

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, APRIL 25, 2023 – 5:30 PM

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

ROLL CALL Commissioner Bortle, Commissioner Ardito, Commissioner Jambois, and Chair Westbrook. Absent: Vice Chair Merchant and Commissioner DeBoer

1. APPROVAL OF AGENDA:

Moved by Tony Ardito; seconded by Curtis Bortle to approve the agenda as submitted.

Motion Carried: 4-0

Voting For: Ardito, Bortle, Jambois and Westbrook

Voting Against: None

Absent: Merchant and DeBoer

2. BUSINESS FROM THE FLOOR: None

3. CONSENT ITEMS:

3.A Receive and file the March 28, 2023 meeting minutes

Moved by Tony Ardito; seconded by Wayne Jambois to approve the March 28, 2023, minutes as submitted.

Motion Carried: 3-0

Voting For: Ardito, Jambois and Westbrook

Voting Against: None

Abstain: Bortle

Absent: Merchant and DeBoer

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4. PUBLIC HEARINGS:

4.A Consider extension of nuisance abatement order for 63 South Weatherlow Street.

Motion to approve extension of the nuisance abatement order for 63 South Weatherlow Street.

Mr. Loflin explained for the record that the resolution and draft nuisance abatement order, which were not in the agenda packet, were provided to the Commissioners prior to the meeting.

He said the matter was brought to the Commission on several occasions for issuance of a nuisance abatement order and civil penalties due to non-compliance. Asbestos and lead paint testing was conducted and yielded some asbestos, but it was under the reporting levels. City staff worked on negotiating a contract with a contractor but were unable to

come to an agreement. The City negotiated with a second contractor and the contract will likely occur after the second May City Council meeting.

To facilitate this, we need to extend the nuisance abatement order. Mr. Loflin cited California Code of Civil procedure 1822.55, which provides an issuing officer the opportunity to receive an extension through the courts if it is in the public interest that an extension is warranted. In this case, the City is moving forward with the abatement of these buildings. We have yet to receive compliance, all correspondence with the owner has been futile with notices never returned. We do not feel the abatement is going to occur unless the City steps in to do it ourselves.

Mr. Loflin said the 12-month extension is in case something happens. He does not see it needing the full year, but getting it done during the summer.

Public hearing opened at 5:40 p.m.

Jim McCarthy, public member, said after reading the item he was extremely agitated and disappointed. He drove by the site and considers the City of Susanville to be negligent in allowing themselves to be ready for a lawsuit if someone were to fall off the unprotected, extreme height. Mr. McCarthy continued that it's been over a year, and he would be taking the matter to the City Council. Giving them a year is not reasonable, he wouldn't even give them a day, and he would make it go to court.

Chair Westbrook also asked why the one-year extension.

Mr. Loflin responded if the nuisance abatement order wasn't extended, it would have to go back to the notice of violation stage. He would then have to provide time for abatement, notice of intent to abate, providing another window of compliance, followed by a public hearing and at least 30 to 45 days to bring back for a nuisance abatement order. He was recommending 12 months so he wouldn't have to bring the matter back multiple times.

There was discussion regarding the extension deadline and timelines for getting a contractor.

Mr. Loflin also explained there was concern about doing the work while school is in session and waiting to commence after school is done in June.

Chair Westbrook asked what happens if the second contractor falls through because everyone is going to be busy during the summer.

Mr. Loflin said the Public Works Director and City Administrator can direct staff to either contact a third contractor or go through a Scope of Work so it can go to bid.

Mr. Mumper added the problem is when you start involving more contractors, the more of a fine line we are walking for having to do a Request for Proposal.

Chair Westbrook said a year is useless. She doesn't love six months, but it's better than a year.

Commissioner Bortle asked if civil penalties have been assessed as a lien against the property.

Mr. Loflin responded the lien has not been brought to the Council for approval. He recently attended training, which discussed cost recovery efforts and he will be utilizing the new cost-recovery efforts to assess those penalties. A lien might not be guaranteed, but there are other efforts that may be more worthwhile.

Commissioner Ardito asked for clarification that there is nothing the Commission can do to expedite the matter.

Mr. Loflin responded that is correct. The Commission cannot compel City staff to work quicker, it can only compel the City to compel the property owners to work quicker.

Commissioner Bortle said he wanted six months or shorter.

Commissioner Ardito asked if there is anything to make the area safer while the process continues. He also looked at the property and there is quite a drop.

