

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, FEBRUARY 14, 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, James Merchant and Melanie Westbrook

1. **APPROVAL OF AGENDA:** Moved by James Merchant, seconded by Rod DeBoer to approve the agenda as submitted.

Motion Carried: 5-0

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

Voting Against: None

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

3. **CONSENT ITEMS:**

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

Mr. Mumper explained staff received clarification that minutes can be approved even if a Commissioner was not present at the meeting.

[PC Min. 1.10.23.pdf](#)

Moved by James Merchant; seconded by Wayne Jambois to approve the January 10, 2023, meeting minutes.

Motion Carried: 5-0

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

Voting Against: None

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

[P.C. 1.24.23 min. pdf](#)

Moved by Wayne Jambois; seconded by Tony Ardito to approve the Jan. 24, 2023, meeting minutes.

Motion Carried: 5-0

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

Voting Against: None

4. **PUBLIC HEARINGS:**

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

Motion to approve Resolution No. 23-1131 approving the assessment of civil penalties for violations of the nuisance abatement order.

Public hearing opened at 5:32 p.m.

Mr. Loflin explained the matter for consideration is assessing civil penalties for violation of a nuisance abatement order for 10 Santa Paula. The Commission issued the nuisance abatement order on May 12, 2022, and at this time there has been no movement.

Showing pictures taken on January 24, 2022, and recent pictures showing the current state of the property, Mr. Loflin explained doors and windows have been removed. The property owner is deceased, but the brother said he was taking ownership of the property.

Chair Westbrook asked if there was a title change or if the property had gone through probate.

Mr. Loflin responded based on his dealings with the brother, no action was going to be taken by this individual. The motion is to assess the property in the amount of \$10,000 which is based on the penalty assessments ordered by the Commission. Staff can utilize these fines for resolution down the road if there is a potential buyer.

Chair Westbrook asked if this property could go to a receivership.

Mr. Loflin responded there has been no movement on receiverships. More than likely the City will have to abate the property - clear up all the garbage, remove the car, board up the property, assess those costs and place it on the title as a special assessment through the tax rolls. Then we may get to move it to a receivership to bring the house into compliance with State code and then sell it.

Vice Chair Merchant commented that the City is assessing the fines, it is essentially checking a box. He questioned that the City will have to abate the property and those costs will be in addition to the \$10,000 fine which will be lumped together as fees and assessments. This will give greater cause for the receivership and we will hopefully recoup the costs after the receivership.

Mr. Loflin stated that was correct, and they may not get everything back. The fines and assessments help on the back end if we find someone to negotiate with. The fines and assessments can be placed as a traditional lien, and the hard costs incurred will go in as a special assessment on the tax rolls.

Vice Chair Merchant asked if it makes sense to assess the full \$10,000 because the City will be running a tab on costs associated with abatement. He wouldn't want to be in a position where the City gets into a position to sell it, but it's not attractive.

Mr. Loflin responded yes. The City attorney and City administrator can settle any costs associated with the fines. He does see value in having something down the road so staff can get as much recovery for their time and efforts as possible.

There was general discussion regarding how the vehicle on the property would be abated.

Mr. Loflin explained it would go through vehicle abatement, which is a separate process.

Jim McCarthy, public member, stated he still encourages the City to use money it has available to advance and get out of wishful thinking mode.

Public hearing closed at 5:41 p.m.

[Nuisance Abatement Order 10 Santa Paula.pdf](#)
[10 Santa Paula Reso. 23-1131.pdf](#)

Moved by Wayne Jambois; seconded by James Merchant to approve Resolution 23-1131

Motion Carried: 5-0

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

Voting Against: None

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

Public hearing opened at 5:42 p.m.

Motion to approve Resolution No. 23-1132 approving the assessment of civil penalties for violations of the nuisance abatement order.

Mr. Loflin explained the matter for consideration is assessing civil penalties for violation of a nuisance abatement order for 509 Woodside Way. The matter was first brought to the Commission on May 12, 2022. The owner is deceased, and staff has been trying to get compliance with next of kin and that has not come into fruition. The property is still in violation, mainly the tree in the front yard.

Mr. Loflin continued explaining there is a hefty lien on the property, and this would be another way to try and push the lien holder.

He showed pictures of the property as it appeared August 4, 2021, August 9, 2022, and February 14, 2023.

Mr. Loflin concluded the fees assessed bring the penalty over the \$10,000 limit. Staff is recommending approving the resolution and the assessment of fees in the amount of \$10,000. The fees can be used as leverage to try and get some resolution to this matter.

Public hearing closed at 5:45 p.m.

[Nuisance Abatement Order 509 Woodside Way.doc](#)
[509 Woodside Way Reso. 23-1132.pdf](#)

Moved by Rod DeBoer; seconded by James Merchant to approve Resolution 23-1132.

Motion Carried: 5-0

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

Voting Against: None

5. **NEW BUSINESS:** Commissioner updates for meeting minute approval - Addressed under consent calendar.
6. **CORRESPONDENCE:** None

7. **COUNTY REFERRALS:** None

8. **ADJOURNMENT:** Moved by James Merchant; seconded by Tony Ardito to adjourn at 5:47 p.m.
Motion Carried: 5-0
Voting For: Merchant, Jambois, DeBoer, Ardito, and Westbrook
Voting Against: None

Signed, Chair Melanie Westbrook

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: March 14, 2023