

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, JANUARY 10, 2023 – 5:30 PM

CALL TO ORDER: Vice Chair Merchant calls meeting to order at 5:30 p.m.

ROLL CALL: Tony Ardito, Wayne Jambois, and James Merchant. Absent: Rod DeBoer and Melanie Westbrook

1. **APPROVAL OF AGENDA:** Mr. Mumper stated there was one addition under New Business, which would be a brief update on Land Use entitlements.

Moved by Wayne Jambois; seconded by Tony Ardito to approve agenda with one change.

Motion Carried: 3-0

Voting For: Wayne Jambois, Tony Ardito and James Merchant

Voting Against: None

Absent: DeBoer and Westbrook

2. **BUSINESS FROM THE FLOOR:**

3. **CONSENT ITEMS:**

3.A Receive and file the December 13, 2022, minutes.

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

Moved by Tony Ardito; seconded by Wayne Jambois to approve the December 13, 2022, minutes.

Motion Carried: 3-0

Voting For: Ardito, Jambois and Merchant.

Voting Against: None

Absent: DeBoer and Westbrook

4. **PUBLIC HEARINGS:**

4.A Consider Resolution No. 23-1124, Violation of Nuisance Abatement Order: 560 Hospital Lane Motion to approve Resolution No. 23-1124 approving the assessment of civil penalties for violations of the nuisance abatement order.

Mr. Loflin explained 560 Hospital Ln. was brought to the Commission on July 12, 2022, and a nuisance abatement order was issued.

He showed photos of the old hospital building in its current state and said there are multiple violations of the order. Nothing has been completed and no feedback has been received from

the owners about whether they are going to demolish or rehabilitate. Within the order there was a clause for a civil assessment penalty of \$10,000, and staff is looking for a motion to approve Resolution 23-1124 approving the assessment of civil penalties.

Public hearing opened at 5:35 p.m.

Commissioner Ardito asked about communication attempts with the property owner.

Mr. Loflin responded there has been nothing since the last meeting.

Commissioner Jambois asked about having the correct addresses and phone numbers so there is no ambiguity. It's our understanding they have neglected or refused to reciprocate in kind.

Mr. Loflin responded yes.

[Resolution 23-1124.docx](#)

[Nuisance Abatement Order 560 Hospital Ln.doc](#)

Moved by Wayne Jambois; seconded by Tony Ardito to approve Resolution 23-1124

Motion: 3- 0

Voting For: Wayne Jambois, Tony Ardito and James Merchant

Voting Against: None

Absent: Deboer and Westbrook

- 4.B Consider Resolution No. 23-1125, Violation of Nuisance Abatement Order: 1705 Main Street
Motion to approve Resolution No. 23-1125 approving the assessment of civil penalties for violations of the nuisance abatement order.

Mr. Loflin explained the matter was heard on July 12, 2022, and at that time, the Commission ordered a nuisance abatement order against the property. Staff has not received feedback from the property owner on those target dates of reports.

Mr. Loflin showed photographs of the current state of the property and explained there has been no change with the exception of the windows being fixed without first obtaining a building permit. There are numerous violations of the nuisance abatement order including failing to meet the time frames he was supposed to provide plans and engineered reports.

Public hearing opened at 5:42 p.m.

Jim McCarthy, public member, asked if there were any tools to keep people off property.

Mr. Loflin responded that any violation of the red tag is a criminal violation of the California Health and Safety Code. If people are inside, the police can take action.

Public hearing closed at 5:43 p.m.

Vice Chair Merchant asked what the next steps are.

Mr. Loflin responded that an assessment is one item we have now. Moving forward he can stack on additional fines and penalties based on the continued violation of the nuisance abatement order. There is also the ability to step in as a City and rectify the situation as the City sees fit.

Vice Chair Merchant commented that as an act of good faith, they were only assessing \$250 per day.

Vice Chair Loflin said that was correct and the effective date was June 3, 2022, based on the notice of violation given at that time.

Commissioner Ardito confirmed that attempts to contact the owner were unsuccessful.

Mr. Loflin responded that the owner was provided with notice of tonight's public hearing. In conversations the owner has had with the Building Official, he has had multiple chances to correct the violations and adhere to the nuisance abatement order but has failed to do so.

[Resolution 23-1125.docx](#)

[Nuisance Abatement Order 1705 Main.doc](#)

Moved by Tony Ardito; seconded by Wayne Jambois to approve Resolution 23-1125

Motion: 3- 0

Voting For: Tony Ardito, Wayne Jambois and James Merchant

Voting Against: None

Absent: DeBoer and Westbrook

- 4.C Consider Resolution No. 23-1126, Violation of Nuisance Abatement Order: 765 Shasta Street
Motion to approve Resolution No. 23-1126, approving the assessment of civil penalties for violations of the nuisance abatement order.

Mr. Loflin explained the matter regarding 765 Shasta St., came to the Commission on May 12, 2022. It is a residential structure damaged by a fire nine years ago. The property owner has made no effort to clear the violation and abate the public nuisance.

He showed a photograph of the property in the state it has been in for numerous years. Mr. Loflin added he was personally present when a weed abatement was done as it was a severe fire hazard at that time.

Public hearing opened at 5:49 p.m.

No comments received.

Public hearing closed at 5:49 p.m.

[Resolution 23-1126.docx](#)

[Nuisance Abatement Order 765 Shasta final amend 1.doc](#)

Moved by Wayne Jambois; seconded by Tony Ardito to approve Resolution 23-1126

Motion Carried: 3-0

Voting For: Wayne Jambois, Tony Ardito and James Merchant.

Voting Against: None

Absent: DeBoer and Westbrook

- 4.D Consider Resolution No. 23-1127, Violation of Nuisance Abatement Order: 63 South Weatherlow Street. Motion to approve Resolution No. 23-1127 approving the assessment of civil penalties for violations of the nuisance abatement order.

Mr. Loflin explained the matter is a violation of a nuisance abatement order for 63 S. Weatherlow St. The first abatement order was approved in April 2022. The compliance deadline has since expired, and there has been no movement on the property whatsoever.

He showed photos of the property as it appears today. Mr. Loflin explained that sometime over the last 10 days it has been victimized with additional vandalism. A fence was constructed to mitigate a safety hazard but it has been knocked over, and there is a 20 to 30-foot drop. There is also a homeless encampment under the stairwell. It was brought to the property owners attention, but it was never abated.

The property remains in violation and staff is requesting a motion to approve the resolution and assessing civil penalties for \$10,000.

Public hearing opened at 5:52 p.m.

There was no public comment.

Public hearing closed at 5:52 p.m.

Commissioner Ardito asked what can be done about the fall hazard or is it the owner's responsibility.

Mr. Loflin responded the City did a summary abatement and expended its own funds to put up boards to mitigate the fall hazard.

Mr. Mumper added some transients were digging under the road with a pickaxe and made significant progress under the right of way. There will be further summary abatement to backfill that area so it doesn't impact the road infrastructure.

There was general discussion about who would be liable if someone fell.

Mr. Loflin said there would be some liability with the property owner. He can't say if the City has liability, as it is a call made by the City attorney. In good conscious we do need to alert the public.

Commissioner Jambois commented that if the City puts up boards it seems they will be kicked in. He asked if there is any conceivable way to put up a metal fence.

Mr. Loflin responded there have been internal discussions on where we want to go with this. Staff needs to put together a scope of work to abate the public nuisance. The building will more than likely be demolished and something will be put up to protect it.

Vice Chair Merchant asked about communication with the owners.

Mr. Loflin responded he has not heard back from the property owner's son since April 25, 2022, which was the day before hearing. There was some potential about conveying the property to another organization, but that never materialized.

[Resolution 23-1127.docx](#)

[Nuisance Abatement Order 63 South Weatherlow Final _Amend 1.doc](#)

Moved by Tony Ardito; seconded by Wayne Jambois to approve Resolution 23-1127.

Motion Carried: 3-0

Voting For: Tony Ardito, Wayne Jambois and James Merchant

Voting Against: None

Absent:

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

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

Mr. Loflin explained the matter started on April 26, 2022, and it was approved during a special meeting held May 12, 2022. The S. Weatherlow property was damaged by a commercial fire. The property owner did speak at the first meeting, raising concerns about the notification process. There has been no further communication from this individual and other communications have gone unanswered.

Mr. Loflin said the City boarded up the entryway and within the last 10 days someone finally kicked through it. These structures continue to be a nuisance and the property owners have done nothing to abate them.

Mr. Mumper added he contacted some high schoolers in the area. It's not just transients in there, and it's a big concern.

