
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, June 13, 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 May 23, 2023, meeting
4. **PUBLIC HEARINGS:**
 - 4.A Conduct Public Hearing on AV2023-006 and Consider Resolution No. 23-1144 ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue
 - 4.B Conduct Public Hearing on CE2023-0045 and Consider Resolution No. 23-1151 approving the issuance of Nuisance Abatement Order NA2023-006 and ordering the property owner of 316 Pardee Avenue to abate nuisance conditions.
 - 4.C Conduct Public Hearing on CE2023-045 and Consider Resolution No. 23-1152 approving the issuance of a Dangerous Building Abatement Order DB2023-001 for a fire damaged garage at 316 Pardee Avenue.
 - 4.D Conduct Public Hearing on AH2023-001 and Consider Resolution No. 23-1145 providing a recommendation of the Susanville Planning Commission to the Susanville City Council regarding the issuance of administrative citations against the property owners of 105 Russell Avenue.
 - 4.E Conduct Public Hearing on CE2023-015 and Consider Resolution No. 23-1146 approving the issuance of Nuisance Abatement Order NA2023-001 and ordering the property owner of 713

Cottage Street to abate nuisance conditions.

- 4.F Conduct Public Hearing on CE2023-017 and Consider Resolution No. 23-1147 approving the issuance of Nuisance Abatement Order NA2023-002 and ordering the property owner of 811 Cottage Street to abate nuisance conditions.
- 4.G Conduct Public Hearing on CE2023-018 and Consider Resolution No. 23-1148 approving the issuance of Nuisance Abatement Order NA2023-003 and ordering the property owner of 105 Russell Avenue to abate nuisance conditions.
- 4.H Conduct Public Hearing on CE2023-022 and Consider Resolution No. 23-1149 approving the issuance of Nuisance Abatement Order NA2023-004 and ordering the property owner of 1005 North Street to abate nuisance conditions.
- 4.I Conduct Public Hearing on CE2023-034 and Consider Resolution No. 23-1150 approving the issuance of Nuisance Abatement Order NA2023-005 and ordering the property owner of 6 Monrovia Street to abate nuisance conditions.

5. NEW BUSINESS:

6. CORRESPONDENCE:

7. COUNTY REFERRALS:

8. ADJOURNMENT: *The next regular meeting of the Susanville Planning Commission will be held on June 27, 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 June 13, 2023 in the areas designated on June 9, 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: June 13, 2023

SUBJECT: Receive and file minutes of the May 23, 2023, meeting

PRESENTED BY: Ruth McElrath, Building Permit Technician

SUMMARY: Staff is presenting minutes from the May 23, 2023 meeting.

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes of the May 23, 2023, meeting

ATTACHMENTS:
[P.C. 5.23.23 min..pdf](#)

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, MAY 23, 2023 – 5:30 PM

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

Roll Call of Councilmembers Present: Rod DeBoer, Melanie Westbrook, James Merchant
Absent: Tony Ardito, Wayne Jambois

1. APPROVAL OF AGENDA:

Moved by James Merchant; seconded by Rod DeBoer to approve.

Motion Carried: 3 - 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

2. BUSINESS FROM THE FLOOR:

Mayor McCourt, spoke on the Susanville Click & Fix App as a method to implement code enforcement activities. He continued to note an encouragement to the community to abate prior to city staff reaching out and engaging.

3. CONSENT ITEMS:

3.A Receive and file minutes of the April 25, 2023, meeting

[PC 4.25.23 min..pdf](#)

Moved by James Merchant; seconded by Rod DeBoer to approve .

Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

4. PUBLIC HEARINGS:

4.A Variance #2023-003, TOM WARD. The applicant is requesting a Variance from the required rear yard setback in an R-1 Zoning District to construct a 20' by 40', (800) square foot detached garage.

Consider Approving and Disapproving Resolution No. 23-1138

At 5:39 P.M. Public Hearing Opened

City Planner, Kelly Mumper introduced Variance #2023-003, reviewed attachments included in the agenda and provided further details to the Commission.

Discussion occurred among Commissioners reviewing options.

Jesse Williams, Williams Concrete (member of the public) provided information about the constructed 20' by 40' detached garage pad.

Tom Ward, property owner (member of the public) spoke on behalf of the process of the carport project and the intention of the pad.

Mayor McCourt, (member of the public) inquired about the plans and spec submitted and reviewed by the city.

Public Hearing Closed at 6:02 P.M.

[Approving Resolution Final.doc](#)
[Dissapproving Resolution.doc](#)
[VA#2023-003 Staff Report.docx](#)
[Garage Elevation.pdf](#)
[Variance Application.pdf](#)
[VA #2023-003 Site Plan-WARD.pdf](#)
[Applicant Site Photo.pdf](#)
[1.jpg](#)
[2.jpg](#)
[3.jpg](#)
[4.jpg](#)
[5.jpg](#)
[6.jpg](#)

Moved by James Merchant; seconded by Rod DeBoer to approve Resolution 23-1138.

Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

4.B Conduct Public Hearing on AV2023-001 and Consider **Resolution No. 23-1139** determining the responsible party of a 1977 Winnebago and the subsequent summary abatement of said vehicle from upon the 800 Block of Cypress Street.

- Conduct public hearing and make findings into whom is responsible for the abatement of the recreational vehicle, and;
- Motion to approve **Resolution No. 23-1139** determining the responsible party of a 1977 Winnebago and the subsequent summary abatement of said vehicle from upon the 800 Block of Cypress Street.

Public Hearing Opened at 6:02 P.M.

Cody Loflin, Code Enforcement Officer provided a presentation summarizing abatement efforts of the motorhome located on the 800 block of Cypress Street and provided cost of abatement for the Commission.

Discussion occurred about the motorhome ownership liability in relation to this abatement.

Property Owners (member of the public) thanked Code Enforcement Officer for working with

him and provided information about the Winnebago and provided history on the events that have taken place.

Public Hearing Closed at 6:18 P.M.

[Resolution 23-1139](#)

[Abandoned Vehicle Abatement Order AV2023-001](#)

Moved by Rod DeBoer; seconded by James Merchant to approve Resolution No. 23-1139 determining the responsible party identified as William Valentine as the responsible party and the cost incurred by the city to be recovered is \$927.36.

Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

- 4.C Conduct Public Hearing on AV2023-002 and Consider **Resolution No. 23-1140** determining the responsible party of a 2001 GMC Safari Van abandoned upon private property on parcel assigned APN 103-316-005-000 and the authorization to the City of Susanville to abate said abandoned vehicle.

- Conduct public hearing and make findings into whom is responsible for the abatement of the abandoned 2001 GMC Safari, and;
- Motion to approve **Resolution No. 23-1140** determining the responsible party of a 2001 GMC Safari Van abandoned upon private property on parcel assigned APN 103-316-005-000 and the authorization to the City of Susanville to abate said abandoned vehicle.

Public Hearing opened at 6:24 P.M.

Cody Loflin, Code Enforcement Officer provided a presentation to the commission detailing the abandoned vehicle and abatement efforts completed by city staff.

Discussion occurred among the commission regarding ownership of the vehicle and efforts to reach out to the involved parties.

Public Hearing Closed at 6:33 P.M.

[Resolution 23-1140](#)

[Abandoned Vehicle Abatement Order AV2023-002](#)

Moved by James Merchant; seconded by Rod DeBoer to approve Resolution 23-1140 determining the responsible party to be the landowner of APN 103-316-005-000. Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

- 4.D Conduct Public Hearing on AV2023-003 and Consider **Resolution No. 23-1141** determining the responsible party of abandoned vehicles and abandoned vehicle parts and authorization for the abatement of said vehicle and said vehicle parts from 325 North Weatherlow Street.

Conduct public hearing and make findings into whom is responsible for the abatement of the abandoned of abandoned vehicles and abandoned vehicle parts, and;

- Motion to approve **Resolution No. 23-1141** determining the responsible party of abandoned vehicles and abandoned vehicle parts and authorization for the abatement of said vehicle and said vehicle parts from 325 North Weatherlow Street.

