CITY OF SUSANVILLE
66 N. Lassen Street • Susanville CA
James Merchant, Chair

Tony Ardito • Wayne Jambois • Matthew Eltzroth

Susanville Planning Commission

Regular Planning Commission Meeting •

Tuesday, June 25, 2024 – 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 May 28, 2024 meeting.

4. **PUBLIC HEARINGS:**

   4.A Consider Resolution No. 24-1177, approving the assessment of civil penalties against the property owner of 6 Monrovia St. for APN 107-156-009-000, for noncompliance with Nuisance Abatement Order NA 2023-005.

   4.B Consider Resolution No. 24-1178, approving the assessment of civil penalties against the property owner of 316 Pardee Ave. for APN 107-082-004-000, for noncompliance with Nuisance Abatement Order NA 2023-006.

   4.C Consider Resolution No. 24-1179, approving the assessment of civil penalties against the property owner of 1005 North St. for APN 103-242-007-000, for non compliance with Nuisance Abatement Order NA 2023-004.

   4.D Consider Resolution No. 24-1180, for Use Permit #2024-009, proposing a six-foot chain link vehicle security fence with green vinyl slats, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code.

5. **NEW BUSINESS:**

6. **CORRESPONDENCE:**

7. COUNTY REFERRALS:

8. ADJOURNMENT: ***The next regular meeting of the Susanville Planning Commission will be held on June 25, 2024 at 5:30PM.***

Reports and documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours and at the meeting. These reports and documents are also available at the City's website www.cityofsusanville.net, unless there were systems problems posting to the website.

Accessibility: An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.

*I, Ruth McElrath, certify that I caused to be posted notice of the regular meeting scheduled for June 25, 2024 in the areas designated o**n** June 21, 2024.*

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.

AGENDA ITEM NO. 3.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	June 25, 2024
SUBJECT:	Receive and file minutes from the May 28, 2024 meeting.
PRESENTED BY:	Ruth McElrath, Building Permit Technician
SUMMARY:	Staff is presenting minutes from the May 28, 2024 meeting.
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes from the May 28, 2024 meeting.

ATTACHMENTS:
P.C. 5.28.24 min..pdf

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, MAY 28, 2024 – 5:30 PM

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

ROLL CALL Rod DeBoer, Tony Ardito, Wayne Jambois, Melanie Westbrook, James Merchant

1. APPROVAL OF AGENDA:

Moved by Commissioner Merchant; seconded by Commissioner DeBoer to approve agenda as submitted.
Motion Carried: 5 - 0
Voting For: Merchant, DeBoer, Eltzroth, Jambois and Westbrook
Voting Against: None

2. BUSINESS FROM THE FLOOR: None

3. CONSENT ITEMS:

3.A Receive and file minutes from the April 9, 2024, meeting.

P.C. 4.9.24 minutes.pdf

Moved by Wayne Jambois; seconded by Rod DeBoer to the approve April 9, 2024 meeting minutes.
Motion Carried: 5 - 0
Voting For: Jambois, DeBoer, Eltzroth, Merchant and Westbrook
Voting Against: None

4. PUBLIC HEARINGS:

4.A Consider Resolution No. 24-1175, recommending approval of Ordinance No. 24-1044, to City Council for first and second readings, and ultimate adoption.

Approve Resolution No. 24-1175 recommending approval of Ordinance No. 24-1044 to City Council for first and second reading and ultimate adoption.

Public hearing opened at 5:31 p.m.

Mr. Mumper explains the ordinance has multiple layers and getting into compliance with state housing law is driving it. The ordinance addresses items from past housing element cycles into the current one.

Staff utilized LEAP grant funding to perform this. The first part of the ordinance addresses accessory dwelling unit (ADU) provisions. Mr. Mumper explains City code is favorable for ADUs, but we had to fully address junior accessory dwelling units, attached, detached, and

the ability to put them into commercial districts where residential uses are allowed in conjunction with use permits.

The next portion of the ordinance covers objective multi-family residential design and development standards.

Mr. Mumper hands out a track changes draft for Title 17 and explains everything that is changing is in the recommending resolution. There will be changes made to the administrative draft before it goes to Council because staff changed their minds about where reasonable accommodation will be placed within Title 17. Staff determined it will be placed under applications and procedures, versus development standards.

He continues explaining the multi-family objective design standards provides an avenue for developers if they meet a punch list then a use permit is not required. If they choose not to follow the design standards, their project will come to Planning Commission as usual. It is something from HCD that helps streamline projects.

The third area of the ordinance is reasonable accommodation, which addresses permitting requirements for disadvantaged populations. When these are adopted, we are hitting checkboxes on the 2019-2024 housing element action programs within the general plan, Mr. Mumper states.

