
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, March 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 February 14, 2023 meeting.*
4. **PUBLIC HEARINGS:**
 - 4.A *Consider Resolution No. 23-1133, approving the issuance of a nuisance abatement order on 59 South Weatherlow Street.*
5. **NEW BUSINESS:**
6. **CORRESPONDENCE:**
7. **COUNTY REFERRALS:**
8. **ADJOURNMENT:** **The next regular meeting of the Susanville City Council will be held on March 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 March 14, 2023 in the areas designated on March, 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.

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: March 14, 2023

SUBJECT: Receive and file minutes of the February 14, 2023 meeting.

PRESENTED BY: Ruth McElrath, Building Permit Technician

SUMMARY: Staff is presenting minutes of the February, 14, 2023, meeting.

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes of the February 14, 2023 meeting.

ATTACHMENTS:
[P.C. 2.14.23 min..pdf](#)

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

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: March 14, 2023

SUBJECT: Consider Resolution No. 23-1133, approving the issuance of a nuisance abatement order on 59 South Weatherlow Street.

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The City of Susanville is moving closer to performing abatement work at the neighboring sites of 63 South Weatherlow Street and 67 South Weatherlow Street. In doing so, additional work will need to be performed in the empty lot that is to the north of 63 South Weatherlow Street that has an assigned address of 59 South Weatherlow Street. 59 South Weatherlow Street is also owned by the same parties, Ricardo Pellicer and Susan Morrison, as 63 South Weatherlow Street. In the nuisance abatement order issued for 63 South Weatherlow Street, there were actions that needed to be taken in this lot. Due to the lots having separate addresses and assessor's parcel numbers, a separate nuisance abatement order is being sought to maintain the integrity of the case. A Notice of Intention to Abate and Notice of Public Hearing was issued on February 13, 2023. Code Enforcement is requesting the approval of a nuisance abatement order to ensure an orderly abatement of the properties.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve Resolution No. 23-1133, approving the issuance of a nuisance abatement order on 59 South Weatherlow Street.

ATTACHMENTS:
[Resolution_23-1133.docx](#)
[Nuisance_Abatement_Order_59_South_Weatherlow_Draft_Order.pdf](#)

RESOLUTION NO. 23-1133
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT
59 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 parcel known as 59 South Weatherlow Street sits vacant and is an attractive nuisance; and

WHEREAS, the parcel known as 59 South Weatherlow Street is owned by Susan and Ricardo Pellicer. Susan and Ricardo Pellicer also own the neighboring structure at 63 South Weatherlow Street which is under 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 59 South Weatherlow is in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Ricardo and Susan Pellicer are the owners of the record for the property of 59 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.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the issuance of a nuisance abatement order for the property located at 59 South Weatherlow Street as follows:

- 1. The vacant parcel of land shall be cleared of all trash and debris.
- 2. The fence along South Weatherlow Street shall be repaired.
- 3. The portion of land under the sidewalk shall be repaired and backfilled.
- 4. The vacant lot shall have a solid wood fence along the rear of the property to prevent the occupation of the property by transients.
- 5. The abatement of public nuisances on the parcel shall be abated within ten (10) days of this order.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1133 was adopted at a regular meeting of the Planning

Commission of the City of Susanville, held on the 14th day of March 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

1 Margaret 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, Petitioner
11 v
12 Ricardo Pellicer and Susan Morrison
13 Respondent

Nuisance Abatement Order

Hearing: March 14, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

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15 1. This proceeding was heard:

- 16 a. On March 14, 2023, 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:
- 21 c. Melanie Westbrook 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 February 13, 2023, and served on Respondent Ricardo and
24 Susan Pellicer by Certified Mail on February 13, 2023, and posted on the structure
25 at 59 South Weatherlow Street on February 13, 2023.
- 26 e. Present at the hearing were:
- 27 i. City of Susanville
- 28 ii. Respondent

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2 **FINDINGS**

3 The Hearing Board makes the following findings.

- 4 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain
5 or use property or allow their property to be maintained or used in a manner that creates
6 or fosters the creation of a public nuisance.”
- 7 2. Ricardo and Susan Pellicer are the owners of and responsible party for the property
8 located at 59 South Weatherlow Street.
- 9 3. Susan Pellicer has since had her name lawfully changed and will be referred to as Susan
10 Morrison in this order.
- 11 4. Ricardo Pellicer and Susan Morrison were properly served with a Notice of Violation on
12 June 1, 2020, September 2, 2020, September 1, 2021, October 1, 2021, and February 7, 2022,
13 service pursuant to City of Susanville Municipal Code section 8.32.060.
- 14 5. Ricardo Pellicer and Susan Morrison were properly served with a Notice of Intention to
15 Abate Public Nuisance and Notice of Public Hearing on February 13, 2023, and that said
16 notice was properly posted at 59 South Weatherlow Street on February 13, 2023, pursuant
17 to City of Susanville Municipal Code section 8.32.090.
- 18 6. The condition of the property located at 59 South Weatherlow Street is a public nuisance
19 as defined by City of Susanville Municipal Code section 8.32.050.
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23 **ORDERS**

24 The Hearing Board orders the following.

- 25 1. Ricardo Pellicer and Susan Morrison must abate the public nuisance at 59 South
26 Weatherlow Street by doing the following at 59 South Weatherlow Street:
- 27 a. The vacant parcel of land shall be cleared of all trash and debris.
- 28 b. The fence along South Weatherlow Street shall be repaired.

- c. The portion of land under the sidewalk shall be repaired and backfilled.
 - d. The vacant lot shall have a solid wood fence along the rear of the property to prevent the occupation of the property by transients.
 - e. The abatement of public nuisances on the parcel shall be abated within ten (10) days.
2. Ricardo Pellicer and Susan Morrison shall abate the declared public nuisance by 11:59 p.m. on Friday March 24, 2023.
3. Ricardo Pellicer and Susan Morrison must obtain any and all required permits that may be required to abate the public nuisance at 59 South Weatherlow Street.
4. After Ricardo Pellicer and Susan Morrison abates the nuisance at 59 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 59 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 59 South Weatherlow Street by 11:59 pm on March 24, 2022, the City of Susanville may have the property at 59 South Weatherlow Street abated.
6. If Ricardo Pellicer and Susan Morrison do not abate the public nuisance at 59 South Weatherlow Street by 11:59 pm on March 24, 2023, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Not ordered.
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 Ricardo Pellicer and Susan Morrison as a personal debt or may be assessed upon 59 South Weatherlow 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

1 which constituted the nuisance established by this Order, as well as the abatement
2 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
3 property is maintained in such a manner so as not to create a nuisance. If, during this one-
4 year period, any enforcement official determines that the same or another nuisance, as
5 defined by this chapter exists with respect to the building, structure or property, he or she
6 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
7 Susanville Municipal Code. If Ricardo Pellicer and Susan Morrison do not abate the
8 nuisance at any time within the abatement period, the City may proceed with the
9 abatement itself under the provisions of section 8.32.190 of the City of Susanville
10 Municipal Code without further action of the hearing board. The City of Susanville may
11 also recover all of its abatement effort costs as provided for in the City of Susanville
12 Municipal Code.

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14 Dated: _____

15 Melanie Westbrook, Chairperson
16 Susanville Planning Commission
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