Public hearing opened at 6:02 p.m.

Mr. McCarthy commented that at a previous City Council meeting, there was discussion on how to use funding the City has. He said he hoped the Commission would follow up with City administration and pick one of the five properties to demolish. He thinks the City is creating some liability for itself by not being a little bit forceful.

Public hearing closed at 6:05 p.m.

Commissioner Jambois commented he has known the owner for many years. He recalled that when the owner came to the first meeting, he talked about issues receiving mail and he assured us he would alleviate this situation, and he has not done so.

He continued the Commission is taking steps to alleviate situations that need to be addressed. However, looking farther down the road, he would hate to see the City become owners of these properties and expend a great deal of money to alleviate them.

He said he didn't want to slow things down in the pursuit of these properties. But the public needs to realize this is going to cost a great deal of money and he already had one citizen ask him what it will cost the City to pursue these properties. The only thing he can tell them is there are rules and ordinances in place that stipulates what needs to be done. He asked if there are any funds or grants the City can tap into.

Mr. Loflin answered that the State had code enforcement grant programs in the early 2000s. Since he's taken the code enforcement position he has been trying to see if those resources are still available, but it appears they are not. Most of the grants allocated toward code enforcement are now being allocated to sustainability and green energy. The funding Mr. McCarthy is speaking of is the American Rescue Plan Act (ARPA) funding, and the City is looking at ways to expend the money that is leftover because we only had it for a finite amount of time. There were discussions in the early summer, but he does not believe it has come back up again.

Mr. Loflin continued he has been looking at alternatives of having the City go out and expend our money and workforce. One option is receiverships. A property is sent to a receivership group to see if there is interest in them taking it over. It is a civil matter where the City would go to court and the court would appoint the receiver. The receiver would use its own funding to take on the property and use its own funding sources to abate the public nuisance, take on the liens and collect everything for the costs. It's cost neutral for the receivers to act on the City's behalf. It's just trying to find a group that is out there to take on the properties. When the City goes in, it's a last resort.

Mr. Mumper stated it's important to be cognizant that when it was brought up using ARPA funds, Measure P had not yet passed. There is an opportunity to bring it up again and have a better shot at funding abatements.

Mr. McCarthy commented they need to pick the easiest target and try to push an all-hands effort.

[Resolution 23-1128.docx](#)

[Nuisance Abatement Order 67 South Weatherlow Final amend 1.doc](#)

Moved by Wayne Jambois; seconded by Tony Ardito to approve Resolution 23-1128.

Motion : 3-0

Voting For: Wayne Jambois, Tony Ardito and James Merchant.

Voting Against: None

Absent: DeBoer and Westbrook

5. **NEW BUSINESS:** Mr. Mumper told the Commission several Use Permits would be brought to the next meeting. He submitted public hearing notices to the Modoc Record for a fence and a church in the Uptown Business District.

The code enforcement agenda for the next meeting is being deliberated by staff, but staff is planning on having a robust code month in February.

Mr. Loflin shared that the California Association of Code Enforcement Officers puts out multiple webinar training for Commission members to participate in throughout the year. He was going to check with the City Clerk to see about the possibility of having the Commissioners participate.

Vice Chair Merchant circled back to 4.E. There was general discussion regarding available or potential funding for abating properties, including possibly using community block grant funding for properties that specifically attract transients.

Mr. Loflin responded he felt that is something staff could look at.

Vice Chair Merchant stated that with all the feedback, most of it being overwhelmingly positive, it would make sense to have the City take over and abate some of these properties and make an example that we are serious about this.

Mr. Loflin said these discussions have been going on in the internal discussions and they are looking at having internal forces go and tackle these properties, with the top two being the ones on Weatherlow St.

In closing, Mr. Mumper said Mr. Loflin is drafting multiple ordinances to make the process more sound. If the ordinance touches Chapter 17, the Commission will get a look at it, but for the sake of time, any ordinance that doesn't touch Chapter 17 will bypass the Planning Commission and go straight to City Council.

6. **CORRESPONDENCE: NONE**

7. **COUNTY REFERRALS: NONE**

8. **ADJOURNMENT:** Motion by Tony Ardito, seconded by Wayne Jambois to adjourn at 6:28 p.m. Motion carries.

Signed, Chair Melanie Westbrook

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk