to operate as a long-term residence, then a Use Permit shall be secured through the Susanville Planning Commission.

2. Michelle Myung Ok Kim must fully abate this public nuisance.
3. Michelle Myung Ok Kim must obtain any and all required permits that may be required to abate the public nuisance at 1705 Main Street.
4. After Michelle Myung Ok Kim abates the nuisance at 1705 Main Street, Michelle Myung Ok Kim 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 1705 Main Street to determine if the public nuisance was abated.
5. If Michelle Myung Ok Kim does not comply with this order for 1705 Main Street by 11:59 pm on October 15, 2022, the City of Susanville may have the property at 1705 Main Street abated.
6. If Michelle Myung Ok Kim do not comply with this order an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$250.00 per day until the nuisance abatement has been complied with.
 - b. Effective from June 3, 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 November 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 Michelle Myung Ok Kim as a personal debt or may be assessed upon 1705 Main 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-

1 year period, any enforcement official determines that the same or another nuisance, as
2 defined by this chapter exists with respect to the building, structure or property, he or she
3 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
4 Susanville Municipal Code. If Michelle Myung Ok Kim do not abate the nuisance at any
5 time within the abatement period, the City may proceed with the abatement itself under
6 the provisions of section 8.32.190 of the City of Susanville Municipal Code without further
7 action of the hearing board. The City of Susanville may also recover all of its abatement
8 effort costs as provided for in the City of Susanville Municipal Code.

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10 Dated: _____

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12 Wayne Jambois, Chairperson
13 Susanville Planning Commission
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AGENDA ITEM NO. 4.C
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: January 10, 2023

SUBJECT: Consider Resolution No. 23-1126, Violation of Nuisance Abatement Order: 765 Shasta Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The Susanville Planning Commission met at a special meeting on May 12, 2022, to discuss the issuance of a Nuisance Abatement Order for the residential structure at 765 Shasta Street. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling the property owner to address the conditions that constitute a public nuisance upon the property. Currently, the property remains a public nuisance and is in violation of the Nuisance Abatement Order issued against the property. The Susanville Planning Commission may take action to assess a civil assessment penalty in the amount of \$10,000.00 for the violation of the order.

FISCAL IMPACT: The assessment and collection of civil penalties would have an increase in the abatement budget line for Code Enforcement abatements.

ACTION REQUESTED: Motion to approve Resolution No. 23-1126, approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
[Resolution 23-1126.docx](#)
[Nuisance Abatement Order 765 Shasta final amend 1.doc](#)

RESOLUTION NO. 23-1126
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 765
SHASTA STREET

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 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 residential structure located at 765 Shasta Street suffered major structural damage as a result of a residential structure fire and subsequently was declared to be a dangerous building and public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the declared public nuisance remains upon the premises located at 765 Shasta Street in violation of the nuisance abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 765 Shasta Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Daniel Guerrero are the owners of record for the property of 765 Shasta Street.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties upon the property located at 765 Shasta Street as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due within forty-five (45) days with a payment deadline of 4:30 p.m. on Friday February 24, 2023.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 765 Shasta Street.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1126 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 10th day of January 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the 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 Nuisance Abatement Order

11 City of Susanville,
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13 Petitioner
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15 v
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17 Daniel Guererro
18 Respondent

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

- 19 1. This proceeding was heard:
- 20 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
21 Susanville, CA 96130.
- 22 b. By the Planning Commission of the City of Susanville (also referred to as the
23 Hearing Board or the Board) with the following commissioners of the Planning
24 Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and
25 Rod DeBoer
- 26 c. Wayne Jambois presided over the procedure as Chairperson.
- 27 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
28 of Public Hearing" dated April 13, 2022 and served on Respondent Daniel Guererro
by Certified Mail on April 13, 2022, and posted on the structure at 765 Shasta
Street on April 14, 2022.
- e. Present at the hearing where:

- 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 Guererro 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 Guererro 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.

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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, 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.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

AGENDA ITEM NO. 4.D
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: January 10, 2023

SUBJECT: Consider Resolution No. 23-1127, Violation of Nuisance Abatement Order: 63 South Weatherlow Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The Susanville Planning Commission met at their regularly scheduled meeting on April 26, 2022, to discuss the issuance of a Nuisance Abatement Order for the commercial structure at 63 South Weatherlow Street. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling the property owner to address the conditions that constitute a public nuisance upon the property. Currently, the property remains a public nuisance and is in violation of the Nuisance Abatement Order issued against the property. The Susanville Planning Commission may take action to assess a civil assessment penalty in the amount of \$10,000.00 for the violation of the order.

FISCAL IMPACT: The assessment and collection of civil penalties would have an increase in the abatement budget line for Code Enforcement abatements.

ACTION REQUESTED: Motion to approve Resolution No. 23-1127 approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
[Resolution 23-1127.docx](#)
[Nuisance Abatement Order 63 South Weatherlow Final _ Amend 1.doc](#)

RESOLUTION NO. 23-1127
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 63
SOUTH WEATHERLOW STREET.

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 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 commercial structure located at 63 South Weatherlow Street suffered major structural damage as a result of a commercial structure fire on March 14, 2019, and subsequently was declared to be a dangerous building and public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of April 26, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the declared public nuisance remains upon the premises located at 63 South Weatherlow Street in violation of the nuisance abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 63 South Weatherlow are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Ricardo and Susan Pellicer are the owners of record for the property of 63 South Weatherlow Street.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties upon the property located at 63 South Weatherlow Street as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due within forty-five (45) days with a payment deadline of 4:30 p.m. on Friday February 24, 2023.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 63 South Weatherlow Street.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1127 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 10th day of January 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the 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 Nuisance Abatement Order

11 City of Susanville,
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13 Petitioner
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15 v
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17 Ricardo Pellicer and Susan Morrison
18 Respondent

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

19 1. This proceeding was heard:

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

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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

AGENDA ITEM NO. 4.E
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: January 10, 2023

SUBJECT: Consider Resolution No. 23-1128, Violation of Nuisance Abatement Order: 67 South Weatherlow Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The Susanville Planning Commission met at their regularly scheduled meeting on April 26, 2022, to discuss the issuance of a Nuisance Abatement Order for the commercial structure at 67 South Weatherlow Street. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling the property owner to address the conditions that constitute a public nuisance upon the property. Currently, the property remains a public nuisance and is in violation of the Nuisance Abatement Order issued against the property. The Susanville Planning Commission may take action to assess a civil assessment penalty in the amount of \$10,000.00 for the violation of the order.

FISCAL IMPACT: The assessment and collection of civil penalties would have an increase in the abatement budget line for Code Enforcement abatements.

ACTION REQUESTED: Motion to approve Resolution No. 23-1128 approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
[Resolution 23-1128.docx](#)
[Nuisance Abatement Order 67 South Weatherlow Final amend 1.doc](#)

RESOLUTION NO. 23-1128
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 67
SOUTH WEATHERLOW STREET.

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 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 commercial structure located at 67 South Weatherlow Street suffered major structural damage as a result of a commercial structure fire on May 24, 2020, and subsequently was declared to be a dangerous building and public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of April 26, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the declared public nuisance remains upon the premises located at 67 South Weatherlow Street in violation of the nuisance abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 67 South Weatherlow are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Roland and Joanna Zimmerman are the owners of record for the property of 67 South Weatherlow Street.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties upon the property located at 67 South Weatherlow Street as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due within forty-five (45) days with a payment deadline of 4:30 p.m. on Friday February 24, 2023.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 67 South Weatherlow Street.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1128 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 10th day of January 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the 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

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PLANNING COMMISSION
CITY OF SUSANVILLE

Nuisance Abatement Order

City of Susanville, v Roland and Joanna Zimmerman	Petitioner Respondent
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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

1. This proceeding was heard:
 - a. On April 26, 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, 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 March 29, 2022 and served on Respondent Roland and Joanna Zimmerman by Certified Mail on March 29, 2022, and posted on the structure at 67 South Weatherlow Street on March 29, 2022.
 - e. Present at the hearing were:

- 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