
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 28, 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 March 14, 2023, meeting](#)
4. **PUBLIC HEARINGS:**
 - 4.A [Consider Resolution No. 23-1134, approving the issuance of a nuisance abatement order for real property located at 10 Santa Paula Street](#)
5. **NEW BUSINESS:**
 - 5.A [Consider Resolution No. 23-1135, canceling the nuisance abatement order issued against Lloyd T. Harvey](#)
6. **CORRESPONDENCE:**
7. **COUNTY REFERRALS:**
8. **ADJOURNMENT:** ***The next regular meeting of the Susanville Planning Commission will be held on April 11, 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 28, 2023 in the areas designated on March 24, 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 28, 2023

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

PRESENTED BY: Ruth McElrath, Building Permit Technician

SUMMARY: Staff is presenting minutes from the March 14, 2023, meeting

FISCAL IMPACT: None

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

ATTACHMENTS:
[PC minutes 3.14.23.pdf](#)

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:

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: March 28, 2023

SUBJECT: Consider Resolution No. 23-1134, approving the issuance of a nuisance abatement order for real property located at 10 Santa Paula Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: On February 16, 2023, the City of Susanville became aware of a transfer in ownership for 10 Santa Paula Street. The property was sold at tax auction to Antonio Barrera of Silver Springs, Nevada. ParcelQuest, the platform the City uses to access parcel information, updated this information sometime between January 10, 2023 and February 16, 2023. A title chain was pulled and it was discovered the tax sale occurred on May 16, 2022, 4 days after the issuance of a nuisance abatement order. Code Enforcement staff issued a Notice of Intent to Abate and Notice of Public Hearing calling for the abatement of the property by the new property owner to occur by March 15, 2023, with a public hearing on the matter scheduled for March 28, 2023. The City of Susanville is requesting the issuance of a nuisance abatement order naming Antonio Barrera as the responsible party and ordering the removal of nuisance conditions.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve Resolution No. 23-1134, approving the issuance of a nuisance abatement order for real property located at 10 Santa Paula Street

ATTACHMENTS:
[Staff Report Resolution No 23-1134.pdf](#)
[PC 23-1134.docx](#)
[Nuisance Abatement Order_10 Santa Paula Street_Draft.doc](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
March 28, 2023

FILE NUMBER	CE#2021-014		
OWNER	Antonio Barrera		
REQUEST	Issuance of a Nuisance Abatement Order		
ASSESSOR'S PARCEL NO.	107-154-005-000		
LOCATION	10 Santa Paula Street		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-2	Residential
	South	R-1	Residential
	East	R-1	Residential
	West	R-1 C-O	Residential Commercial
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

The City of Susanville has declared the existence of a public nuisance pursuant to the Susanville Municipal Code upon the property of 10 Santa Paula. The condition of the property places the general public health, safety and welfare as well as the overall appearance and value of the neighborhood at risk. Upon the lands exist a junk yard consisting of copious amounts of discarded debris, trash, rubbish, dilapidated household items and various other items of refuse. The main structure to the building has been declared to be a substandard building as defined by the Susanville Municipal Code and California Health and Safety Code 17920.3. An active "Do Not Occupy" order from the City of Susanville Building Official was issued on January 24, 2022.

The property owner has been notified numerous times regarding the existence of a public nuisance upon his property. Unfortunately, in February 2022, the property owner passed away. The property owner's brother who was listed as the next-of-kin is currently in the custody of the California Department of Corrections and Rehabilitation. Another sibling of the property owner contacted Code Enforcement and stated they were a responsible party and that they would attempt to abate the property of the declared

nuisance. However, this has not occurred and in fact, the property has become more unsanitary and more of a nuisance. This responsible party has cut off all communication with Code Enforcement and has shown no attempts to mitigate the public nuisances that exist upon the property.

On February 16, 2023, while preparing for the abatement of the property, Code Enforcement discovered that the property had sold at tax auction on May 16, 2022. The ownership information was amended sometime between January 10, 2023 and February 16, 2023. Code Enforcement immediately sent out notifications to the new owner requesting his compliance.

According to the case file the following letters have been sent to the property owners notifying the existence of a nuisance and requested the abatement of said nuisance.

