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CITY OF SUSANVILLE  
66 N. Lassen Street • Susanville CA  
Melanie Westbrook, Chair  
James Merchant, Vice Chair  
Tony Ardito • Wayne Jambois • Rod DeBoer

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Susanville Planning Commission  
**Regular Planning Commission Meeting • City Council Chambers 66  
N. Lassen Street, Susanville, CA 96130**  
Tuesday, July 25, 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 from the June 27, 2023, meeting
4. **PUBLIC HEARINGS:**
  - 4.A Conduct Public Hearing on NA2023-007 and Consider Resolution No. 23-1160 approving Nuisance Abatement Order and ordering the abatement and removal of nuisance conditions from 830 Main Street.
  - 4.B Conduct Public Hearing on NA2023-008 and consider Resolution No. 23-1161 approving Nuisance Abatement Order NA2023-008 and ordering the removal of nuisance conditions from 17 Orange Street.
5. **NEW BUSINESS:**
6. **CORRESPONDENCE:**
7. **COUNTY REFERRALS:**
8. **ADJOURNMENT:** *\*The next regular meeting of the Susanville Planning Commission will be held on August 8, 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](http://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 July 25, 2023 in the areas designated on July 21, 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:** July 25, 2023

**SUBJECT:** Receive and file minutes from the June 27, 2023, meeting

**PRESENTED BY:** Ruth McElrath, Building Permit Technician

**SUMMARY:** Staff is presenting minutes from the June 27, 2023, meeting

**FISCAL IMPACT:** None

**ACTION REQUESTED:** Receive and file minutes from the June 27, 2023, meeting

**ATTACHMENTS:**  
[PC 6.27.23 min..pdf](#)

**SUSANVILLE PLANNING COMMISSION**  
**Regular Planning Commission Meeting Minutes**  
**TUESDAY, JUNE 27, 2023 – 5:30 PM**

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

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

**1. APPROVAL OF AGENDA:**

Moved by Rod DeBoer; seconded by Tony Ardito to approve agenda as submitted.

Motion Carried: 4-0

Voting For: DeBoer, Ardito, Jambois, and Westbrook

Voting Against: None

**2. BUSINESS FROM THE FLOOR:**

Jim McCarthy commented on the work being done to clean up properties and that they are proving a point. He was pleased with the work done in South Weatherlow.

He concluded that nothing is moving forward on the Knights Inn Motel.

**3. CONSENT ITEMS: NONE**

**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.

Public hearing opened at 5:32 p.m.

Mr. Loflin explained the item pertains to two inoperative vehicles at 1418 Fourth St. They are in view of the public and are owned by property owner Eric Cline.

Chair Westbrook recuses herself from the hearing.

Mr. Loflin there is a 1987 Chevrolet pick-up and a 2008 Jeep Wrangler. The Chevrolet's vehicle registration expired on March 31, 2015.

Chair Westbrook leaves the room.

Mr. Loflin continued that the vehicles appear in the same state and are still on the property and are still expired as of March 21, 2015. The Jeep Wrangler has not moved with accumulation of limbs and branches. It is also expired and suspended and therefore in an inoperative state.

Commissioner Jambois takes over the public hearing as there is no chair or vice chair present.

He asked how long the vehicles have been there.

Mr. Loflin responded he's noticed them since he became the Code Enforcement Officer in March 2021. Mr. Mumper added he noticed the vehicle in 2020.

Commissioner Jambois asked about any correspondence with the neighbors.

Mr. Loflin responded there hasn't been any contact with the owner.

Moved by Tony Ardito, seconded by Rod DeBoer to approve Resolution 23-1153.

Motion: 3-0

Voting For: Ardito, DeBoer, and Jambois

Voting Against: None

Chair Westbrook returns to the dais.

- 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.

Public Hearing opened at 5:40 p.m.

Mr. Loflin explained the vehicle is on a vacant lot on Main St., which is two parcels. One is owned by the Datema Family Trust and the other is owned by Tim Nobles. The vehicle is located on the parcel of the Datema Family Trust. The vehicle is owned by Kenneth Marino, registration was suspended on Aug. 19, 2021, and expired as of April 2022, therefore it is a violation of the Susanville Municipal Code.

The vehicle has not moved for one month.

The Commission needs to consider whether the landowner is responsible for the abatement unless they provide sufficient evidence to relieve themselves from the responsibility. The order is 10 days to abate so we need to determine responsibility.

Mr. Loflin explained the approving resolution puts the responsibility on the property-owner, the disapproving puts the responsibility on the registered owner. Staff's recommendation is to approve the approving resolution.

Quincy McCourt, City Mayor and public member, asked if the 10-day deadline had already started or if it begins that night.

Mr. Loflin responded it starts after tonight.

Mr. McCarthy urged the Commission to approve the order.

Commissioner Jambois asked what the property owner needs to do to demonstrate they have no knowledge of how the vehicle got there.

Mr. Loflin responded it would be the decision of this hearing body, it's not a staff level determination. The owner would have to provide information that they are not responsible.

Public hearing closed at 5:44 p.m.

Moved by Wayne Jambois; seconded by Tony Ardito to approve Resolution 23-1154.

Motion Carried: 4-0

Voting For: Jambois, Ardito, DeBoer and Westbrook

Voting Against: None

- 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

Public Hearing opened at 5:45 p.m.

Mr. Loflin explained the matter pertains to a 1999 Chrysler Sebring at 55 S. Pine St. The vehicle has been abandoned for quite some time. The property is owned by Kevin Bailey, of Montana, and the Sebring is owned by Carmen Stra, of Susanville.

The vehicle registration was suspended on Oct. 30, 2014, and expired on June 8, 2015, therefore it is in violation of the Susanville Municipal Code.

This body needs to determine if it will be the property owner or the vehicle owner's responsibility, as the order should be a 10-day abatement period.

Chair Westbrook asked if appears anyone is living in the house.

Mr. Loflin responded he did a weed abatement at this property last year and it does not appear anyone is there.

Mr. McCarthy urged the Commission to approve the resolution.

The Commission held discussion regarding who would be responsible, the property owner or vehicle owner.

Mr. Loflin stated there is a possibility action can be taken against both parties and he can issue an administrative citation against the last registered owner, but it will be the \$100 penalty if they were to guarantee any sort of response from that person.

Public hearing closed at 5:52 p.m.

Moved by Tony Ardito, seconded by Rod DeBoer to approve Resolution 23-1155

Motion Carried: 4-0

Voting For: Ardito, DeBoer, Jambois and Westbrook

Voting Against: None

- 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.

Public hearing opened at Mr. Loflin explained the item pertains to a Nissan Altima with Utah plates at 1006 S. Railroad. The property is owned by Sabrina Greiten, and the vehicle is owned by Lisa Baxter, of Utah. The registration was suspended as of Jan. 31, 2020, in Utah, and it has never been registered in California.

Due to a pending sale, record a notice of pendency to alert the possible buyer there may potentially be a special assessment or lien if the resolution is approved it places the responsibility onto the property owner.

Chair Westbrook asked if the property sells do we have to start over with the new owners. But if he does the notice of pendency that records this order, then at least alerts people to take the action needed to clear it.

Mr. McCarthy voiced his support for the resolution.

Commissioner Jambois pointed out the wrong property owner was listed on the resolution. Staff will correct.

Public hearing closed at 5:57 p.m.

Moved by Wayne Jambois, seconded by Rod DeBoer to approve Resolution 23-1156 as amended.

Motion Carried: 4-0

Voting For: Jambois, DeBoer, Ardito and Westbrook

Voting Against: None

**5. NEW BUSINESS: NONE**

**6. CORRESPONDENCE: NONE**

**7. COUNTY REFERRALS: NONE**

**8. ADJOURNMENT:**

Moved by Rod DeBoer, seconded by Tony Ardito to adjourn at 5:58 p.m.

Motion Carried: 4-0

Voting For: DeBoer, Ardito, Jambois and Westbrook

Voting Against: None

**AGENDA ITEM NO. 4.A**  
**Public Hearing**

**SUSANVILLE PLANNING COMMISSION AGENDA ITEM**

**Submitted By:** Cody Loflin, Building & Planning Division

**Action Date:** July 25, 2023

**SUBJECT:** Conduct Public Hearing on NA2023-007 and Consider **Resolution No. 23-1160** approving Nuisance Abatement Order and ordering the abatement and removal of nuisance conditions from 830 Main Street.