In conclusion, Mr. Mumper says a CEQA analysis was also done. City staff and the hired consultant team determined the EIR addendum completed under the 2019-2024 cycle adequately covers what the ordinance is proposing.

No comments from Commissioners.

No public comment.

Mr. Mumper adds the ordinance will go to council for first and second readings so there will be plenty of opportunity for comments.

Public hearing closed at 5:38 p.m.

SUSGP_ODDS_AdministrativeDraft_2023 08 08 NZ (003).docx
SUSGP_ADU and Density Bonus Ordinance_2023 08 22a BG.docx
SUSGP_Reasonable Accomodation Ordinance_Preliminary Draft_2023 07 24 MG.docx Staff Report CEQA Determination_FINAL 2024 KM.docx
Approving_Resolution_No._24-1175_ADU-RO-DB-ODS.doc

Moved by James Merchant; seconded by to Approve Motion to approve Resolution 24-1175
Motion Carried: 5 - 0
Voting For: Merchant, Wayne Jambois, Melanie Westbrook
Voting Against: None

5. NEW BUSINESS:

5.A Introduce New Code Enforcement Officer, Mike Prettyman

Welcome New Code Enforcement Officer, Mike Prettyman

Mr. Mumper introduces new City Code Enforcement Officer Mike Prettyman. He continues sharing that he has been going out doing meet and greets so people get to know him.

At the June 25, 2024, meeting staff will be coming back with four to five properties that are under abatement order and will be brought back for potential fines as well as a use permit for a fence, Mr. Mumper states.

He provides a brief update regarding the Knight's Inn motel. The new owner is following the abatement order. Staff also advised the owner that any extended room stays will require a use permit situation so that Transient Occupancy Tax is not circumvented.

There was general discussion about the fencing surrounding the building. Mr. Mumper explains no one approached staff about setting up the fence, but staff authorizes it because they feel it is important to keep the site secure while the engineer draws up the plans.

5.B Code Enforcement General Updates: Abandoned Shopping Cart Ordinance updates from staff.

No action required.

Mr. Mumper shares that Safeway's carts are now geofenced and are in the testing phase. He thanked the store manager for working with code enforcement staff.

He also thanked Lassen Rural Bus on its efforts for retrieving shopping carts left in bus stops. It is not something they contract for, nor did the City approach them to do so.

Mr. Mumper explains that the ordinance codified in 2020 requires any new retail establishments providing carts to geofence them. The next effort will be Walmart.

5.C General Plan Comprehensive Update. City Planner to provide an update regarding the new professional services contract and the timelines associated with each General Plan Element update.

No action required.

Mr. Mumper shares that the City Council approved the comprehensive update to the general plan on March 20, 2024. He received the official recording from the Lassen County Clerk’s Office on the land use assessment report and we should be getting the circulation element official recordation document in the next couple of weeks.

He provided a summary of the comprehensive updates. The city is required by state law to do the safety element because more than one element is open at this time, but that will be

done under the same contract as the comprehensive update. The noise, safety community character and open space elements will also be complete, and this will finish the rest of the general plan.

The city is currently operating under a 2010-2020 plan, moving into the future, we will not be operating on a document from the past, Mr. Mumper says.

He ends his report saying a joint study session with the City Council is tentatively scheduled for Aug. 7. Staff and consultants will be in attendance to answer questions.

The contract is just shy of $400,000. The takeaway, Mr. Mumper explains, is getting a complete general plan done using only $600,000 is amazing. The way this is all coming together is good for the community of Susanville.

Mr. Mumper concludes that he will keep the commission informed as the process goes along and it will be about a year and three-month process.

2024 Mintier Harnish General Plan-(signed).pdf

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: None

8. ADJOURNMENT:

Motion by Commissioner DeBoer to adjourn at 5:51 p.m., seconded by Vice Chair Merchant. Motion carries.

Motion Carried: 5 - 0
Voting For: DeBoer, Merchant, Eltzroth, Jambois and Westbrook
Voting Against: None

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Michael Prettyman, Building & Planning Division
Action Date:	June 25, 2024
SUBJECT:	Consider Resolution No. 24-1177, approving the assessment of civil penalties against the property owner of 6 Monrovia St. for APN 107-156-009-000, for noncompliance with Nuisance Abatement Order NA 2023-005.
PRESENTED BY:	Kelly Mumper and Mike Prettyman
SUMMARY:	The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order (NA2023-005) at a duly noticed public hearing on June 13, 2023 which ordered Kenneth George Morris II, to abate nuisance conditions at 6 Monrovia St. (APN 107-156-009-000). The following code violations were observed and not rectified throughout the abatement order period: 8.32.050 (a)(2) SMC; 8.32.050 (c)(1) SMC; 8.32.050 (c)(2) SMC; 8.32.050 (c)(4) SMC; 8.52.030 (e)(1) SMC; 8.52.030 (e)(2) SMC; 8.52.030 (e)(3) SMC
FISCAL IMPACT:	Increase to the Code Enforcement abatement fund in the amount of $10,000.00 plus any accrued interest, once the cost report and lien hearing is finalized through City Council at a future meeting.
ACTION REQUESTED:	Motion to approve Resolution No. 24-1177, approving the assessment of civil penalties against the property owner of 6 Monrovia St. for APN 107-156-009-000, for noncompliance with Nuisance Abatement Order NA 2023-005.

ATTACHMENTS:
24-6-11 Monrovia Signed Notice of Hearing (owner).pdf
20240619_082026.jpg
20240619_082043.jpg
6 Monrovia Nuisance Abatement Order (Resolution NO. 23-1150).pdf
Resolution_NO._24-1177.doc
Nuisance Abatement Order After Hearing NA2023-005 - 6 Monrovia.doc

City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.120)

June 11, 2024

Kenneth George Morris II
720 Country Rd. 99W
Orland, CA 95963

RE: 6 Monrovia St.
Susanville, CA 96130
Code Enforcement Case # CE2023-034

Dear Kenneth George Morris II:

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of administrative penalties related to the current nuisance abatement order associated with the subject property.

The Public Hearing will be held on Thursday June 25, 2024, at 5:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday June 21, 2024, for Planning Commission review.

If you have any questions or concerns regarding this notice, you may contact the Building and Planning Division at (530) 252-5118.

Respectfully,

Michael Prettyman
Code Enforcement Officer

Mendy Schuster
Mayor
Russ Brown
Mayor pro tem

Councilmembers:
Curtis Bortle
Dawn Miller
Patrick Parrish

RESOLUTION NO. 23-1150

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-005 AND ORDERING THE PROPERTY OWNER OF 6 MONROVIA STREET TO ABATE NUISANCE CONDITIONS

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

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

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

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

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: Ruth McElrath for
Heidi Whitlock, City Clerk

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

AYES: DeBoer, Ardito, Merchant and Westbrook
NOES: None
ABSENT: Jambois
ABSTAIN: None

Ruth McElrath for
Heidi Whitlock, City Clerk

RESOLUTION NO. 24-1177
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ASSESSMENT OF CIVIL PENALTIES AGAINST THE PROPERTY OWNER OF 6 MONROVIA ST. (APN-107-156-009-000) FOR NONCOMPLIANCE WITH NUISANCE ABATEMENT ORDER NA2023-005

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

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

WHEREAS, the Susanville Planning Commission approved the issuance of a Nuisance Abatement Order (NA2023-005) at a duly noticed public hearing on June 13, 2023 which ordered Kenneth Goerge Morris II, to abate nuisance conditions at 6 Monrovia St. (APN 107-156-009-000); and

WHEREAS, the condition of real property remains a public nuisance and in violation of nuisance abatement order NA2023-005; and

WHEREAS, the assessment of administrative civil penalties is authorized by Section 8.32.290 of the Susanville Municipal Code which provides for a maximum daily penalty and a maximum total penalty when considering defined factors relating to the facts presented to the Susanville Planning Commission; and

WHEREAS, the assessment of civil penalties relating to a nuisance abatement order does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of administrative civil penalties for violations of nuisance abatement order NA2023-005 as follows:

1. One hundred dollars ($100.00) for each day the public nuisance existed on property located at 6 Monrovia St. (APN: 107-156-009-000)
2. Effective date of the assessment of administrative penalties shall be June 26, 2023.

BE IT FURTHER RESOLVED that the Planning Commission hereby orders the maximum administrative civil penalty in the amount of ten thousand

dollars ($10,000.00) for 365 total days of noncompliance with nuisance abatement order NA2023-005 and orders the payment of said administrative penalty due by July 16, 2024, by 4:30p.m.

APPROVED:_____
Melanie Westbrook,
Chairperson Planning Commission

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

The foregoing Resolution No. 24-1177 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 25th day of June 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

Margret E. Long SBN: 227176
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5100
attorney@cityofsusanville.org

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville, Petitioner v KENNETH GEORGE MORRIS II Respondent	Nuisance Abatement Order NA2023-005 Hearing: June 13, 2023, at 5:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

1. This proceeding was heard:
    a. On June 13, 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 Hearing Board or the Board) with the following commissioners of the Planning Commission present: Melanie Westbrook, James Merchant, Rod DeBoer, Wayne Jambois, and Tony Ardito.
    c. Melanie Westbrook presided over the procedure as Chairperson.
    d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated May 8, 2023, and served on Respondent, KENNETH GEORGE MORRIS II, by Certified Mail on May 8, 2023, and posted on the structure at 6 Monrovia Street on May 8, 2023.
    e. Present at the hearing where:

i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, Ruth McElrath, Permit Technician / Secretary of the Planning Commission, Jolene Arredondo, Assistant to the City Administrator, Erik Edholm, Assistant Director of Public Works, and Robert Godman, Director of Public Works representing the City of Susanville and

ii. The Respondent did not appear at this hearing.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. KENNETH GEORGE MORRIS II owns the residential property and is the responsible party for the property located at 6 Monrovia Street.
3. KENNETH GEORGE MORRIS II was properly served with a Notice of Violation on April 26, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. KENNETH GEORGE MORRIS II was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 8, 2023, and that said notice was properly posted at 6 Monrovia Street on May 8, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 6 Monrovia Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. KENNETH GEORGE MORRIS II must abate the public nuisance at 6 Monrovia Street by doing the following at 6 Monrovia Street:
    a. The onsite dumpster is inadequate for trash and debris generated at the property.

b. All abandoned household items and furnishings, debris, garbage, junk, rubbish, household appliances, furnishings, items that are on the property shall be removed and disposed of in accordance with local, state, and federal laws.

c. Overgrown grasses and weeds shall be cut down and/or mowed.

2. KENNETH GEORGE MORRIS II must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.

3. KENNETH GEORGE MORRIS II must obtain any and all required permits that may be required to abate public nuisance at 6 Monrovia Street.

4. After KENNETH GEORGE MORRIS II abates the nuisance at 6 Monrovia Street, KENNETH GEORGE MORRIS II must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 6 Monrovia Street to determine if the public nuisance was abated.

5. If KENNETH GEORGE MORRIS II does not abate the public nuisance at 6 Monrovia Street by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 6 Monrovia Street abated.

6. If KENNETH GEORGE MORRIS II does not abate the public nuisance at 6 Monrovia Street by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:

   a. Assessment of $100.00 per day until the nuisance abatement order has been complied with.

   b. Effective from June 26, 2023.

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

7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against

KENNETH GEORGE MORRIS II as a personal debt or may be assessed upon 6 Monrovia Street and will constitute a lien or special assessment upon the property until paid.

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

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 13th day of June 2023.

Dated: _____ _____

Melanie Westbrook

Susanville Planning Commission

City of Susanville
66 North Lassen Street
Susanville, CA 96130

AGENDA ITEM NO. 4.B
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Michael Prettyman, Building & Planning Division
Action Date:	June 25, 2024
SUBJECT:	Consider Resolution No. 24-1178, approving the assessment of civil penalties against the property owner of 316 Pardee Ave. for APN 107-082-004-000, for noncompliance with Nuisance Abatement Order NA 2023-006.
PRESENTED BY:	Kelly Mumper and Mike Prettyman
SUMMARY:	The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order (NA2023-006) at a duly noticed public hearing on June 13, 2023 which ordered Faylon O'donnell, to abate nuisance conditions at 316 Pardee Ave. (APN 107-082-004-000). The following code violations were observed and not rectified throughout the abatement order period: 8.32.050 (a)(2) SMC; 8.32.050 (c)(1) SMC; 8.32.050 (c)(2) SMC; 8.32.050 (c)(2) SMC; 8.52.030 (A)(1) SMC; 8.52.030 (A)(2) SMC; 8.52.030 (A)(6) SMC; 8.52.030 (C)(5) SMC; 8.52.030 (E)(1) SMC; 8.52.030 (E)(6) SMC; 17.108.030 SMC; 17.108.060 SMC
FISCAL IMPACT:	Increase to the Code Enforcement abatement fund in the amount of $10,000.00 plus any accrued interest, once the cost report and lien hearing is finalized through City Council at a future meeting.
ACTION REQUESTED:	Approve Resolution No. 24-1178, approving the assessment of civil penalties against the property owner of 316 Pardee Ave. for APN 107-082-004-000, for noncompliance with Nuisance Abatement Order NA 2023-006.

ATTACHMENTS:
24-6-11 Pardee Signed Notice of Hearing.pdf
20240619_082509.jpg
20240619_082504.jpg
316 Pardee Nuisance Abatement Order (Resolution NO. 23-1151-1152).pdf
Resolution_N0._24-1178.doc
Nuisance Abatement Order After Hearing NA2023-006 316 Pardee.doc

City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.120)

June 11, 2024

Faylon Joseph Odonnell
316 Pardee Ave.
Susanville, CA 96130

RE: 316 Pardee Ave.
Susanville, CA 96130
Code Enforcement Case # CE2023-045

Faylon Joseph Odonnell:

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of administrative penalties related to the current nuisance abatement order associated with the subject property.

The Public Hearing will be held on Thursday June 25, 2024, at 5:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday June 21, 2024, for Planning Commission review.

If you have any questions or concerns regarding this notice, you may contact the Building and Planning Division at (530) 252-5118.

