
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 27, 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 AV2023-007 and Consider Resolution No. 23-1153 approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of two inoperative vehicles from 1418 Fourth Street.
 - 4.B Conduct Public Hearing on AV2023-008 and Consider Resolution No. 23-1154 approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 710 Main Street.
 - 4.C Conduct Public Hearing on AV2023-009 and Consider Resolution No. 23-1155 approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 55 South Pine Street
 - 4.D Conduct Public Hearing on AV2023-010 and Consider Resolution No. 23-1156 approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 1006 South Railroad Avenue.
 - 4.E Conduct Public Hearing on AV2023-007 and Consider Resolution No. 23-1153 approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of two

inoperative vehicles from 1418 Fourth Street.

5. NEW BUSINESS:
6. CORRESPONDENCE:
7. COUNTY REFERRALS:
8. ADJOURNMENT: ***The next regular meeting of the Susanville City Council will be held on November XX, 2022 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 XXXXXXXX, xx, 2022 in the areas designated on XXXXXXXX, xx, 2022.

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 27, 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](#)

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[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 27, 2023

SUBJECT: Conduct Public Hearing on AV2023-007 and Consider **Resolution No. 23-1153** approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of two inoperative vehicles from 1418 Fourth Street.

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 part 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 June 23, 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:

If the City of Susanville must abate and removal said vehicles, costs incurred by the City will be expended from the General Fund. Code Enforcement staff will conduct Cost Recovery efforts to recover costs incurred by the taxpayers of this city for the investigation, hearing, and abatement of declared nuisance vehicles.

ACTION REQUESTED:

Motion to approve **Resolution No. 23-1153** approving the issuance of an Abandoned Vehicle Abatement Order and ordering the abatement and removal of two inoperative vehicles from 1418 Fourth Street.

ATTACHMENTS:

[23-1153 Approving Resolution](#)

[23-1153 Disapproving Resolution](#)

[Abandoned Vehicle Abatement Order AV2023-007](#)

RESOLUTION NO. 23-1153
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER AND
ORDERING THE ABATEMENT AND REMOVAL OF AN INOPERATIVE 2008 JEEP
WRANGLER AND A 1989 CHEVROLET PICKUP FROM 1418 FOURTH STREET

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 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 105-046-004-000 with assigned address of 1418 Fourth Street owned by Eric Douglas Kline there are two vehicles, a 2008 Jeep Wrangler bearing California license plate 7FJH616, and a 1989 Chevrolet Pickup bearing California license plate 90671K1, belonging to said owner that are in an inoperative condition and there have been declared a public nuisance by the city of Susanville and are in violation of provisions of the Susanville Municipal Code; and

WHEREAS, the landowner and last known registered owner has been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and has failed to abate and remove said vehicles during the initial abatement timeline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Eric Douglas Kline, the landowner of APN 105-046-004-000, is the responsible party and shall abate and remove a 2008 Jeep Wrangler bearing California license plate 7FJH616, and a 1989 Chevrolet Pickup bearing California license plate 90671K1 within ten (10) days from the issuance of this order. Alternatively, Eric Douglas Kline may bring said vehicles into compliance with the Susanville Municipal Code by bringing said vehicle's registration status to current and storing the vehicles upon the property in compliance with the Susanville Municipal Code. Subsequently, the City of Susanville shall be authorized to remove said vehicles if the landowner fails to do so within the ten (10) day compliance timeline.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

1 The foregoing resolution was adopted at a regular meeting of the Planning Commission
2 of the City of Susanville, held on the 27th day of June 2023, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAIN:

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Heidi Whitlock, City Clerk

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 105-046-004-000 with assigned address of 1418 Fourth Street owned by Eric Douglas Kline there are two vehicles, a 2008 Jeep Wrangler bearing California license plate 7FJH616, and a 1989 Chevrolet Pickup bearing California license plate 90671K1, belonging to said owner that are in an inoperative condition and there have been declared a public nuisance by the city of Susanville and are in violation of provisions of the Susanville Municipal Code; and

WHEREAS, the landowner and last known registered owner has been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and has failed to abate and remove said vehicles during the initial abatement timeline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Eric Douglas Kline, the landowner of APN 105-046-004-000 is not subject to the terms and conditions of an Abandoned Vehicle abatement Order and therefore does not order the abatement and removal of said vehicles from 1418 Fourth Street.