Commissioner Bortle added there has been sufficient time to accomplish this. If we grant an extension, it should be six months.

Commissioner Jambois commented he is quite upset about what is going on. He takes Mr. McCarthy's statements in very serious context. Somewhere, the ball got dropped, and he hopes the message received is the Commission is not happy with what has transpired tonight. He wants to get the property taken care of and would like to see the property abated by the deadline. He thinks six months is the best we can shoot for right now.

Public hearing closed at 6 p.m.

The Commission approves amending the Resolution to six months for a deadline of Oct. 25, 2023, at 11:59 p.m.

Moved by Wayne Jambois; seconded by Curtis Bortle to approve extending nuisance abatement order as amended.

Motion: 4-0

Voting For: Jambois, Bortle, Ardito and Westbrook

Voting Against: None

Absent: Merchant and DeBoer

4.B Consider extension of nuisance abatement order for 67 South Weatherlow Street.

Motion to approve extension of the nuisance abatement order for 67 South Weatherlow Street.

Public hearing opened at 6:02 p.m.

Mr. Loflin explained for the record that he provided Resolution 23-1127 and a draft nuisance abatement order with the amendment to the Commission.

He continued by stating a nuisance abatement order was issued on May 12, 2022, and civil assessment penalties were assessed on Jan. 25, 2023. The City began efforts to demolish the building. An asbestos and lead paint survey were conducted the same day as the neighboring property, and no asbestos was found.

This nuisance abatement order is set to expire May 12, 2023, and it is also slated for demolition, which will occur afterwards. There will be the same terms, conditions and contractor as the neighboring property. The recommendation is a 12-month extension, placing the deadline on April 25, 2024, at 11:59 p.m.

Mr. McCarthy said the owner has been playing the Commission for years. There might be an opportunity to attach his other properties if we take a different tack on this one. The owner can knock it down in two days, so he would recommend a shorter timeline.

Chair Westbrook stated the property owner is not going to do anything.

The Commission approves shortening the deadline to six months.

Public hearing closed at 6:08 p.m.

Moved by Wayne Jambois; seconded by Curtis Bortle to approve Resolution 23-1127 as amended.

Motion: 4-0

Voting For: Jambois, Bortle, Ardito and Westbrook

Voting Against: None

Absent: Merchant and DeBoer

5. NEW BUSINESS:

5.A *City of Susanville 1990-2010 General Plan* updates. Receive presentation from staff. No action required.

Mr. Mumper provided General Plan updates. The Land Use Assessment Report, prepared by Mintier Harnish, was adopted by the City Council several months ago. They have now segued into the Circulation Element, which will be more in-depth than the land use report.

The consultant also provided staff with a General Plan audit sheet. Mr. Mumper conducted meetings with multiple departments to get their feedback. What has come out of the audit is we want to focus on a lot of things that are still in there. We don't want to lose sight of a potential trucking bypass and it will remain in the document. He also directed the consultants to continue focusing on extending Skyline to connect to Alexander or Sierra Road.

Chair Westbrook asked why the City would want that.

Mr. Mumper responded it completes a circulation route within City limits. He said what we are seeing with the second leg being completed is it is attempting to drive commercial and industrial development. He is confident if we get the chips to fall, development is going to dictate this being completed.

There was discussion about tax sharing agreements for some highly anticipated annexations.

Mr. Mumper said he highly encourages the Commissioners to email him ideas, requests, anything related to circulation and transportation. He plans to tentatively schedule a community workshop for June 21. Staff received word, Green Dot, being the transportation specialist is working on a draft.

In addition, while working in conjunction with consultants, an opportunity arose to do a complete streets survey through UC Berkeley. A rep will be meeting with him and the engineering team to help with a study in the Uptown Business District. Staff hopes reconsidering a lane reduction in Uptown will come out of this report.

Commissioner Bortle asked about extending Skyline to Richmond Rd. rather than Alexander.

Mr. Mumper responded he requested that the consultants not lose focus on these things, but to also provide other alternatives.

Commissioner Bortle said he is thinking about reducing traffic congestion in the City.

Mr. Mumper added, at the request of the City Administrator, they will also be looking at roads that need to be reclassified.

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: None

8. ADJOURNMENT:

Moved by Wayne Jambois; seconded by Curtis Bortle to adjourn at

Motion: 4-0

Voting For: Jambois, Bortle, Ardito and Westbrook

Voting Against: None

Absent: Merchant and DeBoer

Signed, Chair Melanie Westbrook

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: May 23, 2023