Public Hearing Opened at 6:34 P.M.

Cody Enforcement Officer, Cody Loflin provided a presentation on 325 N. Weatherlow Street and abatement efforts to the Commission.

Discussion occurred among the commission about history of property ownership.

Public Hearing Closed at 6:40 P.M.

[Resolution 23-1141](#)

[Abandoned Vehicle Abatement Order AV2023-003](#)

Moved by Rod DeBoer; seconded by Melanie Westbrook to approve Resolution 23-1141.

Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

- 4.E Conduct Public Hearing on AV2023-004 and Consider **Resolution No. 23-1142** determining the responsible party of an abandoned 1991 Dodge Van and authorization for the abatement of said vehicle from 105 Laverne Avenue.

- Conduct public hearing and make findings into whom is responsible for the abatement of the abandoned 1991 Dodge Van, and;
- Motion to approve **Resolution No. 23-1142** determining the responsible party of an abandoned 1991 Dodge Van and authorization for the abatement of said vehicle from 105 Laverne Avenue.

Public Hearing Opened at 6:40 P.M.

Cody Loflin, Code Enforcement Officer provided a presentation to the Commission detailing abatement efforts regarding the abandoned vehicle at 105 Laverne Avenue.

Discussion occurred about the location of the van and ownership of the van.

Public Hearing Closed at 6:43 P.M.

[Resolution 23-1142](#)

[Abandoned Vehicle Abatement Order AV2023-004](#)

Moved by James Merchant; seconded by Rod DeBoer to Approve responsible party being the property owner of 105 Laverne Ave in which the 1991 Dodge Van is located. Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

- 4.F Conduct Public Hearing on AV2023-005 and Consider **Resolution No. 23-1143** determining the responsible party of an abandoned 2001 Toyota Camry Solara and authorization for the

abatement of said vehicle from 10 Santa Paula Street.

- Conduct public hearing and make findings into whom is responsible for the abatement of the abandoned 2001 Toyota Camry Solara, and;
- Motion to approve **Resolution No. 23-1143** determining the responsible party of an abandoned 2001 Toyota Camry Solara and authorization for the abatement of said vehicle from 10 Santa Paula Street.

Public Hearing Opened at 6:46 P.M.

Cody Loflin, Code Enforcement Officer provided information to the Commission about the abatement efforts for the vehicle located at 10 Santa Paula Street. The removal of the vehicle is being proposed to be included in the City Council approved abatement costs at 10 Santa Paula Street.

Public Hearing Closed at 6:49 P.M.

[Resolution 23-1143](#)

[Abandoned Vehicle Abatement Order AV2023-005](#)

Moved by Rod DeBoer; seconded by James Merchant to Approve Identifying the responsible party to be the landowner of 10 Santa Paula Street. Motion Carried: 3- 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

- 4.G Conduct Public Hearing on AV2023-006 and Consider **Resolution No. 23-1144** ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue Conduct Public Hearing and provide a motion to approve **Resolution No. 23-1144** determining ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue

Tabled

[Resolution 23-1144](#)

[Abandoned Vehicle Abatement Order AV2023-006](#)

- 4.H Conduct Public Hearing on CE2023-045 and Consider **Resolution No. 23-1152** approving the issuance of a Dangerous Building Abatement Order DB2023-001 for a fire damaged garage at 316 Pardee Avenue.

Motion to approve **Resolution No. 23-1152** approving the issuance of a Dangerous Building Abatement Order for a fire damaged garage at 316 Pardee Avenue.

Tabled

[Resolution 23-1152](#)

[Dangerous Building Abatement Order DB2023-001](#)

5. NEW BUSINESS:

None

6. **CORRESPONDENCE:** None
7. **COUNTY REFERRALS:** None.
8. **ADJOURNMENT:**

Moved by Rod DeBoer; seconded by James Merchant to Adjourn 6:50 P.M.

Motion Carried: 3 - 0

Voting For: Rod DeBoer, Melanie Westbrook, James Merchant

Voting Against: None

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on AV2023-006 and Consider **Resolution No. 23-1144** ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

Chapter 10.22 deals with the abatement and removal of abandoned, wrecked, dismantled, or inoperative vehicles on private or public property and provides for the adoption of a vehicle abatement program. In addition to and in accordance with the determination made and the authority granted by the state under section 22660 of the California Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council provides the following findings and declarations.

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or par thereof, on private or public property is declared to constitute a public nuisance which may be abated as such in accordance with Chapter 10.22 of the Susanville Municipal Code.

The authority to abate vehicles has been granted to the Chief of Police of the Susanville Police Department. Chief Ryan Cochran has designated Cody Loflin, Code Enforcement Officer II for the City of Susanville as a designated representative and authorized to carry out all provisions of the abandoned vehicle abatement program.

Pursuant to Section 10.22.110 SMC, a Notice to Landowner was served by certified mail to the property owner, and a Notice to Vehicle

Owner was served by certified mail to the last registered and legal owner of the vehicle. Each notice provided a compliance deadline of 10-days to abate the vehicle from the property. As of May 18, 2023, the vehicles were not abated as directed to do so and are in violation of the Susanville Municipal Code, that being Section 10.22.180 (B).

The purpose of the public hearing is to hear testimony from the City of Susanville regarding the declaration of a public nuisance relating to the subject vehicle and the failure of a responsible party to remove the vehicle and abate the public nuisance declaration. Additionally, the property owner, vehicle owner, and interested parties are afforded their constitutional rights to due process with being provided a notice of impending enforcement action and an opportunity to be heard regarding said enforcement action. Section 10.22.130 SMC provides the framework for the structure of the public hearing.

The Susanville Planning Commission shall make the findings of facts regarding the responsible party to whom shall be ordered to abate the vehicle from the property within ten (10) days, or another ordered timeframe, and shall bear burden to costs that are incurred by the taxpayers of this city.

Any party aggrieved by the decision of the Susanville Planning Commission may appeal the decision within (10) days of the order. The Susanville City Council shall be the appeal body and shall have the final and conclusive decision regarding the abatement and removal of the abandoned/inoperable vehicle.

FISCAL IMPACT:

Approximately \$750 from the General Fund to abate and remove the abandoned vehicle. Subsequent efforts to recover costs associated to the enforcement and abatement of the abandoned vehicle shall be sought by Code Enforcement against the responsible party.

ACTION REQUESTED:

Conduct Public Hearing and provide a motion to approve **Resolution No. 23-1144** determining ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue

ATTACHMENTS:

[PC 23-1144 Resolution](#)

[Abandoned Vehicle Abatement Order AV2023-006](#)

RESOLUTION NO. 23-1144
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
ORDERING THE ABATEMENT AND REMOVAL OF AN INOPERABLE 2004 HYUNDAI
SONATA GLS FROM 316 PARDEE AVENUE

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 06-0926 declares a public nuisance and addresses the abatement and removal of abandoned, wrecked, dismantled, or inoperative vehicles on private or public property and adopts a vehicle abatement program pursuant to California Vehicle Code Sections 22660 through 22668; and

WHEREAS, upon the parcel identified by APN 107-082-004-000 with an assigned address of 316 Pardee Avenue there is an inoperable 2004 Hyundai Sonata GLS bearing California license plate 7KOG080 visible to the public; and

WHEREAS, the landowner, Faylon O'Donnell, and last known registered owner, Chelsea Fisher, have been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and have failed to abate and remove said vehicle during the initial abatement timeline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Faylon O'Donnell, the landowner of APN 107-082-004-000, is the responsible party and shall abate and remove an inoperable 2004 Hyundai Sonata GLS from the parcel within ten (10) days from the issuance of this order. Subsequently, the City of Susanville shall be authorized to remove said vehicles and vehicle parts if the landowner fails to do so within the ten (10) day compliance timeline.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

1 Margret 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,

11 Petitioner

12 v

13 Respondent

14 Abandoned Vehicle Abatement Order
15 AV2023-006

16 Hearing: June 13, 2023, at 5:30 p.m.
17 Susanville City Council Chambers
18 66 North Lassen Street
19 Susanville, CA 96130

20 1. This proceeding was heard:

- 21 a. On June 13, 2022, at 5:30 pm in the Council Chambers at 66 North Lassen Street,
22 Susanville, CA 96130.
- 23 b. By the Planning Commission of the City of Susanville (also referred to as the
24 Abandoned Vehicle Hearing Board or the Board) with the following commissioners
25 of the Planning 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 and Remove and
28 Abandoned, Wrecked, Dismantled, or Inoperative Vehicle or Parts Thereof as a
Public Nuisance" dated May 8, 2023.
- e. Present at the hearing where:
- i. Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. representing the Respondent.

FINDINGS

The Abandoned Vehicle 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. A 2004 Hyundai Sonata GLS is being stored upon the lands of 316 Pardee Avenue in an inoperative state.
3. Faylon O'Donnell is the owner of record for 316 Pardee Avenue.
4. Chelsea Fisher is the registered and legal owner of the 2004 Hyundai Sonata GLS bearing California license plate 7KOG080.
5. After conducting a public hearing, the Board find that RESPONDENT is the responsible party and is therefore subject to the orders contained herein.

Orders

The Abandoned Vehicle Hearing Board orders the following.

1. The abatement and removal of the 2004 Hyundai Sonata GLS bearing California license plate 7KOG080 shall be completed within ten (10) days of this order. Failure to comply with this order may result in further enforcement action and the City of Susanville shall be authorized to abate and remove said vehicles and said vehicle parts.
2. 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 _____ as a personal debt or may be assessed upon _____ and will constitute special assessment upon the property until paid.
3. The Board orders that all costs in the amount of \$_____ shall be paid to the City of Susanville within thirty (30) days as prescribed by Section 10.22.170 of the Susanville Municipal Code.
- 4.

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Appeal

The respondent may appeal the decision of the Abandoned Vehicle Hearing Board by filing a written notice of the appeal with the board within ten (10) days after its decision. Such appeal shall be heard by the city council which may affirm, amend, or reverse the order to take other action deemed appropriate. The respondent shall be notified of the appeal hearing no less than ten (10) days prior to the hearing with the city council.

The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 13th day of June 2023.

Dated: _____

Melanie Westbrook, Chairperson
Susanville Planning Commission

AGENDA ITEM NO. 4.B
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-0045 and Consider **Resolution No. 23-1151** approving the issuance of Nuisance Abatement Order NA2023-006 and ordering the property owner of 316 Pardee Avenue to abate nuisance conditions.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

The City of Susanville has received multiple complaints regarding the property at 316 Pardee Avenue. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, inoperable vehicles, and unsanitary living conditions upon the property. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve Resolution No. 23-1151 approving the issuance of Nuisance Abatement Order NA2023-006 and ordering the property owner of 316 Pardee Avenue to abate nuisance conditions.

ATTACHMENTS:

[PC 23-1151 Resolution](#)

[Nuisance Abatement Order NA2023-006](#)

RESOLUTION NO. 23-1151
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-006 AND
ORDERING THE PROPERTY OWNER OF 316 PARDEE AVENUE TO ABATE NUISANCE
CONDITIONS

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 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

WHEREAS, a public nuisance has been declared upon the property of 316 Pardee Avenue and attempts to bring the property into voluntary compliance have not been realized; and

WHEREAS, the City of Susanville intend to have the property abated to remove the nuisance conditions and therefore invoke Chapter 8.32 of the Susanville Municipal Code and request the Susanville Planning Commission issue a nuisance abatement order to compel the property owners to abate and remove nuisance conditions or the city of Susanville shall be authorized to perform the necessary abatement work.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby approves the issuance of a Nuisance Abatement Order NA2023-006 and orders Faylon O'Donnell landowner of 316 Pardee Avenue (APN 107-082-004-000), to abate nuisance conditions.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

1 Margret 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,

11 Petitioner

12 v

13 FAYLON O'DONNELL

14 Respondent

Nuisance Abatement Order
NA2023-006

Hearing: June 13, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 15
- 16 1. This proceeding was heard:
- 17 a. On June 13, 2023, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 18 Susanville, CA 96130.
- 19 b. By the Planning Commission of the City of Susanville (also referred to as the
- 20 Hearing Board or the Board) with the following commissioners of the Planning
- 21 Commission present:
- 22 c. Melanie Westbrook presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated May 7, 2023, and served on Respondent, FAYLON
- 25 O'DONNELL, by Certified Mail on May 7, 2023, and posted on the structure at 316
- 26 Pardee Avenue on May 7, 2023.
- 27 e. Present at the hearing where:
- 28

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning Commission, representing the 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. FAYLON O'DONNELL owns the residential property and is the responsible party for the property located at 316 Pardee Avenue.
3. FAYLON O'DONNELL was properly served with a Notice of Violation on April 26, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. FAYLON O'DONNELL was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 7, 2023, and that said notice was properly posted at 316 Pardee Avenue on May 7, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 316 Pardee Avenue is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. FAYLON O'DONNELL must abate the public nuisance at 316 Pardee Avenue by doing the following at 316 Pardee Avenue:
 - a. Remove and dispose of all debris, garbage, rubbish, trash and all branches and limbs that are in the rear yard.
 - b. The castle structure shall be removed.
 - c. Remove and dispose of all debris, garbage, rubbish, trash, household furnishings, appliances from the front yard.

2. FAYLON O'DONNELL must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
3. FAYLON O'DONNELL must obtain any and all required permits that may be required to abate public nuisance at 316 Pardee Avenue.
4. After FAYLON O'DONNELL abates the nuisance at 316 Pardee Avenue, FAYLON O'DONNELL 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 316 Pardee Avenue to determine if the public nuisance was abated.
5. If FAYLON O'DONNELL does not abate the public nuisance at 316 Pardee Avenue by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 316 Pardee Avenue abated.
6. If FAYLON O'DONNELL does not abate the public nuisance at 316 Pardee Avenue by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders 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 order has been complied with.
 - b. Effective from June 26, 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 against FAYLON O'DONNELL as a personal debt or may be assessed upon 316 Pardee Avenue 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 FAYLON O'DONNELL 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 of its abatement effort costs as provided for in the City of Susanville Municipal Code.

The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 13th day of June 2023.

Dated: _____

Melanie Westbrook

Susanville Planning Commission

AGENDA ITEM NO. 4.C
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-045 and Consider **Resolution No. 23-1152** approving the issuance of a Dangerous Building Abatement Order DB2023-001 for a fire damaged garage at 316 Pardee Avenue.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

Background:

On Thursday May 18, 2023, a request for an appeal of a Notice of Violation was received by the property owner of 316 Pardee Avenue, Faylon O'Donnell. The appeal of the Notice of Violation is appropriate due to the fact the Notice of Violation calls for the demolition of a dangerous structure that is within the front yard setback of the property. The appeal of the Notice of Violation is timely as the appeal was received prior to the compliance deadline of May 22, 2023. Additionally, the appeal waives the property owner's right to have at least a ten-day notice to the appeal hearing and a request to be heard at the May 23, 2023, Planning Commission meeting is appropriate.

On February 1, 2021, at approximately 4:55 p.m., the Susanville Fire Department responded to a reported residential structure fire with a possible entrapment within the structure. Upon arrival, the initial responding engine observed heavy smoke and fire emanating from the detached garage structure. Fortunately, all occupants were accounted for and there were no injuries reported at the scene. The detached garage structure was "Red Tagged" by the Susanville Building Department.

On February 19, 2021, the property owner started the process to obtain a building permit to rehabilitate the structure, but failed to complete the process and no building permit was issued. On at least two occasions the property owner was provided warnings regarding unpermitted work being performed on the structure.

While the Dixie Fire was threatening the vicinity around Susanville, it was observed that the alleyway had been blocked by a trailer. It was

discovered that the property owner or tenants of the residence had placed the trailer there. It was requested to have the trailer move due to the Dixie Fire as the alleys needed to be clear if structure protection and fire suppression efforts were needed. At this time, I was met by Susanville Fire Marshall, Assistant Chief Hernandez, who advised that the detached structure was a dangerous structure and appeared to have been worked on without permits and that the work done to the structure appeared to be incorrect and dangerous.