Respectfully,

Michael Prettyman
Code Enforcement Officer

Mendy Schuster
Mayor
Russ Brown
Mayor pro tem

Councilmembers:
Curtis Bortle
Dawn Miller
Patrick Parrish

4BZT927

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

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

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

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

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

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: Ruth McElrath FOR
Heidi Whitlock, City Clerk

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

AYES: Merchant, Ardito, Jambois, DeBoer and Westbrook
NOES: None
ABSENT: None
ABSTAIN: None

Ruth McElrath FOR
Heidi Whitlock, City Clerk

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

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

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

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

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

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: Ruth McElrath for
Heidi Whitlock, City Clerk

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

AYES: DeBoer, Merchant, Ardito, Jambois and Westbrook
NOES: None
ABSENT: None
ABSTAIN: None

Ruth McElrath for
Heidi Whitlock, City Clerk

RESOLUTION NO. 24-1178
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ASSESSMENT OF CIVIL PENALTIES AGAINST THE PROPERTY OWNER OF 316 PARDEE AVE. (APN-107-082-004-000) FOR NONCOMPLIANCE WITH NUISANCE ABATEMENT ORDER NA2023-006

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

WHEREAS, a public nuisance has been declared upon the property of 316 Pardee Ave. and attempts to bring the property into voluntary compliance have been futile; and

WHEREAS, the Susanville Planning Commission approved the issuance of a Nuisance Abatement Order (NA2023-006) at a duly noticed public hearing on June 13, 2023 which ordered Faylon O'donnell, to abate nuisance conditions at 316 Pardee Ave. (APN 107-082-004-000); and

WHEREAS, the condition of real property remains a public nuisance and in violation of nuisance abatement order NA2023-006; and

WHEREAS, the assessment of administrative civil penalties is authorized by Section 8.32.290 of the Susanville Municipal Code which provides for a maximum daily penalty and a maximum total penalty when considering defined factors relating to the facts presented to the Susanville Planning Commission; and

WHEREAS, the assessment of civil penalties relating to a nuisance abatement order does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of administrative civil penalties for violations of nuisance abatement order NA2023-006 as follows:

1. One hundred dollars ($100.00) for each day the public nuisance existed on property located at 6 Monrovia St. (APN: 107-082-004-000)
2. Effective date of the assessment of administrative penalties shall be July 14, 2023.

BE IT FURTHER RESOLVED that the Planning Commission hereby orders the maximum administrative civil penalty in the amount of ten thousand dollars ($10,000.00) for 365 total days of noncompliance with nuisance abatement

order NA2023-006 and orders the payment of said administrative penalty due by July 16, 2024 by 4:30p.m.

APPROVED:_____
Melanie Westbrook,
Chairperson Planning Commission

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

The foregoing Resolution No. 24-1178 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 25th day of June 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

Margret E. Long SBN: 227176
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5100
attorney@cityofsusanville.org

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville, Petitioner v FAYLON O'DONNELL Respondent	Nuisance Abatement Order NA2023-006 Hearing: June 13, 2023, at 5:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

1. This proceeding was heard:
    a. On June 13, 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 Hearing Board or the Board) with the following commissioners of the Planning Commission present: Melanie Westbrook, James Merchant, Rod DeBoer, Wayne Jambois, and Tony Ardito.
    c. Melanie Westbrook presided over the procedure as Chairperson.
    d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated May 7, 2023, and served on Respondent, FAYLON O'DONNELL, by Certified Mail on May 7, 2023, and posted on the structure at 316 Pardee Avenue on May 7, 2023.
    e. Present at the hearing where:

i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, Ruth McElrath, Permit Technician / Secretary of the Planning Commission, Jolene Arredondo, Assistant to the City Administrator, Erik Edholm, Assistant Director of Public Works, and Robert Godman, Director of Public Works representing the City of Susanville and

ii. The Respondent did not appear at this hearing.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. FAYLON O'DONNELL owns the residential property and is the responsible party for the property located at 316 Pardee Avenue.
3. FAYLON O'DONNELL was properly served with a Notice of Violation on April 26, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. FAYLON O'DONNELL was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 7, 2023, and that said notice was properly posted at 316 Pardee Avenue on May 7, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 316 Pardee Avenue is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

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

c. Remove and dispose of all debris, garbage, rubbish, trash, household furnishings, appliances from the front yard.