**PRESENTED BY:** Cody Loflin, Code Enforcement Officer

**SUMMARY:**

At the May 12, 2022 meeting of the Susanville Planning Commission, the Susanville Planning Commission authorized a Nuisance Abatement Order (Resolution No. 22-1102) ordering the abatement and removal of nuisance conditions for the former St. Francis Hotel. The Susanville Planning Commission retained jurisdiction over the property until May 12, 2023. Unfortunately, the order was never complied with, and the property remains a public nuisance. The City of Susanville abated several properties that were placed higher on a priority list and have moved into a position to begin the abatement work necessary to bring this property into compliance with our municipal code. Due to the lapse in the previous nuisance abatement order, it was necessary to re-notice the property with an Intention to Abatement and Public Hearing notice. This was done which scheduled the public hearing for July 25, 2023. Susanville Code Enforcement is requesting the issuance of a new nuisance abatement order for the City of Susanville to obtain the necessary inspection and abatement warrants from the Lassen County Superior Court and to do the necessary work to remove nuisance conditions.

**FISCAL IMPACT:** None at this time.

**ACTION REQUESTED:** Motion to approve **Resolution No. 23-1160** approving the issuance of an Nuisance Abatement Order and ordering the abatement and removal of nuisance conditions from 830 Main Street.

**ATTACHMENTS:**  
[Resolution 23-1160](#)  
[Nuisance Abatement Order NA2023-007](#)

**RESOLUTION NO. 23-1160**  
**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE**  
**APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-007 AND**  
**ORDERING THE PROPERTY OWNER OF 830 MAIN 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 830 Main Street and attempts to bring the property into voluntary compliance have not been realized; and

**WHEREAS**, Lloyd Holm is the property owner of 830 Main Street with the Assessor's Parcel Number 103-323-006-000 as stated on the Quitclaim Deed recorded by Kimberly Holm on March 20, 2023; and

**WHEREAS**, the City of Susanville intends 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 and authorize the city of Susanville to perform the necessary abatement work if compliance is not achieved; and

**WHEREAS**, a nuisance abatement order would not require CEQA review and would receive a Class 8 Categorical Exemption (Actions by a regulatory agency for the protection of the environment), and Class 21 Categorical Exemption (Enforcement actions by regulatory agency).

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Susanville hereby approves the issuance of a Nuisance Abatement Order NA2023-007 and orders Lloyd Holm landowner of 830 Main Street (APN 103-323-006-000), to abate nuisance conditions.

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 25th day of July 2023, by the following vote:

3           AYES:

4           NOES:

5           ABSENT:

6           ABSTAIN:

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Heidi Whitlock, City Clerk

1 Margaret E. Long SBN: 227176  
2 City Attorney for City of Susanville  
3 66 North Lassen Street  
4 Susanville, CA 96130  
5 Phone: 530-252-5100  
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION  
9 CITY OF SUSANVILLE

10 City of Susanville,

11 Petitioner

12 v

13 Lloyd Holm

14 Respondent

Nuisance Abatement Order  
NA2023-007

Hearing: July 25, 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 July 25, 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 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 June 30, 2023 and served on Respondent Lloyd Holm by  
24 Certified Mail on June 30, 2023, and posted on the structure at 830 Main Street on  
25 June 30, 2023.
- 26 e. Present at the hearing where:
- 27 i. representing the City of Susanville and
- 28 ii. Respondents.

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2 **FINDINGS**

3 The Hearing Board makes the following findings.

- 4 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain
- 5 or use property or allow their property to be maintained or used in a manner that creates
- 6 or fosters the creation of a public nuisance.”
- 7 2. Lloyd Holm is the owner of and responsible party for the property located at 830 Main
- 8 Street.
- 9 3. Lloyd Holm was properly served with a Notice of Violation on February 11, 2022, service
- 10 pursuant to City of Susanville Municipal Code section 8.32.060.
- 11 4. Lloyd Holm was properly served with a Notice of Intention to Abate Public Nuisance and
- 12 Notice of Public Hearing on June 30, 2023, and that said notice was properly posted at 830
- 13 Main Street on June 30, 2023, pursuant to City of Susanville Municipal Code section
- 14 8.32.090.
- 15 5. The condition of the property and certain outbuildings located at 830 Main Street is a
- 16 public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

17 **Orders**

18 The Hearing Board orders the following.

- 19 1. Lloyd Holm must abate the public nuisance at 830 Main Street by doing the following at
- 20 830 Main Street:
- 21 a. Remove all litter, debris, and abandoned personal property scattered in the interior
- 22 of the vacant main building and any accessory structure at 830 Main Street. The
- 23 removal of all litter, debris, and personal property is necessary to mitigate a fire and
- 24 health hazard that has been caused by the presence of said litter, debris, and
- 25 abandoned personal property within the interior of any abandoned structure upon
- 26 the property.
- 27 b. The rear yard / courtyard shall be maintained free of debris, combustible materials,
- 28 litter, and garbage. Any debris, combustible materials, litter, and garbage shall be

1 removed from the premises and disposed of in accordance with local and state laws  
2 and regulations.

- 3 c. All windows shall be boarded with a minimum thickness of three-fourths inch  
4 (3/4") or its equivalent. Vent holes may be required, as deemed necessary by the  
5 building official. The plywood shall be secured in place, as a minimum standard,  
6 by a set of Grade No. 2 Douglas Fir two-by-four cross members set at two feet on  
7 center vertically, secured to the plywood by three-eighths-inch (3/8") plated  
8 carriage bolts with large washers at each end. Bolts used to secure the cross  
9 member shall be continuous piece of lumber, and each should extend  
10 approximately one foot past the window opening in each direction. Bolts and nuts  
11 used to secure the cross members to the plywood must be tightened enough to  
12 slightly deflect the wood. Bolt heads must fit tightly against the wood and not give  
13 a purchase for pliers or pry bars. The nuts are to be located on the interior side of  
14 the structure. All plywood shall be painted with exterior paint matching the  
15 exterior color of the building. This provision is consistent with Susanville  
16 Municipal Code Section 15.09.070 (B)(1).
- 17 d. The hotel glass lobby door with panic bar shall remain operable and not be  
18 boarded up. All other exterior doors shall be boarded with exterior grade plywood  
19 of a minimum thickness of three-fourths inch (3/4") or its equivalent, fitted to the  
20 entry door jamb with maximum one-eighth inch (1/8") clearance at each edge from  
21 the door jambs and threshold. The plywood shall, as a minimum standard, be  
22 attached to three Grade No. 2 Douglas Fir horizontal two-by-four wooden  
23 crossbars with two each three-eighths inch (3/8") carriage bolts and matching  
24 hardware, with nuts located on the interior side of the structure. The plywood  
25 shall be attached to the door entry with three case-hardened strap hinges located  
26 at quarter points and the plywood shall be secured by two case-hardened steel  
27 hasps located at third points on the strike side of the door and a minimum two-  
28 inch case-hardened padlock. Fasteners used to attach the door hasps and hinges

- 1 shall be the nonreversible type that do not five a purchase for pliers or pry bars.
- 2 This is consistent with Susanville Municipal Code Section 15.09.070 (B)(2).
- 3 e. All materials used to cover and secure window, door, or other openings shall be
- 4 painted to match or complement the color of the amin structure.
- 5 f. The property owner shall obtain a building permit for work done to cover and
- 6 secure the windows, doors, and other openings as required by Susanville
- 7 Municipal Code Section 15.09.070 (B)(5).
- 8 g. The sidewalks adjacent to the property shall be swept and the removal of all debris
- 9 shall be performed.
- 10 h. Removal of any vegetation, weeds, and grass shall be done from any portion of the
- 11 sidewalk adjacent to the building.
- 12 i. All graffiti shall be painted over by paint that is consistent with the building color.
- 13 j. Removal of all trees from within the courtyard so as to not obscure visibility onto
- 14 the property from any public vantage point.
- 15 2. Lloyd Holm shall begin abating this nuisance within ten (10) days from the authorization
- 16 of this order with a compliance inspection scheduled for Monday August 7, 2023 at 08:00
- 17 a.m. The failure to start work necessary to abate and remove nuisance conditions shall
- 18 constitute a violation of this order.
- 19 3. Upon the satisfaction of Section 2, of Orders, Lloyd Holm shall fully abate this public
- 20 nuisance by 4: 00 pm on August 31, 2023.
- 21 4. Lloyd Holm shall obtain any and all required permits that may be required to abate the
- 22 public nuisance at 830 Main Street.
- 23 5. After Lloyd Holm abates the nuisance at 830 Main Street, Lloyd Holm must contact the
- 24 Building and Planning Department at the City of Susanville and request that an official at
- 25 the City of Susanville inspect the condition of the property and buildings at 830 Main
- 26 Street to determine if the public nuisance was abated.
- 27 6. If Lloyd Holm does not start the abatement of the public nuisance at 830 Main Street by
- 28 08:00 a.m. on August 7, 2023 or fails to fully abate the public nuisance at 830 Main Street

1 by 4:00 pm on August 31, 2023, the City of Susanville may have the property at 830 Main  
2 Street abated.

3 7. If Lloyd Holm does not start the abatement of the public nuisance at 830 Main Street by  
4 08:00 a.m. on August 7, 2023 or fails to fully abate the public nuisance at 830 Main Street  
5 by 4:00 pm on August 31, 2023, an administrative penalty pursuant to section 8.32.290 of  
6 the City of Susanville Municipal Code shall be assessed as followed:

7 a. Assessment of \$500.00 per day until the nuisance abatement has been complied  
8 with.

9 b. Effective from July 25, 2023.

10 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative  
11 costs and interest.

12 8. All costs of the City's abatement efforts, including the abatement work and administrative  
13 time to investigate and to hear and effect the abatement shall be charged against Lloyd  
14 Holm as a personal debt or may be assessed upon 830 Main Street and will constitute a  
15 lien or special assessment upon the property until paid.

16 9. This Order shall be effective for one year after issuance. During such period, the hearing  
17 board shall retain jurisdiction over the conditions of the building, structure or property  
18 which constituted the nuisance established by this Order, as well as the abatement  
19 thereof, to ensure that the nuisance does not reoccur and that the building, structure or  
20 property is maintained in such a manner so as not to create a nuisance. If, during this one-  
21 year period, any enforcement official determines that the same or another nuisance, as  
22 defined by this chapter exists with respect to the building, structure or property, he or she  
23 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of  
24 Susanville Municipal Code. If Lloyd Holm does not abate the nuisance at any time within  
25 the abatement period, the City may proceed with the abatement itself under the  
26 provisions of section 8.32.190 of the City of Susanville Municipal Code without further  
27 action of the hearing board. The City of Susanville may also recover all of its abatement  
28 effort costs as provided for in the City of Susanville Municipal Code.

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Appeal

Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City Council of the City of Susanville. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days of the issuance of this order of their request to have this appeal heard by the City Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five (45) days of the filing appeal at a regularly scheduled meeting of the Susanville City Council. The appellant shall be notified no less than ten (10) days of the scheduled appeal hearing.

The foregoing order was adopted at a regular meeting of the Planning Commission of the city of Susanville, held on the 25th day of July 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:** July 25, 2023

**SUBJECT:** Conduct Public Hearing on NA2023-008 and consider **Resolution No. 23-1161** approving Nuisance Abatement Order NA2023-008 and ordering the removal of nuisance conditions from 17 Orange Street.

**PRESENTED BY:** Cody Loflin, Code Enforcement Officer

**SUMMARY:**

At the May 12, 2022 meeting of the Susanville Planning Commission, the Susanville Planning Commission authorized a Nuisance Abatement Order (Resolution No. 22-1101) ordering the abatement and removal of nuisance conditions at 17 Orange Street. The Susanville Planning Commission retained jurisdiction over the property until May 12, 2023. Unfortunately, the order was never complied with, and the property remains a public nuisance. The City of Susanville has been exploring alternative options for abatement, which includes the possibility of the Lassen County Public Administrator forcing the property through Probate, and the City's continued interest to abate this property if warranted. Due to the lapse in the previous nuisance abatement order, it was necessary to re-notice the property with an Intention to Abatement and Public Hearing notice. This was done which scheduled the public hearing for July 25, 2023. Susanville Code Enforcement is requesting the issuance of a new nuisance abatement order for the City of Susanville to obtain the necessary inspection and abatement warrants from the Lassen County Superior Court and to do the necessary work to remove nuisance conditions.

**FISCAL IMPACT:** None at this time.

**ACTION REQUESTED:** Motion to approve **Resolution No. 23-1161** approving Nuisance Abatement Order NA2023-008 and ordering the abatement and removal of nuisance conditions from 17 Orange Street.

**ATTACHMENTS:**  
[Resolution 23-1161](#)  
[Nuisance Abatement Order NA2023-008](#)

**RESOLUTION NO. 23-1161**  
**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE**  
**APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-008 AND**  
**ORDERING THE PROPERTY OWNER OF 17 ORANGE 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 17 Orange Street and attempts to bring the property into voluntary compliance have not been realized; and

**WHEREAS**, Debbie Routhier, deceased, is the property owner of record for 17 Orange Street with the Assessor's Parcel Number 107-152-011-000; and

**WHEREAS**, the City of Susanville intends 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 and authorize the city of Susanville to perform the necessary abatement work if compliance is not achieved; and

**WHEREAS**, a nuisance abatement order would not require CEQA review and would receive a Class 8 Categorical Exemption (Actions by a regulatory agency for the protection of the environment), and Class 21 Categorical Exemption (Enforcement actions by regulatory agency).

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Susanville hereby approves the issuance of a Nuisance Abatement Order NA2023-008 and orders the Estate of Debbie Routhier to abate nuisance conditions at 17 Orange Street (APN 107-152-011-000).

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 25th day of July 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

8 PLANNING COMMISSION  
9 CITY OF SUSANVILLE

10 City of Susanville, Petitioner  
11 v  
12 The Estate of Debbie Routhier  
13 Respondent

Nuisance Abatement Order  
NA2023-008

Hearing: July 25, 2023, at 5:30 p.m. in  
Council Chambers  
66 North Lassen Street  
Susanville, CA 96130

- 14
- 15 1. This proceeding was heard:
- 16 a. On July 25, 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 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 June 30, 2023 and served on Respondent the Estate of
- 24 Debbie Routhier by Certified Mail on June 30, 2023, and posted on the structure at
- 25 17 Orange Street on June 30, 2023.
- 26 e. Present at the hearing where:
- 27 i. representing the City of Susanville and
- 28 ii. Respondents.

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2 **FINDINGS**

3 The Hearing Board makes the following findings.

- 4 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain  
5 or use property or allow their property to be maintained or used in a manner that creates  
6 or fosters the creation of a public nuisance."  
7 2. The Estate of Debbie Routhier is the owner of and responsible party for the property  
8 located at 17 Orange Street.  
9 3. The Estate of Debbie Routhier was properly served with a Notice of Violation on February  
10 11, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.  
11 4. The Estate of Debbie Routhier was properly served with a Notice of Intention to Abate  
12 Public Nuisance and Notice of Public Hearing on June 30, 2023, and that said notice was  
13 properly posted at 17 Orange Street on June 30, 2023, pursuant to City of Susanville  
14 Municipal Code section 8.32.090.  
15 5. The condition of the property and certain outbuildings located at 17 Orange Street is a  
16 public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

17 **Orders**

18 The Hearing Board orders the following.

- 19 1. The Estate of Debbie Routhier must abate the public nuisance at 17 Orange Street by  
20 doing the following at 17 Orange Street:  
21 a. Shall provide the City of Susanville with their intent for the property within ten  
22 (10) days of the authorization of this order (Monday August 7, 2023 by 8:00 a.m.).  
23 b. If the structure is to remain and be rehabilitated, the following shall apply:  
24 i. Remove all litter, debris, and abandoned personal property scattered in the  
25 interior of the vacant main building and any accessory structure at 17  
26 Orange Street. The removal of all litter, debris, and personal property is  
27 necessary to mitigate a fire and health hazard that has been caused by the  
28

1 presence of said litter, debris, and abandoned personal property within the  
2 interior of any abandoned structure upon the property.

- 3 ii. The rear yard shall be maintained free of debris, combustible materials,  
4 litter, and garbage. Any debris, combustible materials, litter, and garbage  
5 shall be removed from the premises and disposed of in accordance with  
6 local and state laws and regulations.
- 7 iii. All fences shall be repaired upon the property.
- 8 iv. All windows shall be boarded with a minimum thickness of three-fourths  
9 inch (3/4") or its equivalent. Vent holes may be required, as deemed  
10 necessary by the building official. The plywood shall be secured in place, as  
11 a minimum standard, by a set of Grade No. 2 Douglas Fir two-by-four cross  
12 members set at two feet on center vertically, secured to the plywood by  
13 three-eighths-inch (3/8") plated carriage bolts with large washers at each  
14 end. Bolts used to secure the cross member shall be continuous piece of  
15 lumber, and each should extend approximately one foot past the window  
16 opening in each direction. Bolts and nuts used to secure the cross members  
17 to the plywood must be tightened enough to slightly deflect the wood. Bolt  
18 heads must fit tightly against the wood and not give a purchase for pliers or  
19 pry bars. The nuts are to be located on the interior side of the structure.  
20 All plywood shall be painted with exterior paint consistent with or  
21 complimentary with the exterior color of the building. This provision is  
22 consistent with Susanville Municipal Code Section 15.09.070 (B)(1).
- 23 v. All other doors shall be boarded with exterior grade plywood of a minimum  
24 thickness of three-fourths inch (3/4") or its equivalent, fitted to the entry  
25 door jamb with maximum one-eighth inch (1/8") clearance at each edge  
26 from the door jambs and threshold. The plywood shall, as a minimum  
27 standard, be attached to three Grade No. 2 Douglas Fir horizontal two-by  
28 four wooden crossbars with two each three-eighths inch (3/8") carriage

bolts and matching hardware, with nuts located on the interior side of the structure. The plywood shall be attached to the door entry with three case-hardened strap hinges located at quarter points and the plywood shall be secured by two case-hardened steel hasps located at third points on the strike side of the door and a minimum two-inch case-hardened padlock. Fasteners used to attach the door hasps and hinges shall be the nonreversible type that do not five a purchase for pliers or pry bars. This is consistent with Susanville Municipal Code Section 15.09.070 (B)(2).

- vi. All materials used to cover and secure windows, doors, or other openings shall be painted to match or complement the color of the main structure.
  - vii. The property owner shall obtain a building permit for work done to cover and secure the windows, doors, and other openings as required by Susanville Municipal Code Section 15.09.070 (B)(5).
  - viii. After securing the property to mitigate safety hazards, the property shall begin rehabilitation.
  - ix. Shall obtain a building permit within sixty (60) days of the authorization of this order (Monday September 25, 2023 by 8:00 a.m.).
  - x. Rehabilitation of the property shall be completed within 1 year of obtaining a building permit.
- c. If the structure is to be demolished, the following shall apply:
- i. A demolition permit shall be obtained within ten (10) days of the authorization of this order (Monday August 7, 2023 by 8:00 am)
  - ii. Demolition work shall begin within thirty (30) days of the authorization of this order (Friday August 25, 2023 by 8:00 a.m.)
  - iii. Demolition work shall be completed within (60) days of the authorization of this order (Monday September 25, 2023 by 8:00 a.m.)
  - iv. Temporary fencing shall be erected around the property during demolition activities.

- v. All demolition debris shall be screened from public view while on the property.
  - vi. Demolition debris shall be removed forthwith.
2. The Estate of Debbie Routhier shall obtain any and all required permits that may be required to abate the public nuisance at 17 Orange Street.
3. After The Estate of Debbie Routhier abates the nuisance at 17 Orange Street, The Estate of Debbie Routhier 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 17 Orange Street to determine if the public nuisance was abated.
4. If The Estate of Debbie Routhier fails to comply with this nuisance abatement order, the City of Susanville may have the property abated.
5. If The Estate of Debbie Routhier fails to comply with this order, 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 has been complied with.
  - b. Effective from July 25, 2023.
  - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
6. 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 Estate of Debbie Routhier as a personal debt or may be assessed upon 17 Orange Street and will constitute a lien or special assessment upon the property until paid.
7. 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-

1 year period, any enforcement official determines that the same or another nuisance, as  
2 defined by this chapter exists with respect to the building, structure or property, he or she  
3 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of  
4 Susanville Municipal Code. If The Estate of Debbie Routhier does not abate the nuisance  
5 at any time within the abatement period, the City may proceed with the abatement itself  
6 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without  
7 further action of the hearing board. The City of Susanville may also recover all of its  
8 abatement effort costs as provided for in the City of Susanville Municipal Code.

### 9 Appeal

10 Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal  
11 the Nuisance Abatement Order to the City Council of the City of Susanville. To request an  
12 appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-  
13 one (21) days of the issuance of this order of their request to have this appeal heard by the City  
14 Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of  
15 Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the  
16 deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be  
17 granted within forty-five (45) days of the filing appeal at a regularly scheduled meeting of the  
18 Susanville City Council. The appellant shall be notified no less than ten (10) days of the  
19 scheduled appeal hearing.  
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21 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of  
22 Susanville, held on the 25th day of July 2023.  
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25 Dated: \_\_\_\_\_

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26 Melanie Westbrook, Chairperson  
27 Susanville Planning Commission  
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