Renewed public concerns and property maintenance violations have brought this matter to the attention of Code Enforcement. A Notice of Violation was issued as well as A Notice of Intention to Abate nuisance vehicles were issued.

Analysis:

Section 15.04.100 SMC adopts the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB) into the Building Code for the City of Susanville. Section 15.10.010 provides a definition of a dangerous building as referenced by the 1997 UCADB which is then defined as a public nuisance pursuant to Section 8.32.050 SMC.

Within the 1997 UCADB, the detached garage structure would be in violation of Section 302 and therefore would be declared a dangerous building and subsequently a public nuisance pursuant to our Code. Section 205.1 of the 1997 UCADB provides for the right to appeal to a board of appeals regarding appeals of a Notice issued by a local agency. By default, the Susanville Planning Commission will be utilized as this appeal board.

In addition to the provisions defined with the 1997 UCADB, the Susanville Municipal Code calls for the abatement of dangerous structures and buildings. This can be accomplished through the Nuisance Abatement process. The issuance of a Notice of Violation is in compliance with Section 8.32.060 SMC. The difference between the 1997 UCADB and Section 8.32.060 SMC is that the Notice of Violation is appealable based on solely the dangerous building/structure aspect, and a Notice of Violation is not appealable for general nuisances as appeal rights are afforded at time of citation or nuisance abatement order authorization.

Recommendation for Demolition:

Recommendation for the demolition of the structure is based on the damage sustained by the fire as well as the unreasonableness of the timeline for the rehabilitation of the structure. Prior to the fire the detached garage had been a legal nonconforming structure as the garage was situated with the side setback along the property line to the neighboring property. If the structure had been rehabilitated with

the proper permits and within a reasonable timeframe, the structure would continue to benefit from the legal nonconforming status. However, as the detached garage had not been utilized since the fire and with no movement for rehabilitation, Section 17.108.030 (D) SMC has been triggered. Section 17.108.030(D) SMC provides the guideline for the declaration of an abandoned nonconforming use of a structure. The use of a structure that has been discontinued for a continuous period of more than one year is grounds for abandonment and that the structure would have been brought into compliance with the zoning ordinance. Compliance would be a relocation of the structure from the setbacks.

Additionally, it could be argued that the use of the detached garage had been abandoned well before the damage sustained due to the early 2021 fire. The garage had been converted to a storage shed type structure and was not being used for the storage of a vehicle and the residence's off street parking requirement.

Conclusion:

The reasonableness and timeliness to allow for the continued existence of detached garage has tolled. The detached garage will need to be brought into compliance with the current code of the State of California and the City of Susanville. The demolition of the garage is warranted and the recommendation for the appeal should be denied.

Staff Recommendation:

Pursuant to provisions outlined within the 1997 UCADB and the Susanville Municipal Code that a motion to approve Resolution No. 23-1152 approving the issuance of a Dangerous Building Abatement Order (DB2023-001).

Order DB2023-001 shall provide a timeline of 30 days to obtain the necessary demolition permit and to commence work, and the completion of the work to demolish the structure shall be completed within 60 days.

All other violations contained within the Notice of Violation shall be addressed at the discretion of the Code Enforcement Officer with the appropriate notice and orders.

FISCAL IMPACT:

None.

ACTION REQUESTED:

Motion to approve **Resolution No. 23-1152** approving the issuance of

a Dangerous Building Abatement Order for a fire damaged garage at
316 Pardee Avenue.

ATTACHMENTS:

[PC 23-1152 Resolution](#)

[Dangerous Building Abatement Order DB2023-001](#)

RESOLUTION NO. 23-1152
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF A DANGEROUS BUILDING ABATEMENT ORDER
DB2023-001 FOR A FIRE DAMAGED GARAGE AT 316 PARDEE AVENUE

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 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

WHEREAS, Section 15.04.100 of the Susanville Municipal Code adopts by reference the 1997 Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, the landowner, Faylon O'Donnell of 316 Pardee Avenue has been issued a Notice of Violation regarding the declaration of nuisance conditions and for the declaration of a dangerous building or structure in violation of the Susanville Municipal Code and 1997 Uniform Code for the Abatement of Dangerous Buildings.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby approves the issuance of a Dangerous Building Abatement Order DB2023-001 and orders Faylon O'Donnell, the landowner of 316 Pardee Avenue (APN 107-082-004-000), to demolish the detached garage.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

1 Margret 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,

11 Petitioner

12 v

13 Faylon J. O'Donnell

14 Respondent

Dangerous Building Abatement Order
DB2023-001

Hearing: June 13, 2023, at 5:30 p.m.
Susanville City Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 1. This proceeding was heard:

- 16 a. On June 13, 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 Dangerous Building Board of Appeals or the Board) with the following
20 commissioners of the Planning Commission present:
- 21 c. Melanie Westbrook presided over the procedure as Chairperson.
- 22 d. This matter was set on by Respondent's request for appeal received on May 18,
23 2023.
- 24 e. Present at the hearing where:
- 25 i. Cody Loflin, Code Enforcement representing the City of Susanville and
26 ii. representing the Respondent.

27
28 **FINDINGS**

1 The Dangerous Building Board of Appeals makes the following findings.

- 2 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
3 or use property or allow their property to be maintained or used in a manner that creates
4 or fosters the creation of a public nuisance."
- 5 2. Faylon O'Donnell is the owner of record for 316 Pardee Avenue.
- 6 3. The detached garage structure sustained damage due to a fire on February 1, 2021.
- 7 4. The detached garage structure has not been rehabilitated and is still currently in declared
8 nuisance.
- 9 5. Pursuant to the 1997 Uniform Code for the Abatement of Dangerous Buildings, the
10 detached garage structure meets the criteria in Section 302 and therefore shall be declared
11 a dangerous building.

12 Orders

13 The Dangerous Building Board of Appeals orders the following.

- 14 1. Shall obtain a demolition permit from the City of Susanville and shall commence work
15 within thirty (30) days from the issuance of this order.
- 16 2. Shall demolish the garage structure within sixty (60) days from the issuance of this order.

18 Appeal

19 The respondent may appeal the decision of the Dangerous Building Board of Appeals by filing a
20 written notice of the appeal with the board within ten (10) days after its decision. Such appeal
21 shall be heard by the city council which may affirm, amend, or reverse the order to take other
22 action deemed appropriate. The respondent shall be notified of the appeal hearing no less than
23 ten (10) days prior to the hearing with the city council.

24
25 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of
26 Susanville, held on the 13th day of June 2023.

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28 Dated: _____

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Melanie Westbrook, Chairperson
Susanville Planning Commission

DRAFT

AGENDA ITEM NO. 4.D
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on AH2023-001 and Consider **Resolution No. 23-1145** providing a recommendation of the Susanville Planning Commission to the Susanville City Council regarding the issuance of administrative citations against the property owners of 105 Russell Avenue.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY: The following matter is an Administrative Appeal Hearing regarding the issuance of three administrative citations. The administrative citations were issued for violations of the Susanville Municipal Code relating to the enforcement of minimum property maintenance standards. The citations were issued against the property owners of 105 Russell Avenue. There are two parcels that are associated with this overall case, and they are both owned in partnership with the Tezak Family Trust and Marino Family Living Trust. Frank Marino, trustee of the Marino Family Living Trust has requested this appeal hearing to deny responsibility for the alleged violations. There was no response from the other property owner regarding this matter.

Analysis:

Chapter 8.40 of the Susanville Municipal Code provides for administrative citations in addition to all other civil remedies and as an initial alternative to any criminal remedy which may be pursued by the city to address any violation of the Susanville Municipal Code. The city council has found administrative citations to be an appropriate method of enforcement as authorized by both the California Constitution, Article XI, Section 7, and California Government Code Section 53069.4.

A Notice of Violation was issued prior to the issuance of the citations. The Notice of Violation dated March 22, 2023, provided a 10-day compliance deadline which was not obeyed and conditions constituting a public nuisance were observed after the deadline of April 2, 2023.

Administrative citations must be paid in full within 21 days of issuance

or have an appeal lodged within the same 21-day window. An appeal was received requesting this hearing.

Hearing:

No hearing to contest an administrative citation before the hearing board officer shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100 or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

A hearing before the hearing board officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this chapter.

At the hearing, the administrative citation and any written report submitted by the enforcement official shall constitute prima facie evidence of the respective facts contained in the citation. Both the party contesting the administrative citation and the enforcement official shall be given the opportunity to testify and to present additional evidence concerning the administrative citation. Such evidence may include the testimony of other witnesses, or the introduction of documents or other evidence. Such testimony, written documents, or other evidence sought to be introduced shall not be limited to any legal rules of evidence, save and except for the rule that it shall be relevant and material to the issues of whether the violation alleged in the citation occurred and whether the person cited committed, caused or was responsible for the violation. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour and shall allow the appellant at least as much time to present its case as is allowed the city.

The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

The hearing board may continue the hearing and request additional information from the enforcement official or the recipient of the administrative citation prior to issuing a written decision.

After considering all the testimony and evidence submitted at the

hearing, the hearing board shall issue a written recommendation to the city council to uphold or cancel the administrative citation and shall list in the decision the reasons for that recommendation. The city council shall make the final decision to uphold or cancel the administrative citation at the next regular meeting of that body in which the decision on the administrative citation can be legally calendared. That decision shall be final.

FISCAL IMPACT:

\$800 in potential revenues to the General Fund if citations are upheld and the fines collected.

ACTION REQUESTED:

Motion to approve Resolution No. 23-1145 providing a recommendation of the Susanville Planning Commission to the Susanville City Council regarding the issuance of Administrative Citations against the property owners of 105 Russell Avenue.

ATTACHMENTS:

[PC 23-1145 Resolution](#)

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, that declares what constitutes a nuisance, and adopted Chapter 8.40 and 8.52 of the Susanville Municipal Code to outline property maintenance standards and the issuance of administrative citations for the enforcement of violations of said standards; and

WHEREAS, Susanville Code Enforcement issued Administrative Citations pursuant to the provisions outlined in Chapter 8.40 of the Susanville Municipal Code for violations of Ordinance 17-1011 against the property owners of 105 Russell Avenue, The Tezak Family Trust and the Marino Family Living Trust; and

WHEREAS, Frank Marino, Trustee of the Marino Family Living Trust has requested an appeal hearing regarding the issuance of Administrative Citations issued against 105 Russett Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby recommends to the Susanville City Council that the issuance of administrative citations for violations of Ordinance 17-1011 against 105 Russell Avenue are valid and the city council shall uphold the following administrative citations: COS2023-0006, COS2023-0013, and COS2023-0020.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

AGENDA ITEM NO. 4.E
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-015 and Consider **Resolution No. 23-1146** approving the issuance of Nuisance Abatement Order NA2023-001 and ordering the property owner of 713 Cottage Street to abate nuisance conditions.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

The City of Susanville has received multiple complaints regarding the property at 713 Cottage Street. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, inoperable vehicles, and unsanitary living conditions upon the property. The main structure has been deemed a substandard building pursuant to California Health & Safety Code 17920.3 which constitutes a public nuisance pursuant to our municipal code. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve Resolution No. 23-1146 approving the issuance of Nuisance Abatement Order NA2023-001 and ordering the property owner of 713 Cottage Street to abate nuisance conditions.

ATTACHMENTS:
[PC 23-1146 Resolution](#)
[Nuisance Abatement Order NA2023-001](#)

1 Margret 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,

11 Petitioner

12 v

13 The Tezak Family Trust

14 Respondent

Nuisance Abatement Order
NA2023-001

Hearing: June 13, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 1. This proceeding was heard:

- 16 a. On June 13, 2023, at 6:30 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 May 5, 2023, and served on Respondent, The Tezak
24 Family Trust, by Certified Mail on May 5, 2023, and posted on the structure at 713
25 Cottage Street on May 5, 2023.
- 26 e. Present at the hearing where:
- 27
- 28

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning Commission, representing the 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. The Tezak Family Trust owns the commercial property and is the responsible party for the property located at 713 Cottage Street.
3. The Tezak Family Trust was properly served with a Notice of Violation on March 21, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. The Tezak Family Trust was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 713 Cottage Street on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 713 Cottage 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. The Tezak Family Trust must abate the public nuisance at 713 Cottage Street by doing the following at 713 Cottage Street:
 - a. Removal of all conditions constituting a zoning violation within the City of Susanville
 - b. Removing and relocating all residents within any structure upon 713 Cottage that is in violation of the Uniform Housing Code.

- c. All debris, garbage, junk, trash, rubbish, and miscellaneous items shall be removed from public view.
- d. All vehicles that are within the parameters of the abandoned vehicle abatement ordinance, to wit, are within an abandoned, dismantled, junked, inoperative, or wrecked conditions shall be removed from the property and stored in accordance with all laws of the State of California and the Susanville Municipal Code.
- e. All property maintenance violations shall be addressed.
 - i. Repair broken windows
 - ii. Bring all unpermitted work into compliance.
 - iii. Parking lot to be neat and presentable.
 - iv. Clean up the accumulated grease, oil, and other residues from the pavement.
2. The Tezak Family Trust must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
3. The Tezak Family Trust must obtain any and all required permits that may be required to abate public nuisance at 713 Cottage Street.
4. After The Tezak Family Trust abates the nuisance at 713 Cottage Street, the Tezak Family Trust 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 713 Cottage Street to determine if the public nuisance was abated.
5. If the Tezak Family Trust does not abate the public nuisance at 713 Cottage Street by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 713 Cottage Street abated.
6. If the Tezak Family Trust does not abate the public nuisance at 713 Cottage Street by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:

- 1 a. Assessment of \$500.00 per day until the nuisance abatement order has been
2 complied with.
- 3 b. Effective from June 26, 2023.
- 4 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
5 costs and interest.
- 6 7. All costs of the City's abatement efforts, including the abatement work and administrative
7 time to investigate and to hear and effect the abatement shall be charged against the Tezak
8 Family Trust as a personal debt or may be assessed upon 713 Cottage Street and will
9 constitute a lien or special assessment upon the property until paid.
- 10 8. This Order shall be effective for one year after issuance. During such period, the hearing
11 board shall retain jurisdiction over the conditions of the building, structure or property
12 which constituted the nuisance established by this Order, as well as the abatement
13 thereof, to ensure that the nuisance does not reoccur and that the building, structure, or
14 property is maintained in such a manner so as not to create a nuisance. If, during this one-
15 year period, any enforcement official determines that the same or another nuisance, as
16 defined by this chapter exists with respect to the building, structure or property, he or she
17 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
18 Susanville Municipal Code. If the Tezak Family Trust does not abate the nuisance at any
19 time within the abatement period, the City may proceed with the abatement itself under
20 the provisions of section 8.32.190 of the City of Susanville Municipal Code without further
21 action of the hearing board. The City of Susanville may also recover all of its abatement
22 effort costs as provided for in the City of Susanville Municipal Code.

23
24 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of
25 Susanville, held on the 13th day of June 2023.

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27 Dated: _____

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Melanie Westbrook

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Susanville Planning Commission

DRAFT

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-017 and Consider **Resolution No. 23-1147** approving the issuance of Nuisance Abatement Order NA2023-002 and ordering the property owner of 811 Cottage Street to abate nuisance conditions.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

The City of Susanville has received multiple complaints regarding the property at 811 Cottage Street. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, inoperable vehicles, and unsanitary living conditions upon the property. The main structure has been deemed a substandard building pursuant to California Health & Safety Code 17920.3 which constitutes a public nuisance pursuant to our municipal code. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve Resolution No. 23-1147 approving the issuance of Nuisance Abatement Order NA2023-002 and ordering the property owner of 811 Cottage Street to abate nuisance conditions.

ATTACHMENTS:
[PC 23-1147 Resolution](#)
[Nuisance Abatement Order NA2023-002](#)

1 Margret 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,

11 Petitioner

12 v

13 William M. Tezak, President of
14 Caribbean Investments, Inc.

Respondent

Nuisance Abatement Order
NA2023-002

Hearing: June 13, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 15
- 16 1. This proceeding was heard:
- 17 a. On June 13, 2023, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 18 Susanville, CA 96130.
- 19 b. By the Planning Commission of the City of Susanville (also referred to as the
- 20 Hearing Board or the Board) with the following commissioners of the Planning
- 21 Commission present:
- 22 c. Melanie Westbrook presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated May 5, 2023, and served on Respondent, William M.
- 25 Tezak, President of Caribbean Investments, Inc., by Certified Mail on May 5, 2023,
- 26 and posted on the structure at 811 Cottage Street on May 5, 2023.
- 27 e. Present at the hearing where:
- 28

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning Commission, representing the 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. William M. Tezak, President of Caribbean Investments, Inc. owns the commercial property and is the responsible party for the property located at 811 Cottage Street.
3. William M. Tezak, President of Caribbean Investments, Inc. was properly served with a Notice of Violation on March 21, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. William M. Tezak, President of Caribbean Investments, Inc. was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 811 Cottage Street on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 811 Cottage 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. William M. Tezak, President of Caribbean Investments, Inc. must abate the public nuisance at 811 Cottage Street by doing the following at 811 Cottage Street:
 - a. Uniform Housing Code Violations:
 - i. All items listed within this notice shall be complied with as the State of California has set the minimum housing standards for all people of this State. An inspection is required to verify the reasonable suspicion of the

1 lack of these items. Please contact Code Enforcement staff to set up a
2 reasonable time to inspect. If I do not hear back from you by the end of the
3 compliance deadline, I will assume that consent has not been granted. An
4 inspection warrant pursuant to California Code of Civil Procedures 1822.50
5 – 1822.60 shall be sought from the Lassen County Superior Court.

- 6 ii. The building shall have the required utilities accessible to the building
7 (electrical, water, sewer).
- 8 iii. The building shall have access to hot and cold running water.
- 9 iv. The building shall have adequate heat for all units.
- 10 v. The building shall have adequate access to a kitchen sink, toilet, shower or
11 bath.
- 12 vi. All other building code violations shall be remedied and shall have all
13 permits pulled for their inspection and completion.

14 b. Public Nuisances:

- 15 i. Cease and desist the operation of any vehicle dismantling operation or the
16 likes of any vehicle business without first obtaining any occupational
17 license through the State of California, conditional use permits through the
18 City of Susanville, and any business license required by the Susanville
19 Municipal Code.
- 20 ii. Clear all visible junk, trash, debris, household items, furniture, appliances,
21 and car parts from public view.
- 22 iii. All vehicles on property must be licensed and in an operable state.
23 Operable state as defined in the California Vehicle Code.
- 24 iv. All car parts to be removed from view.
- 25 v. Chicken coop shall be removed from the required setbacks between the
26 shop and the neighboring building.
- 27 vi. Recommendation of previous building official requested a railing be
28 installed.

vii. Poultry cannot be kept within 75-feet from a dwelling.

viii. Burning of vegetation shall be permitted and done during acceptable days.

ix. Remove items that are on the lands of the Lassen County Arts Council.

c. Zoning:

i. Cease and desist the allowance of any resident from residing in the main structure or the accessory structure until all permits have been obtained and the use has been authorized for residential occupancy.

2. William M. Tezak, President of Caribbean Investments, Inc. must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
3. William M. Tezak, President of Caribbean Investments, Inc. must obtain any and all required permits that may be required to abate public nuisance at 811 Cottage Street.
4. After William M. Tezak, President of Caribbean Investments, Inc. abates the nuisance at 811 Cottage Street, William M. Tezak, President of Caribbean Investments, Inc. 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 811 Cottage Street to determine if the public nuisance was abated.
5. If William M. Tezak, President of Caribbean Investments, Inc. does not abate the public nuisance at 811 Cottage Street by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 811 Cottage Street abated.
6. If William M. Tezak, President of Caribbean Investments, Inc. does not abate the public nuisance at 811 Cottage Street by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$500.00 per day until the nuisance abatement order has been complied with.
 - b. Effective from June 26, 2023.

- 1 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
2 costs and interest.
- 3 7. All costs of the City's abatement efforts, including the abatement work and administrative
4 time to investigate and to hear and effect the abatement shall be charged against William
5 M. Tezak, President of Caribbean Investments, Inc. as a personal debt or may be assessed
6 upon 811 Cottage Street and will constitute a lien or special assessment upon the property
7 until paid.
- 8 8. This Order shall be effective for one year after issuance. During such period, the hearing
9 board shall retain jurisdiction over the conditions of the building, structure or property
10 which constituted the nuisance established by this Order, as well as the abatement
11 thereof, to ensure that the nuisance does not reoccur and that the building, structure, or
12 property is maintained in such a manner so as not to create a nuisance. If, during this one-
13 year period, any enforcement official determines that the same or another nuisance, as
14 defined by this chapter exists with respect to the building, structure or property, he or she
15 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
16 Susanville Municipal Code. If William M. Tezak, President of Caribbean Investments, Inc.
17 does not abate the nuisance at any time within the abatement period, the City may
18 proceed with the abatement itself under the provisions of section 8.32.190 of the City of
19 Susanville Municipal Code without further action of the hearing board. The City of
20 Susanville may also recover all of its abatement effort costs as provided for in the City of
21 Susanville Municipal Code.

22

23 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of
24 Susanville, held on the 13th day of June 2023.

25

26 Dated: _____

27 _____
Melanie Westbrook

28 _____
Susanville Planning Commission

AGENDA ITEM NO. 4.G
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-018 and Consider **Resolution No. 23-1148** approving the issuance of Nuisance Abatement Order NA2023-003 and ordering the property owner of 105 Russell Avenue to abate nuisance conditions.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

The City of Susanville has received multiple complaints regarding the property at 105 Russell Avenue. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, inoperable vehicles, and unsanitary living conditions upon the property. The main structure has been deemed a substandard building pursuant to California Health & Safety Code 17920.3 which constitutes a public nuisance pursuant to our municipal code. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve Resolution No. 23-1148 approving the issuance of Nuisance Abatement Order NA2023-003 and ordering the property owner of 105 Russell Avenue to abate nuisance conditions.

ATTACHMENTS:

[PC 23-1148 Resolution](#)

[Nuisance Abatement Order NA2023-003](#)

RESOLUTION NO. 23-1148
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-003 AND
ORDERING THE PROPERTY OWNER OF 105 RUSSELL AVENUE TO ABATE NUISANCE
CONDITIONS

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 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

WHEREAS, a public nuisance has been declared upon the property of 105 Russell Avenue and attempts to bring the property into voluntary compliance have been futile; and

WHEREAS, the City of Susanville intend to have the property abated to remove the nuisance conditions and therefore invoke Chapter 8.32 of the Susanville Municipal Code and request the Susanville Planning Commission issue a nuisance abatement order to compel the property owners to abate and remove nuisance conditions or the city of Susanville shall be authorized to perform the necessary abatement work.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby approves the issuance of a Nuisance Abatement Order NA2023-003 and orders the Tezak Family Trust and the Marino Family Living Trust landowners of 105 Russell Avenue (APN 105-320-013-000 and 105-320-014-000), to abate nuisance conditions.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

1 Margret 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,

11 Petitioner

12 v

13 The Tezak Family Trust and Marino
14 Family Living Trust

15 Respondent

Nuisance Abatement Order
NA2023-003

Hearing: June 13, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 16 1. This proceeding was heard:
- 17 a. On June 13, 2023, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
18 Susanville, CA 96130.
- 19 b. By the Planning Commission of the City of Susanville (also referred to as the
20 Hearing Board or the Board) with the following commissioners of the Planning
21 Commission present:
- 22 c. Melanie Westbrook presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
24 of Public Hearing" dated May 5, 2023, and served on Respondent, The Tezak
25 Family Trust and Marino Family Living Trust, by Certified Mail on May 5, 2023,
26 and posted on the structure at 105 Russell Avenue on May 5, 2023.
- 27 e. Present at the hearing where:
- 28

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning Commission, representing the 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. The Tezak Family Trust and Marino Family Living Trust own the residential property and are the responsible parties for the property located at 105 Russell Avenue.
3. The Tezak Family Trust and Marino Family Living Trust were properly served with a Notice of Violation on March 21, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. The Tezak Family Trust and Marino Family Living Trust were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 105 Russell Avenue on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 105 Russell Avenue is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. The Tezak Family Trust and Marino Family Living Trust must abate the public nuisance at 105 Russell Avenue by doing the following at 105 Russell Avenue:
 - a. Uniform Housing Code Violations:
 - i. All items listed within this notice shall be complied with as the State of California has set the minimum housing standards for all people of this State. An inspection is required to verify the reasonable suspicion of the

1 lack of these items. Please contact Code Enforcement staff to set up a
2 reasonable time to inspect. If I do not hear back from you by the end of the
3 compliance deadline, I will assume that consent has not been granted. An
4 inspection warrant pursuant to California Code of Civil Procedures 1822.50
5 – 1822.60 shall be sought from the Lassen County Superior Court.

- 6 ii. The building shall have the required utilities accessible to the building
7 (electrical, water, sewer).
- 8 iii. The building shall have access to hot and cold running water.
- 9 iv. The building shall have adequate heating for all units.
- 10 v. The building shall have adequate access to a kitchen sink, toilet, shower or
11 bath.
- 12 vi. All other building code violations shall be remedied and shall have all.

13 b. Public Nuisances:

- 14 i. Cease and desist the operation of any vehicle dismantling operation or the
15 likes of any vehicle business without first obtaining any occupational
16 license through the State of California, conditional use permits through the
17 City of Susanville, and any business license required by the Susanville
18 Municipal Code.
- 19 ii. There were 14 vehicles on the property during the last site visit. All
20 vehicles, boats, recreational vehicles, etc. shall be removed from the
21 property or placed within an appropriate building out of sight of the public.
22 Vehicles are inoperable or in a junk or dismantled state.
- 23 iii. Remove the approximately 15 commercial washers from the property and
24 dispose of properly and in accordance with state law.
- 25 iv. Remove the approximately 14 commercial driers from the property and
26 dispose of the properly and in accordance with state law.
- 27 v. Remove the token machine, vending machines, and refrigerators.
- 28 vi. Burning of vegetation shall be permitted and done during acceptable days.

- 1 vii. Cease and desist the burning of trash, rubbish, garbage.
- 2 viii. Cease and desist the allowance of using recreational vehicles for the
- 3 purposes of living quarters.
- 4 ix. Remove all limbs, downed trees, and branches from the property as this is a
- 5 potential fire hazard.
- 6 x. The outbuilding on the property will need to be inspected by a licensed
- 7 engineer to determine if the building is structurally sound. If the building
- 8 is structurally sound, then rehabilitation is ordered. If the building is not
- 9 structurally sound, then demolition is ordered. All required permits shall be
- 10 obtained.
- 11 xi. permits pulled for their inspection and completion.
- 12 c. Zoning:
- 13 i. Obtain all required conditional use permits from the City of Susanville for
- 14 operation of any business venture requiring conditional use permits in the
- 15 C-2 zoning district.
- 16 ii. Cease and desist the allowance of any resident from residing in any
- 17 recreational vehicle unless permits have been obtained from the State of
- 18 California and with the City of Susanville.
- 19 2. The Tezak Family Trust and Marino Family Living Trust must fully abate and remove
- 20 conditions contributing to the declaration of a public nuisance no later than Monday June
- 21 26, 2023 by 8:00 a.m.
- 22 3. The Tezak Family Trust and Marino Family Living Trust must obtain any and all required
- 23 permits that may be required to abate public nuisance at 105 Russell Avenue.
- 24 4. After The Tezak Family Trust and Marino Family Living Trust abates the nuisance at 105
- 25 Russell Avenue, The Tezak Family Trust and Marino Family Living Trust must contact
- 26 the Building and Planning Department at the City of Susanville and request that an official
- 27 at the City of Susanville inspect the condition of the property and buildings at 105 Russell
- 28 Avenue to determine if the public nuisance was abated.

- 1 5. If The Tezak Family Trust and Marino Family Living Trust does not abate the public
2 nuisance at 105 Russell Avenue by 8:00 a.m. on June 26, 2023, the City of Susanville may
3 have the property at 105 Russell Avenue abated.
- 4 6. If The Tezak Family Trust and Marino Family Living Trust does not abate the public
5 nuisance at 105 Russell Avenue by 8:00 a.m. on June 26, 2023, the Susanville Planning
6 Commission orders an administrative penalty pursuant to section 8.32.290 of the City of
7 Susanville Municipal Code shall be assessed as followed:
 - 8 a. Assessment of \$500.00 per day until the nuisance abatement order has been
9 complied with.
 - 10 b. Effective from June 26, 2023.
 - 11 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
12 costs and interest.
- 13 7. All costs of the City's abatement efforts, including the abatement work and administrative
14 time to investigate and to hear and effect the abatement shall be charged against The
15 Tezak Family Trust and Marino Family Living Trust as a personal debt or may be assessed
16 upon 105 Russell Avenue and will constitute a lien or special assessment upon the
17 property until paid.
- 18 8. This Order shall be effective for one year after issuance. During such period, the hearing
19 board shall retain jurisdiction over the conditions of the building, structure or property
20 which constituted the nuisance established by this Order, as well as the abatement
21 thereof, to ensure that the nuisance does not reoccur and that the building, structure, or
22 property is maintained in such a manner so as not to create a nuisance. If, during this one-
23 year period, any enforcement official determines that the same or another nuisance, as
24 defined by this chapter exists with respect to the building, structure or property, he or she
25 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
26 Susanville Municipal Code. If The Tezak Family Trust and Marino Family Living Trust
27 does not abate the nuisance at any time within the abatement period, the City may
28 proceed with the abatement itself under the provisions of section 8.32.190 of the City of

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Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 13th day of June 2023.

Dated: _____

Melanie Westbrook
Susanville Planning Commission

DRAFT

AGENDA ITEM NO. 4.H
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-022 and Consider **Resolution No. 23-1149** approving the issuance of Nuisance Abatement Order NA2023-004 and ordering the property owner of 1005 North Street to abate nuisance conditions.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

The City of Susanville has received multiple complaints regarding the property at 1005 North Street. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, inoperable vehicles, and unsanitary living conditions upon the property. The main structure has been deemed a substandard building pursuant to California Health & Safety Code 17920.3 which constitutes a public nuisance pursuant to our municipal code. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve Resolution No. 23-1149 approving the issuance of Nuisance Abatement Order NA2023-004 and ordering the property owner of 1005 North Street to abate nuisance conditions.