2. FAYLON O'DONNELL must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Friday July 14, 2023 by 8:00 a.m.
3. FAYLON O'DONNELL must obtain any and all required permits that may be required to abate public nuisance at 316 Pardee Avenue.
4. After FAYLON O'DONNELL abates the nuisance at 316 Pardee Avenue, FAYLON O'DONNELL must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 316 Pardee Avenue to determine if the public nuisance was abated.
5. If FAYLON O'DONNELL does not abate the public nuisance at 316 Pardee Avenue by 8:00 a.m. on July 14, 2023, the City of Susanville may have the property at 316 Pardee Avenue abated.
6. If FAYLON O'DONNELL does not abate the public nuisance at 316 Pardee Avenue by 8:00 a.m. on July 14, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
    a. Assessment of $100.00 per day until the nuisance abatement order has been complied with.
    b. Effective from July 14, 2023.
    c. The maximum administrative penalty shall be $10,000, exclusive of administrative costs and interest.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against FAYLON O'DONNELL as a personal debt or may be assessed upon 316 Pardee Avenue and will constitute a lien or special assessment upon the property until paid.

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

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 13th day of June 2023.

Dated: June 13, 2023

/s/ Melanie Westbrook
Melanie Westbrook
Susanville Planning Commission

I, Cody Loflin, Code Enforcement Officer for the City of Susanville do attest that this copy of a Nuisance Abatement Order issued by the Susanville Planning Commission and memorialized by Resolution of the Susanville Planning Commission No. 23-1150, is a true and accurate copy of the order to which was signed by Melanie Westbrook, Chairperson of the Susanville Planning Commission. I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 16, 2023

_____
Cody Loflin, Code Enforcement Officer
City of Susanville

AGENDA ITEM NO. 4.C
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Michael Prettyman, Building & Planning Division

Action Date: June 25, 2024

SUBJECT: Consider Resolution No. 24-1179, approving the assessment of civil penalties against the property owner of 1005 North St. for APN 103-242-007-000, for non compliance with Nuisance Abatement Order NA 2023-004.

PRESENTED BY: Kelly Mumper and Mike Prettyman

SUMMARY: The Susanville Planning Commission approved the issuance of a Nuisance Abatement Order (NA2023-004) at a duly noticed public hearing on June 13, 2023 which ordered SNVESTATES, LLC., to abate nuisance conditions at 1005 North St. (APN 103-242-007-000). The following code violations were observed and not rectified throughout the abatement order period: 8.32.050 (a)(2) SMC; 8.32.050 (a)(2) SMC; 8.32.050 (c)(2) SMC; 8.32.050 (c)(4) SMC; 8.32.050 (e)(5) SMC; 8.32.050 (e)(5) SMC; 8.52.030 (a)(3) SMC; 8.52.030 (e)(1) SMC

FISCAL IMPACT: Increase to the Code Enforcement abatement fund in the amount of $10,000.00 plus any accrued interest, once the cost report and lien hearing is finalized through City Council at a future meeting.

ACTION REQUESTED: Motion to approve Resolution No. 24-1179, approving the assessment of civil penalties against the property owner of 1005 North St. for APN 103-242-007-000, for non compliance with Nuisance Abatement Order NA 2023-004.

ATTACHMENTS:
24-6-11 North Signed Notice of Hearing (owner).pdf
20240619_080441.jpg
20240619_080627.jpg
20240619_080630.jpg
20240619_080707.jpg
20240619_080722.jpg
20240619_080726.jpg
1005 North Street Nuisance Abatement Order (Resolution NO. 23-1149).pdf
Resolution_NO._24-1179.doc
Nuisance Abatement Order After Hearing NA2023-004 1005 North Street.doc

City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.120)

June 11, 2024

Svnestates LLC
6754 Bernal Ave. Suite 740-278
Pleasanton, CA 94566

RE: 1005 North St.
Susanville, CA 96130
Code Enforcement Case # CE2022-040

Dear Svnestates LLC:

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of administrative penalties related to the current nuisance abatement order associated with the subject property.

The Public Hearing will be held on Thursday June 25, 2024, at 5:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday June 21, 2024, for Planning Commission review.

If you have any questions or concerns regarding this notice, you may contact the Building and Planning Division at (530) 252-5118.

Respectfully,

Michael Prettyman
Code Enforcement Officer

Mendy Schuster
Mayor
Russ Brown
Mayor pro tem

Councilmembers:
Curtis Bortle
Dawn Miller
Patrick Parrish

RESOLUTION NO. 23-1149

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER NA2023-004 AND ORDERING THE PROPERTY OWNER OF 1005 NORTH STREET TO ABATE NUISANCE CONDITIONS

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

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

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

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

APPROVED: _____
Melanie Westbrook, Chairperson

ATTEST: Ruth McElrath FOR
Heidi Whitlock, City Clerk

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

AYES: Jambois, DeBoer, Ardito, Merchant and Westbrook
NOES: None
ABSENT: None
ABSTAIN: None

Ruth McElrath FOR:
Heidi Whitlock, City Clerk

RESOLUTION NO. 24-1179
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ASSESSMENT OF CIVIL PENALTIES AGAINST THE PROPERTY OWNER OF 1005 NORTH ST. (APN-103-242-007-000) FOR NONCOMPLIANCE WITH NUISANCE ABATEMENT ORDER NA2023-004

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

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

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

WHEREAS, the Susanville Planning Commission approved the issuance of a Nuisance Abatement Order (NA2023-004) at a duly noticed public hearing on June 13, 2023 which ordered SNVESTATES, LLC to abate nuisance conditions at 1005 North St. (APN 103-242-007-000); and

WHEREAS, the condition of real property remains a public nuisance and in violation of nuisance abatement order NA2023-004; and

WHEREAS, the assessment of administrative civil penalties is authorized by Section 8.32.290 of the Susanville Municipal Code which provides for a maximum daily penalty and a maximum total penalty when considering defined factors relating to the facts presented to the Susanville Planning Commission; and

WHEREAS, the assessment of civil penalties relating to a nuisance abatement order does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the assessment of administrative civil penalties for violations of nuisance abatement order NA2023-004 as follows:

1. Five hundred dollars ($500.00) for each day the public nuisance existed on property located at 1005 North St. (APN: 103-242-007-000)
2. Effective date of the assessment of administrative penalties shall be June 26, 2023.

BE IT FURTHER RESOLVED that the Planning Commission hereby orders the maximum administrative civil penalty in the amount of ten thousand

dollars ($10,000.00) for 365 total days of noncompliance with nuisance abatement order NA2023-004 and orders the payment of said administrative penalty due by July 16, 2024 by 4:30p.m.

APPROVED:_____
Melanie Westbrook,
Chairperson Planning Commission

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

The foregoing Resolution No. 24-1179 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 25th day of June 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

Margret E. Long SBN: 227176
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5100
attorney@cityofsusanville.org

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville, Petitioner v SNVESTATES, LLC Respondent	Nuisance Abatement Order NA2023-004 Hearing: June 13, 2023, at 5:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

1. This proceeding was heard:
    a. On June 13, 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 Hearing Board or the Board) with the following commissioners of the Planning Commission present: Melanie Westbrook, James Merchant, Rod DeBoer, Wayne Jambois, and Tony Ardito.
    c. Melanie Westbrook presided over the procedure as Chairperson.
    d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated May 5, 2023, and served on Respondent, SNVESTATES, LLC, by Certified Mail on May 5, 2023, and posted on the structure at 1005 North Street on May 5, 2023.
    e. Present at the hearing where:

i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, Ruth McElrath, Permit Technician / Secretary of the Planning Commission, Jolene Arredondo, Assistant to the City Administrator, Erik Edholm, Assistant Director of Public Works, and Robert Godman, Director of Public Works representing the City of Susanville and

ii. Jack Ward representing the Respondent.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. SNVESTATES, LLC owns the residential property and are the responsible parties for the property located at 1005 North Street.
3. SNVESTATES, LLC was properly served with a Notice of Violation on March 23, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. SNVESTATES, LLC was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 1005 North Street on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 1005 North Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. SNVESTATES, LLC must abate the public nuisance at 1005 North Street by doing the following at 1005 North Street:
    a. Uniform Housing Code Violations:
        i. All items listed within this notice shall be complied with as the State of California has set the minimum housing standards for all people of this

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

ii. The building shall have the required utilities accessible to the building (electrical, water, sewer).

iii. The building shall have access to hot and cold running water.

iv. The building shall have adequate heating for all units.

v. The building shall have adequate access to a kitchen sink, toilet, shower or bath.

vi. All other building code violations shall be remedied and shall have all.

b. Public Nuisances:

i. Clear all visible junk, trash, debris, household items, furniture, appliances, branches and limbs and car parts from public view.

ii. All vehicles on property must be licensed and in an operable state and stored properly. Operable state as defined in the California Vehicle Code.

iii. All car parts to be removed from view.

iv. All over-height fences shall be lowered to 6' or a conditional use permit shall be obtained.

v. Electrical alterations in the side/rear yard shall be brought up to code.

vi. All outbuildings shall be brough to code or a permit shall be obtained.

c. Zoning:

i. Remove all junk from the property.

2. SNVESTATES, LLC must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.

3. SNVESTATES, LLC must obtain any and all required permits that may be required to abate public nuisance at 1005 North Street.
4. After SNVESTATES, LLC abates the nuisance at 1005 North Street, SNVESTATES, LLC must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 1005 North Street to determine if the public nuisance was abated.
5. If SNVESTATES, LLC does not abate the public nuisance at 1005 North Street by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 1005 North Street abated.
6. If SNVESTATES, LLC does not abate the public nuisance at 1005 North Street by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
    a. Assessment of $500.00 per day until the nuisance abatement order has been complied with.
    b. Effective from June 26, 2023.
    c. The maximum administrative penalty shall be $10,000, exclusive of administrative costs and interest.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against SNVESTATES, LLC as a personal debt or may be assessed upon 1005 North Street and will constitute a lien or special assessment upon the property until paid.
8. This Order shall be effective for one year after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by this Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure, or property is maintained in such a manner so as not to create a nuisance. If, during this one-year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she

may give notice to abate the nuisance as provided for in section 8.32.060 of the City of Susanville Municipal Code. If SNVESTATES, LLC does not abate the nuisance at any time within the abatement period, the City may proceed with the abatement itself under the provisions of section 8.32.190 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

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 13th day of June 2023.