- Notice of Intention to Abate and Notice of Public Hearing on February 16, 2023, by Cody Loflin, Code Enforcement Officer
- Nuisance Abatement Order, by the Susanville Planning Commission, Resolution No. 22-1100.
- Notice of Violation issued on February 22, 2022, by Cody Loflin, Code Enforcement Officer
- Building “Red Tagged” on January 24, 2022, by Dow Davis, Building Official.
- Notice of Violation issued on November 1, 2022, by Cody Loflin, Code Enforcement Officer
- Notice of Violation issued on October 1, 2022, by Cody Loflin, Code Enforcement Officer
- Notice of Public Nuisance issued on April 30, 2021, by Cody Loflin, Code Enforcement Officer
- Notice of Violation issued on May 25, 2016, by Craig Sanders, City Planner
- Issuance of Abatement Order for the Abatement of an Abandoned, Wrecked, dismantled, or Inoperative Vehicle, issued by the Abandoned Vehicle Hearing Board on October 28, 2014.
- Notice of Violation issued on April 30, 2014, by Craig Sanders, City Planner

ANALYSIS:

Susanville Municipal Code § 8.32.040 states that 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.

In addition to the declaration of a public nuisance based on the fact the building has been declared a dangerous building, Susanville Municipal Code § 8.32.050 further defines conditions that can be declared a public nuisance. The condition of the property in addition to the structure is further declared to be a public nuisance as followed:

- 8.32.050 (A)(2) SMC: A substandard building or a dangerous building or structure maintained in violation of the housing regulation or dangerous building regulations adopted by or pursuant to this code.
- 8.32.050(C)(2) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason

thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, an abandoned and dilapidated building or portion of a building.

- 8.32.050(C)(4) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, the maintenance of property in the city in violation of Chapter 8.52 of this code.
- 8.52.030(A)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions: faulty weather protection, including, but not limited to, the following, crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors. Broken, damaged or missing windows or doors, and painted or unpainted surfaces suffering from dry rot, warping or termite infestation.
- 8.52.030(A)(3) SMC: Fences or walls which are in a hazardous condition, which are in disrepair, or which hinder free access to public sidewalks or rights-of-way or are maintenance such a condition to have a tendency to degrade the appearance and property values of surrounding property. All fencing, including gates shall be maintained in sound condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence. Where fencing has been painted and it shall be maintained and kept free of chipping, peeling, scaling or missing paint.
- 8.52.030(A)(4) SMC: Substantial deterioration of porches, landing, patios, stairways or guardrails which although not otherwise constituting an unsafe structure as defined in this code, are visible from public right of way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard, or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Vegetation, tress, landscaping or other plant materials which are subject to any of the following conditions – overgrown or dead, decayed diseased or hazardous.
- 8.52.030 (E) SMC: Storage or scattering over any portion of the property of any of the following:
 - 1. Debris, rubbish, rubble, construction debris, litter or trash which is not stored in trash receptacles, or which is scattered and blowing onto adjacent public or private property;
 - 2. Abandoned, broken, wrecked, inoperable or discarded household or office furnishings, housewares, appliances, electronic equipment or devices, machines and tools or similar objects of equipment;
 - 3. Abandoned, broken, wrecked, inoperable or discarded personal effects, including, but not limited to, books, magazines, newspapers,

- papers, knickknacks, ornamental objects, clothing or similar articles;
- 4. Outdoor storage of usable building materials for more than one hundred eighty (180) days, except where construction or remodeling is occurring under a valid permit or as may be permitted by the zoning classification of the property. The material shall be stored in a neat and orderly manner so as not to create a health or fire hazard;
 - 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal, tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling containers or as may be permitted by this code or the zoning classification of the property;
 - 6. Abandoned, inoperative, wrecked, or dismantled vehicles or parts thereof in violation of Chapter 10.22 of this code;
 - 7. Outdoor storage or scattering of materials, equipment or other items on residentially used property, which is not typically associated with such use, which is inconsistent with the zoning classification of the property and which creates a fire hazard or health hazard or which is otherwise injurious or potentially injurious to the public health, safety and welfare;
 - 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 8.52.030 (M) SMC: Maintenance of buildings, structures or premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code 3480 or other applicable law.

Chapter 8.32 of the Susanville Municipal Code outlines the process relating to the administrative abatement of public nuisance within the City of Susanville. The Planning Commission of the City of Susanville is tasked as the hearing body and may issue an Abatement Order directing the abatement of the property and to the assessment of civil penalties for failure to abate public nuisance as prescribed within this public hearing.

RECOMMENDATION:

Motion to Approve issuance of a Nuisance Abatement Order directing the property owners to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS: Attachments are listed in the Exhibit List that follows this Staff Report.

RESOLUTION NO. 23-1134
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE 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 March 28, 2023, considered the written and verbal comments presented concerning the issuance of an abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the issuance of a nuisance abatement order and the assessment of civil penalties for violation of said order based on the following findings of facts:

- A. 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.
- B. Antonio Barrera is the owner of record for the property of 10 Santa Paula Street.
- C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 10 Santa Paula Street subject to the terms, agreements, and conditions as follows:

- 1. Repairs must be made to the main structure and bring into compliance with the California Building Code.
- 2. The accessory building in the rear of the property must be brought into compliance with the California Building Code and all permits must be obtained for this accessory building.
- 3. All inoperable vehicles must be removed from the property
- 4. All trash, debris, junk, rubbish, and discarded household goods must be removed and properly disposed of in accordance with state law.
- 5. Failure to abate the public nuisance, the property owner shall be assessed a daily civil penalty in the amount of \$100 per day and shall be assessed from the date of the issuance of the Notice of Violation dated February 16, 2023; and
- 6. The daily accrual of any civil penalty shall cease when the conditions of this abatement order are fully complied with.
- 7. The property owner will comply with all provisions of the Susanville Municipal Code and will refrain from any other violations of the Susanville Municipal Code

- in a 12-month period.
8. The declared public nuisance shall be abated by 11:59 p.m. on April 9, 2023.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1134 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 28th 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 Nuisance Abatement Order

11 City of Susanville,

12 Petitioner

13 Hearing: March 28, 2023, at 5:30 p.m. in
14 Council Chambers
15 66 North Lassen Street
16 Susanville, CA 96130

17 v

18 Antonio Barrera

19 Respondent

- 20 1. This proceeding was heard:
- 21 a. On March 28, 2023, at 5:30 p.m. in the Council Chambers at 66 North Lassen
 - 22 Street, Susanville, CA 96130.
 - 23 b. By the Planning Commission of the City of Susanville (also referred to as the
 - 24 Hearing Board or the Board) with the following commissioners of the Planning
 - 25 Commission present:
 - 26 c. Melanie Westbrook presided over the procedure as Chairperson.
 - 27 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
 - 28 of Public Hearing" dated February 16, 2023, and served on Respondent Antonio
 - Barrera by Certified Mail on February 16, 2023, and posted on the structure at 10
 - Santa Paula Street on February 16, 2023.
 - e. Present at the hearing where:
 - i. City of Susanville and
 - ii. Respondent.

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. Antonio Barrera is the owner of the property located at 10 Santa Paula Street.
3. Antonio Barrera was properly provided notice on February 16, 2023, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Antonio Barrera was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on February 16, 2023 and that said notice was properly posted at 10 Santa Paula Street on February 16, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. 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. Antonio Barrera 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. Antonio Barrera must fully abate this public nuisance by 11:59 pm on April 9, 2023.
3. Antonio Barrera must obtain any and all required permits that may be required to abate the public nuisance at 10 Santa Paula Street.
4. After Antonio Barrera abates the nuisance at 10 Santa Paula Street, Antonio Barrera 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 Antonio Barrera does not abate the public nuisance at 10 Santa Paula Street by 11:59 pm on April 9, 2023, the City of Susanville may have the property at 10 Santa Paula Street abated.
6. If Antonio Barrera does not abate the public nuisance at 10 Santa Paula Street by 11:59 pm on April 9, 2023, 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 February 16, 2023
 - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
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 Antonio Barrera 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 Antonio Barrera does 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 its abatement effort costs as provided for in the City of Susanville Municipal Code.

Appeal

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.

The foregoing Nuisance Abatement Order was issued at a Regular Meeting of the Susanville Planning Commission held on the 28th day of March 2023.

Dated: _____

Melanie Westbrook, Chairperson
Susanville Planning Commission

AGENDA ITEM NO. 5.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: March 28, 2023

SUBJECT: Consider Resolution No. 23-1135, canceling the nuisance abatement order issued against Lloyd T. Harvey

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: Due to a transfer in ownership at 10 Santa Paula Street, the nuisance abatement order issued against Lloyd T. Harvey shall be canceled and memorialized by this commission.

FISCAL IMPACT: None

ACTION REQUESTED: Motion to approve Resolution No. 23-1135, canceling the nuisance abatement order issued against Lloyd T. Harvey

ATTACHMENTS:
[PC 23-1135.docx](#)

RESOLUTION NO. 22-1135
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
CANCELING THE NUISANCE ABATEMENT ORDER AT 10 SANTA PAULA
STREET ISSUED AGAINST LLOYD T. HARVEY

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 City of Susanville has been informed of a tax sale of 10 Santa Paula to Antonio Barrera.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby cancels the nuisance abatement order issued against Lloyd T. Harvey.

APPROVED: _____
Melanie Westbrook, Chairperson
Planning Commission

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

The foregoing Resolution No. 23-1135 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 28th day of March 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission