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, February 14, 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 minutes of the January 10, 2023 meeting.

   3.B Receive and file meeting minutes from the January 24, 2023 meeting.

4. **PUBLIC HEARINGS:**

   4.A Consider Resolution No. 23-1131, Violation of Nuisance Abatement Order: 10 Santa Paula Street

   4.B Consider Resolution No. 23-1132, Violation of Nuisance Abatement Order: 509 Woodside Way

5. **NEW BUSINESS:** *Commissioner updates for meeting minute approval.*

6. **CORRESPONDENCE:**

7. **COUNTY REFERRALS:**

8. **ADJOURNMENT:** ****The next regular meeting of the Susanville City Council will be held on February 28, 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 February 14, 2023 in the areas designated o**n** February, 10, 2023.*

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:	February 14, 2023
SUBJECT:	Receive and file minutes of the January 10, 2023 meeting.
PRESENTED BY:	Ruth McElrath, Building Permit Technician
SUMMARY:	Staff is presenting minutes from the January 10, 2023 meeting.
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes of the January 10, 2023 meeting.

ATTACHMENTS:
PC Min. 1.10.23.pdf

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.

AGENDA ITEM NO. 3.B
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	February 14, 2023
SUBJECT:	Receive and file meeting minutes from the January 24, 2023 meeting.
PRESENTED BY:	Ruth McElrath, Building Permit Technician
SUMMARY:	Staff is presenting minutes from the January 24, 2023 meeting
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes from the January 24, 2023 meeting.

ATTACHMENTS:
P.C. 1.24.23 min..pdf

SUSANVILLE PLANNING COMMISSION

Regular Planning Commission Meeting Minutes

TUESDAY, JANUARY 24, 2023 – 5:30 PM

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

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

1. APPROVAL OF AGENDA:

Mr. Mumper added item 6A - Code Enforcement Updates and 6B-Planning Updates.

Motion by Wayne Jambois, seconded by Rod DeBoer to approve the amended agenda.

2. BUSINESS FROM THE FLOOR: None

3. CONSENT ITEMS:

3.A Receive and file minutes from the January 10, 2023 meeting Receive and file minutes from the January 10, 2023 meeting

Item tabled to the Feb. 14, 2023, meeting due to absent members.

PC Min. 1.10.23.pdf

4. PUBLIC HEARINGS:

4.A Use Permit #2023-001. Community Evangelical Free Church of Susanville. Motion to approve Resolution No. 23-1129.

Mr. Mumper said Community Church is requesting a use permit to allow a 7-foot chain link with barbed wire fence to incorporate a 10,000 square foot drainage basin to prevent said area from becoming an attractive nuisance.

The project site is zoned R-1/DR which is Single Family Residential/Design Review and has a land use designation of single family. The proposed project site is 11.3 acres with an existing church at 1400 Numa. The reason we are here tonight is due to the height of the fence. Anything exceeding six feet requires a use permit and does not require a building permit. An 8-foot fence would require a building permit, Mr. Mumper explained.

He showed the church property site on the screen. Based on conversations with the applicant, there is a concern about the ditch being an attractive nuisance during business and non-business hours. He conducted a site visit and agreed this is a good pre-emptive measure to put in place. Property owners were notified within a 300-foot radius, and staff did not receive any comments.

The project is exempt from CEQA as it classifies as an infill project. Staff recommends approving the project with the stated conditions outlined in adopting Resolution 23-1129.

There was clarification that the proposed fence only encompassed the first portion of the ditch and not the entire ditch. Tom Neely, Community Church representative, explained

when the church was built, they were required to have drainage. The ditch was designed to leach out, but the soil isn't quality, and it retains water for a long period of time. The water can fill up to several feet deep and they are concerned about children getting in there. The small amount of water that goes into the remaining ditch evaporates quickly.

After the clarification, Mr. Mumper said he amends his 10,000 square feet to about 6,000 square feet.

Commissioner DeBoer said he doesn't have a problem with it. It is a safety factor, and he commends the people for thinking about it. It will also keep animals out, too.

Chair Westbrook asked about the barbed wire.

Mr. Neely explained that while they don't want it to look like a prison the barbed wire adds more of a deterrent for people wanting to climb over it.

Commissioner Ardito asked if there would be a gate in case someone does get inside.

Mr. Neely responded two gates would be installed on either end.

The public hearing opened at 5:41 p.m.

No comments received.

Public hearing closed at 5:42 p.m.

Site Plan.pdf

Google Earth Map.jpg

UP#2023-001 Staff Report.docx

Resolution 23-1129.docx

Moved by Rod DeBoer; seconded by Tony Ardito to Use Permit 2023-001.

Motion Carried: 4-0
Voting For: DeBoer, Ardito, Jambois and Westbrook
Voting Against: None
Absent: Merchant

4.B Use Permit #2023-003 for Grace Family Church.

Motion to approve Resolution No. 23-1130.

Public hearing opened at 5:43 p.m.

Mr. Mumper explained Grace Family Church is requesting a Use Permit to allow a church in the Uptown Business District (UBD) at 606 Main St.

He presented the site plan showing the slated improvements. He continued that there is a mixed-use occupancy on the building. Typically, on Main St., there is residential upstairs and commercial on the bottom. A church is an assembly type occupancy and the Fire Marshall and Building Official have attached conditions that the occupancy cannot exceed 49 at any given time. No comments were received from Public Works or the Police Department.

Mr. Mumper said staff did receive correspondence from Mr. Brad Croul, which was distributed to the Commissioners, and was the only correspondence received.

He explained that in 2000 when the zoning ordinance was overhauled, the City Council and Planning Commission were cognizant about not having churches all over the Uptown Business District, which is why they are required with a Use Permit. In addition, there are typically more than 49 people in most churches and for most of the buildings it wouldn't make sense to retrofit them to meet fire and building codes. An example would be the old Chicago Title building, which had to be retrofitted with sprinklers.

The project is an infill project and qualifies for a CEQA exemption. Staff's recommendation is to approve the project.

Chair Westbrook stated there are five churches within a three-block radius, and she is concerned about parking. She asked if they are required to have a certain number of parking spaces.

Mr. Mumper responded in UBD they would be relying on off-street parking and public parking lots to a large degree.

Pastor Marcus Petersen, applicant representative, explained the reason they are asking for a pro-vote is the occupancy would help create foot traffic in Uptown. They would primarily meet on Saturday evenings and Roop St. has a lot of parking around the corner that would be ample for 49 people. He also noted there are four empty business spaces in that building, so he didn't think space would be an issue.

He continued saying Saturday evening traffic would be a positive in that area. He's not trying to be in competition with other churches, but the goal is filling an unmet need. One part of his ministry is prison ministry, but the other question is who is making Main St. look better and he thought a church could help beautify Main St. Now they have the opportunity to move there. We are excited because we want to improve the look of the place. This is the first building people see when they come to town, we want it to be the best first impression for Susanville and we want our reputation on it.

Chris Gallagher, applicant representative, also explained the only church in Susanville that offers Saturday evening services is the Catholic church. There are a lot of people, who if they are working on Sunday, don't go to church. He also reiterated Saturday services will attract people to the Uptown area. We felt a non-empty building is better than an empty building. There will also be office hours during the week.

Public hearing closed at 5:57 p.m.

Moved by Rod DeBoer; seconded by Tony Ardito to approve Use Permit 2023-001.

Motion Carried: 4-0
Voting For: DeBoer, Ardito, Jambois and Westbrook
Voting Against: None
Absent: Merchant

Church Site Plan 606 Main St..pdf

UP#2023-003 Staff Report.docx

Resolution 23-1130.docx

5. NEW BUSINESS: None

6. GENERAL PLANNING UPDATES

6A. Code Enforcement Update Mr. Loflin provided an update regarding five nuisance abatements that are in violation. Regarding 560 Hospital Ln., Mr. Loflin said he received a call from a real estate agent and the owner trying to punt the property to a new owner. They are still under the appeal period which runs through Feb. 1, 2023.

City staff had contact with the owner of the Knight's Inn Motel at 1705 Main St., who indicated financial issues. The owner has the same due process rights where he can appeal the decision to the City Council, but effectively the fines are issued and become due within 45 days they were issued.

Mr. Loflin explained he has been in contact with the owner of 765 Shasta St., and he is still claiming not to be the property owner. If he is the rightful owner, he wants to work with the City to come up with a plan to work with the violation. The owner also said if it turns out he is the owner, he wants to work with City to come up with a plan to correct the violation. He was advised he has the ability to appeal until Feb. 1, 2023. Mr. Loflin stated what we really want to see is the building demolished and the public nuisance abated.

As far as 63 and 67 S. Weatherlow St. are concerned, Mr. Loflin said he has not received any word from the property owner and staff is actively pursuing the abatement of 63 S. Weatherlow.

For the February 14, 2023, meeting, he would be bringing back two properties - 10 Santa Paula and 509 Woodside - for assessment of civil penalties.

6B. Planning Update - Mr. Mumper said he received correspondence from the State Energy Commission, that the City has been moved up in the streamline status for EV charging stations. It was codified on January 27, 2023.

Last week the City Council adopted the Land Use Assessment Report. Now we are moving forward with the circulation and economic development updates.

Lastly, Mr. Mumper said Maverik Renewable Energies is scheduled to come to the February 15, 2023, City Council meeting to announce they are planning to come to the community should we welcome them.

Commissioner DeBoer asked about a house on Riverside Dr., that he said is vacant house and the door is wide open, it's an attraction.

Staff responded it would be added to the list.

7. CORRESPONDENCE:

8. COUNTY REFERRALS:

9. ADJOURNMENT:

Motion to adjourn at 6:12 p.m. by Rod Deboer, seconded by Tony Ardito.

Motion Carried: 4-0
Voting For: DeBoer, Ardito, Jambois and Westbrook
Voting Against: None
Absent: Merchant

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Cody Loflin, Building & Planning Division
Action Date:	February 14, 2023
SUBJECT:	Consider Resolution No. 23-1131, Violation of Nuisance Abatement Order: 10 Santa Paula 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 property at 10 Santa Paula Street. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling a responsible party 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 revenue of the abatement budget line for Code Enforcement abatements.
ACTION REQUESTED:	Motion to approve Resolution No. 23-1131 approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
Nuisance Abatement Order 10 Santa Paula.pdf
10 Santa Paula Reso. 231131.pdf

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

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville, Petitioner v Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers Respondent	Nuisance Abatement Order Hearing: May 12, 2022, at 6:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

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

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

ii. Matthew Mathers, Interested Party/Sibling of the deceased property owner, representing the property as an interested party.

FINDINGS

The Hearing Board makes the following findings.

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

ORDERS

The Hearing Board orders the following.

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

6. If Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers do not abate the public nuisance at 10 Santa Paula Street by 11:59 pm on August 31, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
    a. Assessment of $100.00 per day until the nuisance abatement has been complied with.
    b. Effective from November 1, 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 Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers as a personal debt or may be assessed upon 10 Santa Paula 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 Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers do not abate the nuisance at any time within the abatement period, the City may proceed with the abatement itself under the provisions of section 8.32.190 of the City of Susanville Municipal Code without further action of the hearing board. The City of

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

AMENDMENT #1

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

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

Dated: _____ _____

Wayne Jambois, Chairperson
Susanville Planning Commission

RESOLUTION NO. 23-1131
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ASSESSMENT OF CIVIL PENALTIES FOR VIOLATIONS OF A NUISANCE ABATEMENT ORDER AT 10 SANTA PAULA 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 10 Santa Paula Street have been declared to be a dangerous building and conditions constitute a 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.

WHEREAS, the property continues to foster conditions that are classified as a public nuisance in violation of the nuisance abatement order issued on May 12, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby makes the following findings of this matter:

1. The condition of real property upon the lands of 10 Santa Paula Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
2. Lloyd T. Harvey is the owner of record for the property of 10 Santa Paula Street.
3. Kevin Lee Harvey is the next-of-kin to Lloyd T. Harvey who is deceased.
4. Matthew Mathers has identified Lloyd T. Harvey as a familial relative and has taken responsibility for the property of 10 Santa Paula Street.
5. The City of Susanville Planning Commission finds that a public nuisance continues to exist upon the property identified herein.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties as described in Section 6 of the Nuisance Abatement Order issued on May 12, 2022, and order as follows:

1. The amount of civil assessment penalties assessed shall be ten thousand dollars $10,000.00.
2. The assessed penalties shall be due within forty-five days of the issuance of this order. The due date shall be 4:30 p.m. on Monday April 3, 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 10 Santa Paula Street.

APPROVED:_____
Melanie Westbrook, Chairperson
Planning Commission

ATTEST: _____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 23-1131 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 14th day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.B
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Cody Loflin, Building & Planning Division
Action Date:	February 14, 2023
SUBJECT:	Consider Resolution No. 23-1132, Violation of Nuisance Abatement Order: 509 Woodside Way
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 property at 509 Woodside Way. The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order compelling a responsible party 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. 23-1132 approving the assessment of civil penalties for violations of the nuisance abatement order

ATTACHMENTS:
Nuisance Abatement Order 509 Woodside Way.doc
509 Woodside Way Reso. 23-1132.pdf

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

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville, Petitioner v The Estate of Cynthia Barney, All Parties with Interest in 509 Woodside Way Respondent	Nuisance Abatement Order Hearing: May 24, 2022, at 6:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

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

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 an interested party.

FINDINGS

The Hearing Board makes the following findings.

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

Orders

The Hearing Board orders the following.

1. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must abate the public nuisance at 509 Woodside Way by doing the following at 509 Woodside Way:

a. Remove the diseased and/or dead tree from the front yard setback of the property at 509 Woodside Way by 11:59 p.m. on June 27, 2022. Prior to commencement of

any work involving the tree, an inquiry shall be made to the Susanville Public Works Department to verify if an Encroachment Permit is required prior to work.

b. Clear property of weeds and rubbish prior to the established deadline of the City Council for the abatement of Weeds and Rubbish which shall be by 11:59 p.m. on June 27, 2022.

c. Remove any limbs or damaged portions of trees in the rear of the property. This work shall be completed by 11:59 p.m. on June 27, 2022.

d. Secure the structure to prevent the illegal habitation of unauthorized persons.

e. Maintain the vacant structure in accordance with the Property Maintenance Ordinance and adhere to the provisions of Chapter 15.09 of the Susanville Municipal Code which regulates the Neglected Vacant Building program.

f. Have no further violations of the Susanville Municipal Code while under the jurisdiction of the Susanville Planning Commission.

2. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must fully abate this public nuisance no later than June 27, 2022.
3. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must obtain any and all required permits that may be required to abate the public nuisance at 509 Woodside Way.
4. After The Estate of Cynthia Barney and all interested parties to 509 Woodside Way abates the nuisance at 509 Woodside Way, The Estate of Cynthia Barney and all interested parties to 509 Woodside Way 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 509 Woodside Way to determine if the public nuisance was abated.
5. If The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not abate the public nuisance at 509 Woodside Way by 11:59 pm on June 27, 2022, the City of Susanville may have the property at 509 Woodside Way abated.

6. If The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not abate the public nuisance at 509 Woodside Way by 11:59 pm on June 27, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
    a. Assessment of $100.00 per day until the nuisance abatement has been complied with.
    b. Effective from March 1, 2022
    c. The maximum administrative penalty shall be $10,000, exclusive of administrative costs and interest.
    d. Assessment Penalty shall be due by 4:30 pm on September 1, 2022.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against The Estate of Cynthia Barney and all interested parties to 509 Woodside Way as a personal debt or may be assessed upon 509 Woodside Way 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 The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not abate the nuisance at any time within the abatement period, the City may proceed with the abatement itself under the provisions of section 8.32.190 of the City of Susanville Municipal Code without further action of the hearing board. The

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

AMENDMENT #1

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

1. Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days from the issuance of this amended order of their 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 24, 2022, regarding the assessment of any civil penalty. The final deadline for compliance shall be 11:59 p.m. on July 19, 2022.
3. Any order regarding the abatement of weeds or rubbish pursuant to Chapter 8.28 of the Susanville Municipal Code shall have priority over this order. The issuance of a 10-day Notice pursuant to Chapter 8.28 by a representative of the Susanville Fire Department is not affected by this order and the Susanville Fire Department may continue to enforce the provision of the Susanville Municipal Code and the Susanville Weed Abatement Program.

Dated: _____

_____

Wayne Jambois, Chairperson

Susanville Planning Commission

RESOLUTION NO. 23-1132
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ASSESSMENT OF CIVIL PENALTIES FOR VIOLATIONS OF A NUISANCE ABATEMENT ORDER AT 509 WOODSIDE WAY

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

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

WHEREAS, conditions upon the property located at 509 Woodside Way constitute a public nuisance pursuant to Ordinance No. 17-1011; and

WHEREAS, the City of Susanville adopted Chapter 8.32 of the Susanville Municipal Code to administer the abatement of public nuisances within the City of Susanville; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of May 24, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order; and

WHEREAS, the Susanville Planning Commission approved Resolution No. 22-1105 memorializing the approval of a nuisance abatement order against 509 Woodside Way; and

WHEREAS, a public nuisance continues to exist at 509 Woodside Way in violation of a nuisance abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby finds the following:

1. The condition of real property upon the lands of 509 Woodside Way are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
2. Cynthia Barney is the owner of record for the property of 509 Woodside Way
3. A public nuisance exists upon the land and find the property owner and any person with interest in the property to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, that the Planning Commission hereby approves the assessment of civil assessment penalties as stated in Section 6 of the nuisance abatement order issued against 509 Woodside Way and is ordered as follows:

1. The assessment of civil penalties in the amount of ten thousand dollars $10,000.
2. The assessed civil penalties shall be due by 4:30 p.m. on Monday April 3, 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 509 Woodside Way

APPROVED:_____
Melanie Westbrook,
Chairperson Planning Commission

ATTEST: _____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 23-1132 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 14th day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission