

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, MARCH 14, 2023 – 5:30 PM

Meeting called to order at 5:30 p.m. by Chair Westbrook.

Roll Call of Commissioners 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 agenda as submitted.

Motion : 5-0

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

Voting Against: None

2. BUSINESS FROM THE FLOOR: None

3. CONSENT ITEMS:

3.A Receive and file minutes of the February 14, 2023 meeting.

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

Moved by James Merchant; seconded by Rod DeBoer to approve the February 14, 2023, minutes.

Motion : 5- 0

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

Voting against: None

4. PUBLIC HEARINGS:

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

Public hearing opened at 5:30 p.m.

Mr. Loflin explained the public hearing is for 59 S. Weatherlow, an empty lot next to 63 S. Weatherlow for which a nuisance abatement order already exists. When the nuisance abatement order was done, conditions were placed on the vacant lot, but staff discovered it was its own parcel with a unique address. As staff moves toward abatement of these two buildings, they felt it would be better to place the lot under a separate nuisance abatement order. Staff re-noticed the property owner, and notices were returned to sender, unclaimed. As part of the nuisance abatement order, the property shall be cleared of all trash and debris, the fence along S. Weatherlow shall be repaired, and the portion of land under the sidewalk shall be repaired and backfilled. Mr. Loflin explained that during the last year, staff has noticed someone digging under the sidewalk. Additionally, a fence shall be constructed in the rear of the property to prevent transients shall be done within 10 days since the property has been given one year to fix.

Mr. Loflin continued explaining the City plans to knock down the buildings and grade the open lots to where its a less substantial drop off. The action is to approve resolution 23-1133, issuance of the nuisance abatement order with these conditions. One caveat is there will be no assessment of penalties since this allows for an abatement order.

There was brief discussion that the property is owned by the same owners of 63 S. Weatherlow, Ricardo Pellicer and Susan Morrison.

The Commission also held brief discussion regarding the small lot size of 59 S. Weatherlow, property zoning and that the lots may need to be merged to do anything with the property.

The property is zoned C-2 and Mr. Mumper stated it could still be viable given minimal setbacks in commercial zones.

Chair Westbrook asked if this is where the City should take imminent domain.

Vice Chair Merchant added the owners were first notified in 2020 and now we are three years into it. He asked, does it make sense to do something different, and have it be viable, rather than revisiting this three years later?

Mr. Loflin explained after the proceedings, it comes to the City attorney's office who has already brainstormed on what is available. We can go to the courts and request a money judgement, we can also foreclose upon any lien. Imminent domain is always on the table, but separate procedures are going to come from the attorney. We must go through the administrative routes first so we can set up for the civil cases with the courts.

Chair Westbrook stated it's nice to know staff is having these conversations.

Mr. Mumper added staff received word from the City administrator that we would be getting more attention to code updates and the code enforcement process from attorney staff.

Commissioner Ardito questioned the reason for not assessing fees.

Mr. Loflin responded the City will not get compliance in this case. We are doing this just to get the work done.

Commissioner Ardito added the cost of doing the backfill work will be substantial.

Mr. Loflin stated in this matter, the cost recovery is going to be assessed and it's better we do it that way because the hard costs will be placed on the tax roll and it becomes a priority over any other liens. Civil assessment penalties would be placed as a lien and we could potentially not see those.

[Resolution_23-1133.docx](#)

[Nuisance_Abatement_Order_59_South_Weatherlow_Draft_Order.pdf](#)

Moved by Wayne Jambois; seconded by Tony Ardito to approve resolution 23-1133.

Motion : 5-0

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

Voting Against: None

5. NEW BUSINESS: None

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: None

8. ADJOURNMENT:

Moved by James Merchant; seconded by Tony Ardito to adjourn at 5:40 p.m. Motion

Carried: 5 - 0

Voting For: Merchant, Ardito, Jambois, DeBoer and Westbrook
Voting Against: None

Signed, Chair Melanie Westbrook

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: 3/28/23