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 27th 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 Eric D. Kline

14 Respondent

Abandoned Vehicle Abatement Order
AV2023-007

Hearing: June 27, 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 27, 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 Abandoned Vehicle Hearing Board or the Board) with the following commissioners
20 of the Planning 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 and Remove and
23 Abandoned, Wrecked, Dismantled, or Inoperative Vehicle or Parts Thereof as a
24 Public Nuisance" dated June 17, 2023.
- 25 e. Present at the hearing where:
- 26 i. Cody Loflin, Code Enforcement representing the City of Susanville and
27 ii. Respondent did not appear.
- 28

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. Eric D. Kline is the owner of record for the property of 1418 Fourth Street.
3. A 2008 Jeep Wrangler and 1989 Chevrolet Pickup are located upon 1418 Fourth Street in violation of the Susanville Municipal Code and therefore have been declared a public nuisance.
4. In conducting a public hearing, the Board finds that Eric D. Kline 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 a 2008 Jeep Wrangler bearing California license plate 7FJH616 and a 1989 Chevrolet Pickup bearing California license plate 90671K1 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.
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 Eric D. Kline as a personal debt or may be assessed upon 1418 Fourth Street and will constitute a special assessment upon the property until paid.

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.

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The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 27th 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 27, 2023

SUBJECT: Conduct Public Hearing on AV2023-008 and Consider **Resolution No. 23-1154** approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 710 Main Street.

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 June 23, 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:

If the City of Susanville must abate and removal said vehicles, costs incurred by the City will be expended from the General Fund. Code Enforcement staff will conduct Cost Recovery efforts to recover costs incurred by the taxpayers of this city for the investigation, hearing, and abatement of declared nuisance vehicles.

ACTION REQUESTED:

Motion to approve **Resolution No. 23-1154** approving the issuance of an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 710 Main Street.

ATTACHMENTS:

[23-1154 Approving Resolution](#)

[23-1154 Disapproving Resolution](#)

[Abandoned Vehicle Abatement Order AV2023-008.doc](#)

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, upon the parcel identified by APN 103-321-003-000 with assigned address of 710 Main Street owned by the Datema Family 2005 Revocable Trust is a 2001 Chevrolet Blazer with California license plate 8WRB353 that has been declared to be in an abandoned, dismantled, inoperative, or wrecked condition and therefore constitutes a public nuisance; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that the Datema Family 2005 Revocable Trust, the landowner of APN 103-321-003-000, is the responsible party and shall abate and remove a 2001 Chevrolet Blazer bearing California license plate 8WRB353 within ten (10) days from the issuance of this order. Subsequently, the City of Susanville shall be authorized to remove said vehicles if the landowner fails to do so within the ten (10) day compliance timeline.

ATTEST: _____
Heidi Whitlock, City Clerk

AYES:
NOES:
ABSENT:
ABSTAIN:

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RESOLUTION NO. 23-1154
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
DISAPPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER
AGAINST THE PROPERTY OWNER OF 710 MAIN STREET AND THEREFORE
APPROVING AN ABANDONED VEHICLE ABATEMENT ORDER AGAINST THE LAST
REGISTERED OWNER OF AN ABANDONED 2001 CHEVROLET BLAZER

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 103-321-003-000 with assigned address of 710 Main Street owned by the Datema Family 2005 Revocable Trust is a 2001 Chevrolet Blazer with California license plate 8WRB353 that has been declared to be in an abandoned, dismantled, inoperative, or wrecked condition and therefore constitutes a public nuisance; and

WHEREAS, the landowner and last known registered owner, Kenneth Merino, have been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and said vehicle has not been abated and removed before the initial compliance deadline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that the Datema Family 2005 Revocable Trust, the landowner of APN 103-321-003-000, is not responsible for the abatement of a 2001 Chevrolet Blazer bearing California license plate 8WRB353.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Susanville hereby determines that Kenneth Merino, the last known registered owner of the subject vehicle, is responsible for the abatement and removal of a 2001 Chevrolet Blazer bearing California license plate 8WRB353 from 710 Main Street.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

1 The foregoing resolution was adopted at a regular meeting of the Planning Commission
2 of the City of Susanville, held on the 27th day of June 2023, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAIN:

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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

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PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville,	Petitioner
v	
The Datema Family 2005 Revocable Trust	Respondent

Abandoned Vehicle Abatement Order
AV2023-008

Hearing: June 27, 2023, at 5:30 p.m.
Susanville City Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:
 - a. On June 27, 2023, at 5:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
 - b. By the Planning Commission of the City of Susanville (also referred to as the Abandoned Vehicle Hearing Board or the Board) with the following commissioners of the Planning Commission present:
 - c. Melanie Westbrook presided over the procedure as Chairperson.
 - d. This matter was set on a "Notice of Intention to Abate and Remove and Abandoned, Wrecked, Dismantled, or Inoperative Vehicle or Parts Thereof as a Public Nuisance" dated June 17, 2023.
 - e. Present at the hearing where:
 - i. Cody Loflin, Code Enforcement representing the City of Susanville and
 - ii. Respondent did not appear.

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. The Datema Family 2005 Revocable Trust is the owner of record for the property of 710 Main Street.
3. A 2008 Chevrolet Blazer is located upon 710 Main Street in violation of the Susanville Municipal Code and therefore has been declared a public nuisance.
4. In conducting a public hearing, the Board finds that The Datema Family 2005 Revocable Trust 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 a 2001 Chevrolet Blazer bearing California license plate 8WRB353 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.
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 The Datema Family 2005 Revocable Trust as a personal debt or may be assessed upon 710 Main Street and will constitute a special assessment upon the property until paid.

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.

1 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of
2 Susanville, held on the 27th day of June 2023.

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Dated: _____
Melanie Westbrook, Chairperson
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 27, 2023

SUBJECT: Conduct Public Hearing on AV2023-009 and Consider **Resolution No. 23-1155** approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 55 South Pine Street

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 part 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 June 23, 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:

If the City of Susanville must abate and removal said vehicles, costs incurred by the City will be expended from the General Fund. Code Enforcement staff will conduct Cost Recovery efforts to recover costs incurred by the taxpayers of this city for the investigation, hearing, and abatement of declared nuisance vehicles.

ACTION REQUESTED:

Motion to approve **Resolution No. 23-1155** approving the issuance of an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 55 South Pine Street.

ATTACHMENTS:

[23-1155 Disapproving Resolution](#)

[23-1155 Approving Resolution](#)

[Abandoned Vehicle Abatement Order AV2023-009.doc](#)

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RESOLUTION NO. 23-1155

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
DISAPPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER
AGAINST THE PROPERTY OWNER OF 55 SOUTH PINE STREET AND THEREFORE
APPROVING AN ABANDONED VEHICLE ABATEMENT ORDER AGAINST THE LAST
REGISTERED OWNER OF AN ABANDONED 1999 CHRYSLER SEBRING**

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 103-301-008-000 with assigned address of 55 South Pine Street owned by Kevin Bailey is a 1999 Chrysler Sebring with California license plate 6LOK662 that has been declared to be in an abandoned, dismantled, inoperative, or wrecked condition and therefore constitutes a public nuisance; and

WHEREAS, the landowner and last known registered owner, Carmen Stra, have been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and said vehicle has not been abated and removed before the initial compliance deadline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Kevin Bailey, the landowner of APN 103-301-008-000, is not responsible for the abatement of a 1999 Chrysler Sebring bearing California license plate 6LOK662.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Susanville hereby determines that Carmen Stra, the last known registered owner of the subject vehicle, is responsible for the abatement and removal of a 1999 Chrysler Sebring bearing California license plate 6LOK662 from 55 South Pine Street.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

1 The foregoing resolution was adopted at a regular meeting of the Planning Commission
2 of the City of Susanville, held on the 27th day of June 2023, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAIN:

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Heidi Whitlock, City Clerk

RESOLUTION NO. 23-1155
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER AND
ORDERING THE ABATEMENT AND REMOVAL OF AN ABANDONED 1999 CHRYSLER
SEBRING FROM 55 SOUTH PINE STREET

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 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 103-301-008-000 with assigned address of 55 South Pine Street owned by Kevin Bailey is a 1999 Chrysler Sebring with California license plate 6LOK662 that has been declared to be in an abandoned, dismantled, inoperative, or wrecked condition and therefore constitutes a public nuisance; and

WHEREAS, the landowner and last known registered owner, Carmen Stra, have been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and the subject vehicle was not abated and not removed from 55 South Pine Street within the initial compliance deadline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Kevin Bailey, the landowner of APN 103-301-008-000, is the responsible party and shall abate and remove a 1999 Chrysler Sebring bearing California license plate 6LOK662 within ten (10) days from the issuance of this order. Subsequently, the City of Susanville shall be authorized to remove said vehicles 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 27th 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 Kevin Bailey

14 Respondent

Abandoned Vehicle Abatement Order
AV2023-009

Hearing: June 27, 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 27, 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 Abandoned Vehicle Hearing Board or the Board) with the following commissioners
20 of the Planning 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 and Remove and
23 Abandoned, Wrecked, Dismantled, or Inoperative Vehicle or Parts Thereof as a
24 Public Nuisance" dated June 17, 2023.
- 25 e. Present at the hearing where:
- 26 i. Cody Loflin, Code Enforcement representing the City of Susanville and
27 ii. Respondent did not appear.
- 28

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. Kevin Bailey is the owner of record for the property of 55 South Pine Street.
3. A 1999 Chrysler Sebring is located upon 55 South Pine Street in violation of the Susanville Municipal Code and therefore has been declared a public nuisance.
4. In conducting a public hearing, the Board finds that Kevin Bailey 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 a 1999 Chrysler Sebring bearing California license plate 6LOK662 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.
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 Kevin Bailey as a personal debt or may be assessed upon 55 South Pine Street and will constitute a special assessment upon the property until paid.

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.

1 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of
2 Susanville, held on the 27th day of June 2023.

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Dated: _____
Melanie Westbrook, Chairperson
Susanville Planning Commission

AGENDA ITEM NO. 4.D
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: June 27, 2023

SUBJECT: Conduct Public Hearing on AV2023-010 and Consider **Resolution No. 23-1156** approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 1006 South Railroad 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 part 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 June 23, 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:

If the City of Susanville must abate and removal said vehicles, costs incurred by the City will be expended from the General Fund. Code Enforcement staff will conduct Cost Recovery efforts to recover costs incurred by the taxpayers of this city for the investigation, hearing, and abatement of declared nuisance vehicles.

ACTION REQUESTED:

Motion to approve **Resolution No. 23-1156** approving the issuance of an Abandoned Vehicle Abatement Order and ordering the abatement and removal of an abandoned vehicle from 1006 South Railroad Avenue.

ATTACHMENTS:

[Abandoned Vehicle Abatement Order AV2023-010](#)
[23-1156 Disapproving Resolution](#)
[PC_23-1156_Resolution.doc](#)

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 Sabrina Greiten

14 Respondent

Abandoned Vehicle Abatement Order
AV2023-010

Hearing: June 27, 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 27, 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 Abandoned Vehicle Hearing Board or the Board) with the following commissioners
20 of the Planning 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 and Remove and
23 Abandoned, Wrecked, Dismantled, or Inoperative Vehicle or Parts Thereof as a
24 Public Nuisance" dated June 17, 2023.
- 25 e. Present at the hearing where:
- 26 i. Cody Loflin, Code Enforcement representing the City of Susanville and
27 ii. Respondent did not appear.
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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. Sabrina Greiten is the owner of record for the property of 1006 South Railroad Avenue.
3. A 2007 Nissan Altima is located upon 1006 South Railroad Avenue in violation of the Susanville Municipal Code and therefore has been declared a public nuisance.
4. In conducting a public hearing, the Board finds that Sabrina Greiten 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 a 2007 Nissan Altima bearing Utah license plate E283GN 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.
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 Sabrina Greiten as a personal debt or may be assessed upon 1006 South Railroad Avenue and will constitute a special assessment upon the property until paid.

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.

1 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of
2 Susanville, held on the 27th day of June 2023.

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Dated: _____
Melanie Westbrook, Chairperson
Susanville Planning Commission

RESOLUTION NO. 23-1156
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
DISAPPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER
AGAINST THE PROPERTY OWNER OF 1006 SOUTH RAILROAD AVENUE AND
THEREFORE APPROVING AN ABANDONED VEHICLE ABATEMENT ORDER AGAINST
THE LAST REGISTERED OWNER OF AN ABANDONED 2007 NISSAN ALTIMA

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 107-130-023-000 with assigned address of 1006 South Railroad Avenue owned by Sabrina Greiten is a 2007 Nissan Altima with Utah license plate E283GN that has been declared to be in an abandoned, dismantled, inoperative, or wrecked condition and therefore constitutes a public nuisance; and

WHEREAS, the landowner and last known registered owner, Lisa Baxter, have been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and said vehicle has not been abated and removed before the initial compliance deadline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Sabrina Greiten, the landowner of APN 107-130-023-000, is not responsible for the abatement of a 2007 Nissan Altima bearing Utah license plate E283GN.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Susanville hereby determines that Lisa Baxter, the last known registered owner of the subject vehicle, is responsible for the abatement and removal of a 2007 Nissan Altima bearing California license plate E283GN from 1006 South Railroad Avenue.

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 27th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

RESOLUTION NO. 23-1156
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER AND
ORDERING THE ABATEMENT AND REMOVAL OF AN ABANDONED 2007 NISSAN
ALTIMA FROM 1006 SOUTH RAILROAD 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 107-130-023-000 with assigned address of 1006 South Railroad Avenue owned by Sabrina Greiten is a 2007 Nissan Altima with Utah license plate E283GN that has been declared to be in an abandoned, dismantled, inoperative, or wrecked condition and therefore constitutes a public nuisance; and

WHEREAS, the landowner and last known registered owner, Carmen Stra, have been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and the subject vehicle was not abated and not removed from 1006 South Railroad Avenue within the initial compliance deadline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Sabrina Greiten, the landowner of APN 107-130-023-000, is the responsible party and shall abate and remove a 2007 Nissan Altima bearing Utah license plate E283GN within ten (10) days from the issuance of this order. Subsequently, the City of Susanville shall be authorized to remove said vehicles 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 27th 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 27, 2023

SUBJECT: Conduct Public Hearing on AV2023-007 and Consider **Resolution No. 23-1153** approving an Abandoned Vehicle Abatement Order and ordering the abatement and removal of two inoperative vehicles from 1418 Fourth Street.

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 June 23, 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:

If the City of Susanville must abate and removal said vehicles, costs incurred by the City will be expended from the General Fund. Code Enforcement staff will conduct Cost Recovery efforts to recover costs incurred by the taxpayers of this city for the investigation, hearing, and abatement of declared nuisance vehicles.

ACTION REQUESTED:

Motion to approve **Resolution No. 23-1153** approving the issuance of an Abandoned Vehicle Abatement Order and ordering the abatement and removal of two inoperative vehicles from 1418 Fourth Street.

ATTACHMENTS:

[23-1153 Approving Resolution](#)

[23-1153 Disapproving Resolution](#)

[Abandoned Vehicle Abatement Order AV2023-007](#)

RESOLUTION NO. 23-1153
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
APPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER AND
ORDERING THE ABATEMENT AND REMOVAL OF AN INOPERATIVE 2008 JEEP
WRANGLER AND A 1989 CHEVROLET PICKUP FROM 1418 FOURTH STREET

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 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 105-046-004-000 with assigned address of 1418 Fourth Street owned by Eric Douglas Kline there are two vehicles, a 2008 Jeep Wrangler bearing California license plate 7FJH616, and a 1989 Chevrolet Pickup bearing California license plate 90671K1, belonging to said owner that are in an inoperative condition and there have been declared a public nuisance by the city of Susanville and are in violation of provisions of the Susanville Municipal Code; and

WHEREAS, the landowner and last known registered owner has been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and has failed to abate and remove said vehicles during the initial abatement timeline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Eric Douglas Kline, the landowner of APN 105-046-004-000, is the responsible party and shall abate and remove a 2008 Jeep Wrangler bearing California license plate 7FJH616, and a 1989 Chevrolet Pickup bearing California license plate 90671K1 within ten (10) days from the issuance of this order. Alternatively, Eric Douglas Kline may bring said vehicles into compliance with the Susanville Municipal Code by bringing said vehicle's registration status to current and storing the vehicles upon the property in compliance with the Susanville Municipal Code. Subsequently, the City of Susanville shall be authorized to remove said vehicles if the landowner fails to do so within the ten (10) day compliance timeline.

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: _____
Heidi Whitlock, City Clerk

1 The foregoing resolution was adopted at a regular meeting of the Planning Commission
2 of the City of Susanville, held on the 27th day of June 2023, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAIN:

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Heidi Whitlock, City Clerk

RESOLUTION NO. 23-1153
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE
DISAPPROVING THE ISSUANCE OF AN ABANDONED VEHICLE ABATEMENT ORDER
AGAINST AN INOPERATIVE 2008 JEEP WRANGLER AND A 1989 CHEVROLET PICKUP
FROM 1418 FOURTH STREET

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 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 105-046-004-000 with assigned address of 1418 Fourth Street owned by Eric Douglas Kline there are two vehicles, a 2008 Jeep Wrangler bearing California license plate 7FJH616, and a 1989 Chevrolet Pickup bearing California license plate 90671K1, belonging to said owner that are in an inoperative condition and there have been declared a public nuisance by the city of Susanville and are in violation of provisions of the Susanville Municipal Code; and

WHEREAS, the landowner and last known registered owner has been given notice pursuant to Chapter 10.22 of the Susanville Municipal Code and has failed to abate and remove said vehicles during the initial abatement timeline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Susanville hereby determines that Eric Douglas Kline, the landowner of APN 105-046-004-000, is not subject to the terms and conditions of an Abandoned Vehicle abatement Order and therefore does not order the abatement and removal of said vehicles from 1418 Fourth Street.

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 27th 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 Eric D. Kline

14 Respondent

Abandoned Vehicle Abatement Order
AV2023-007

Hearing: June 27, 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 27, 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 Abandoned Vehicle Hearing Board or the Board) with the following commissioners
20 of the Planning 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 and Remove and
23 Abandoned, Wrecked, Dismantled, or Inoperative Vehicle or Parts Thereof as a
24 Public Nuisance" dated June 17, 2023.
- 25 e. Present at the hearing where:
- 26 i. Cody Loflin, Code Enforcement representing the City of Susanville and
27 ii. Respondent did not appear.
- 28

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. Eric D. Kline is the owner of record for the property of 1418 Fourth Street.
3. A 2008 Jeep Wrangler and 1989 Chevrolet Pickup are located upon 1418 Fourth Street in violation of the Susanville Municipal Code and therefore have been declared a public nuisance.
4. In conducting a public hearing, the Board finds that Eric D. Kline 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 a 2008 Jeep Wrangler bearing California license plate 7FJH616 and a 1989 Chevrolet Pickup bearing California license plate 90671K1 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.
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 Eric D. Kline as a personal debt or may be assessed upon 1418 Fourth Street and will constitute a special assessment upon the property until paid.

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.

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The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 27th day of June 2023.

Dated: _____
Melanie Westbrook, Chairperson
Susanville Planning Commission