ATTACHMENTS:

[PC 23-1149 Resolution.doc](#)

[Nuisance Abatement Order NA2023-004](#)

RESOLUTION NO. 23-1149
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-004 AND
ORDERING THE PROPERTY OWNER OF 1005 NORTH STREET TO ABATE NUISANCE
CONDITIONS

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 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

WHEREAS, a public nuisance has been declared upon the property of 1005 North Street and attempts to bring the property into voluntary compliance have been futile; and

WHEREAS, the City of Susanville intend to have the property abated to remove the nuisance conditions and therefore invoke Chapter 8.32 of the Susanville Municipal Code and request the Susanville Planning Commission issue a nuisance abatement order to compel the property owners to abate and remove nuisance conditions or the city of Susanville shall be authorized to perform the necessary abatement work.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby approves the issuance of a Nuisance Abatement Order NA2023-004 and orders SNVESTATES, LLC landowners of 1005 North Street (APN 103-242-007-000), to abate nuisance conditions.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

1 Margret 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,

11 Petitioner

12 v

13 SNVESTATES, LLC

14 Respondent

Nuisance Abatement Order
NA2023-004

Hearing: June 13, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 15
- 16 1. This proceeding was heard:
- 17 a. On June 13, 2023, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 18 Susanville, CA 96130.
- 19 b. By the Planning Commission of the City of Susanville (also referred to as the
- 20 Hearing Board or the Board) with the following commissioners of the Planning
- 21 Commission present:
- 22 c. Melanie Westbrook presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated May 5, 2023, and served on Respondent, SNVESTATES,
- 25 LLC, by Certified Mail on May 5, 2023, and posted on the structure at 1005 North
- 26 Street on May 5, 2023.
- 27 e. Present at the hearing where:
- 28

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning Commission, representing the 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. SNVESTATES, LLC owns the residential property and are the responsible parties for the property located at 1005 North Street.
3. SNVESTATES, LLC was properly served with a Notice of Violation on March 23, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. SNVESTATES, LLC was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 1005 North Street on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 1005 North 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. SNVESTATES, LLC must abate the public nuisance at 1005 North Street by doing the following at 1005 North Street:
 - a. Uniform Housing Code Violations:
 - i. All items listed within this notice shall be complied with as the State of California has set the minimum housing standards for all people of this State. An inspection is required to verify the reasonable suspicion of the lack of these items. Please contact Code Enforcement staff to set up a

reasonable time to inspect. If I do not hear back from you by the end of the compliance deadline, I will assume that consent has not been granted. An inspection warrant pursuant to California Code of Civil Procedures 1822.50 – 1822.60 shall be sought from the Lassen County Superior Court.

- ii. The building shall have the required utilities accessible to the building (electrical, water, sewer).
- iii. The building shall have access to hot and cold running water.
- iv. The building shall have adequate heating for all units.
- v. The building shall have adequate access to a kitchen sink, toilet, shower or bath.
- vi. All other building code violations shall be remedied and shall have all.

b. Public Nuisances:

- i. Clear all visible junk, trash, debris, household items, furniture, appliances, branches and limbs and car parts from public view.
- ii. All vehicles on property must be licensed and in an operable state and stored properly. Operable state as defined in the California Vehicle Code.
- iii. All car parts to be removed from view.
- iv. All over-height fences shall be lowered to 6' or a conditional use permit shall be obtained.
- v. Electrical alterations in the side/rear yard shall be brought up to code.
- vi. All outbuildings shall be brought to code or a permit shall be obtained.

c. Zoning:

- i. Remove all junk from the property.
2. SNVESTATES, LLC must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
 3. SNVESTATES, LLC must obtain any and all required permits that may be required to abate public nuisance at 1005 North Street.

4. After SNVESTATES, LLC abates the nuisance at 1005 North Street, SNVESTATES, LLC 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 1005 North Street to determine if the public nuisance was abated.
5. If SNVESTATES, LLC does not abate the public nuisance at 1005 North Street by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 1005 North Street abated.
6. If SNVESTATES, LLC does not abate the public nuisance at 1005 North Street by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$500.00 per day until the nuisance abatement order has been complied with.
 - b. Effective from June 26, 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 against SNVESTATES, LLC as a personal debt or may be assessed upon 1005 North 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 SNVESTATES, LLC does not abate the nuisance at any time

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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 of its abatement effort costs as provided for in the City of Susanville Municipal Code.

The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 13th day of June 2023.

Dated: _____

Melanie Westbrook
Susanville Planning Commission

DRAFT

AGENDA ITEM NO. 4.I
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 13, 2023

SUBJECT: Conduct Public Hearing on CE2023-034 and Consider **Resolution No. 23-1150** approving the issuance of Nuisance Abatement Order NA2023-005 and ordering the property owner of 6 Monrovia Street to abate nuisance conditions.

PRESENTED BY: Cody Loflin, Code Enforcement Officer II

SUMMARY:

The City of Susanville has received multiple complaints regarding the property at 6 Monrovia Street. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, and unsanitary living conditions upon the property. The main structure has been deemed a substandard building pursuant to California Health & Safety Code 17920.3 which constitutes a public nuisance pursuant to our municipal code. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve Resolution No. 23-1150 approving the issuance of Nuisance Abatement Order NA2023-005 and ordering the property owner of 6 Monrovia Street to abate nuisance conditions.

ATTACHMENTS:

[PC 23-1150 Resolution](#)

[Nuisance Abatement Order NA2023-005](#)

RESOLUTION NO. 23-1150
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-005 AND
ORDERING THE PROPERTY OWNER OF 6 MONROVIA STREET TO ABATE NUISANCE
CONDITIONS

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 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

WHEREAS, a public nuisance has been declared upon the property of 6 Monrovia Street and attempts to bring the property into voluntary compliance have been futile; and

WHEREAS, the City of Susanville intend to have the property abated to remove the nuisance conditions and therefore invoke Chapter 8.32 of the Susanville Municipal Code and request the Susanville Planning Commission issue a nuisance abatement order to compel the property owners to abate and remove nuisance conditions or the city of Susanville shall be authorized to perform the necessary abatement work.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby approves the issuance of a Nuisance Abatement Order NA2023-005 and orders Kenneth George Morris II landowner of 6 Monrovia Street (APN 107-156-009-000), to abate nuisance conditions.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

1 Margret 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,

11 Petitioner

12 v

13 KENNETH GEORGE MORRIS II
14 Respondent

Nuisance Abatement Order
NA2023-005

Hearing: June 13, 2023, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 15
- 16 1. This proceeding was heard:
- 17 a. On June 13, 2023, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
- 18 Susanville, CA 96130.
- 19 b. By the Planning Commission of the City of Susanville (also referred to as the
- 20 Hearing Board or the Board) with the following commissioners of the Planning
- 21 Commission present:
- 22 c. Melanie Westbrook presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
- 24 of Public Hearing" dated May 8, 2023, and served on Respondent, KENNETH
- 25 GEORGE MORRIS II, by Certified Mail on May 8, 2023, and posted on the
- 26 structure at 6 Monrovia Street on May 8, 2023.
- 27 e. Present at the hearing where:
- 28

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning Commission, representing the 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. KENNETH GEORGE MORRIS II owns the residential property and is the responsible party for the property located at 6 Monrovia Street.
3. KENNETH GEORGE MORRIS II was properly served with a Notice of Violation on April 26, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. KENNETH GEORGE MORRIS II was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 8, 2023, and that said notice was properly posted at 6 Monrovia Street on May 8, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 6 Monrovia 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. KENNETH GEORGE MORRIS II must abate the public nuisance at 6 Monrovia Street by doing the following at 6 Monrovia Street:
 - a. The onsite dumpster is inadequate for trash and debris generated at the property.
 - b. All abandoned household items and furnishings, debris, garbage, junk, rubbish, household appliances, furnishings, items that are on the property shall be removed and disposed of in accordance with local, state, and federal laws.
 - c. Overgrown grasses and weeds shall be cut down and/or mowed.

2. KENNETH GEORGE MORRIS II must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
3. KENNETH GEORGE MORRIS II must obtain any and all required permits that may be required to abate public nuisance at 6 Monrovia Street.
4. After KENNETH GEORGE MORRIS II abates the nuisance at 6 Monrovia Street, KENNETH GEORGE MORRIS II 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 6 Monrovia Street to determine if the public nuisance was abated.
5. If KENNETH GEORGE MORRIS II does not abate the public nuisance at 6 Monrovia Street by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 6 Monrovia Street abated.
6. If KENNETH GEORGE MORRIS II does not abate the public nuisance at 6 Monrovia Street by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders 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 order has been complied with.
 - b. Effective from June 26, 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 against KENNETH GEORGE MORRIS II as a personal debt or may be assessed upon 6 Monrovia 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 KENNETH GEORGE MORRIS II 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 of its abatement effort costs as provided for in the City of Susanville Municipal Code.

The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 13th day of June 2023.

Dated: _____

Melanie Westbrook

Susanville Planning Commission