Dated: _____ _____

Melanie Westbrook

Susanville Planning Commission

AGENDA ITEM NO. 4.D
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: June 25, 2024

SUBJECT: Consider Resolution No. 24-1180, for Use Permit #2024-009, proposing a six-foot chain link vehicle security fence with green vinyl slats, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code.

PRESENTED BY: Kelly Mumper

SUMMARY: The applicant is proposing a six-foot chain link vehicle security fence with green vinyl slats, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code. A six-foot fence is allowed to encroach into a front yard setback if a Use Permit is secured through the City of Susanville Planning Commission. The applicant is required to supply information that demonstrates that if the project is approved, that it will not hinder line of sight safety for pedestrian and vehicular traffic on Riverside Drive, nor that the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular case, will be detrimental to the health, safety, morals or comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. The project site is zoned C-2 (General Commercial Shopping Center Zoning District) with a General Plan designation of *General Commercial/Shopping Center* pursuant to the *City of Susanville General Plan 1990-2010*. The project site is located at 2550 Riverside Drive in Susanville, CA. The subject parcel is approximately 2 acres in size and has an assessor's parcel number of 105-350-063-000 and is approximately 200 feet south of Tractor Supply on Robs Way. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines. Staff Contact: Kelly Mumper, City Planner.

FISCAL IMPACT: None.

ACTION REQUESTED: Approve or Disapprove Resolution No. 24-1180, for Use Permit #2024-009, proposing a six-foot chain link vehicle security fence with

green vinyl slats, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code.

ATTACHMENTS:

Public Hearing Notice UP#2024-009.docx
Environmental Questionaire UP#2024-009.pdf
Planning Application UP#2024-009 TSG Developments, LLC.pdf
Site Plan UP#2024-009.pdf
UP#2024-009 Staff Report.docx
1.jpg
2.jpg
3.jpg
4.jpg
Resolution No. 24-1180.doc
Reso. 24-1180 Disapproving.doc

NOTICE OF PUBLIC HEARING

The City of Susanville Planning Commission will be holding a public hearing to allow public comment on **Use Permit #2024-009 for TSG Development**.

The applicant is proposing a six-foot chain link vehicle security fence with green vinyl slats, which will encroach into the required front yard setback pursuant to the City of Susanville Municipal Code. A six-foot fence is allowed to encroach into a front yard setback if a Use Permit is secured through the City of Susanville Planning Commission. The applicant is required to supply information that demonstrates that if the project is approved, that it will not hinder line of sight safety for pedestrian and vehicular traffic on Riverside Drive, nor that the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular case, will be detrimental to the health, safety, morals or comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. The project site is zoned C-2 (General Commercial Shopping Center Zoning District) with a General Plan designation of *General Commercial/Shopping Center* pursuant to the *City of Susanville General Plan 1990-2010.* The project site is located at 2550 Riverside Drive in Susanville, CA. The subject parcel is approximately 2 acres in size, has an assessor's parcel number of 105-350-063-000, and is approximately 200 feet south of Tractor Supply on Robs Way. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332. This project is scheduled to have a public hearing by the Planning Commission at 5:30 p.m. on June 25, 2024, in the City of Susanville City Council Chambers located at 66 N. Lassen Street Susanville, CA 96130.

The public is invited to attend and provide verbal and/or written comments on the proposed project. Written comments must be received at the above address at, or prior to, the meeting date and time. Note: Any appeals on the above-mentioned proposal must be based on comments made known (either through written or verbal comments) at the public hearing. Appellants must also be represented at the public hearing for an appeal to be accepted by the City Council. "If you challenge the City's action on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing." Govt. Code 65009. Any questions regarding this or the proposal may be directed to the City Planner, Kelly Mumper at (530) 252-5104 during normal business hours.

BY: Kelly Mumper, City Planner
FOR: City of Susanville, Planning Commission

CITY OF SUSANVILLE
PLANNING DIVISION
PROJECT & ENVIRONMENTAL QUESTIONNAIRE – Short Form

This document will assist the Planning Divisions evaluation of the proposed project and its potential environmental impacts. Complete and accurate information will facilitate the City's environmental assessment of the project and will minimize future requests for additional information. Please contact the Planning Division at 66 N. Lassen Street, Susanville, CA 96130-3904, Phone: (530) 252-5117, Fax: (530) 257-4725, if you have any questions regarding this document, environmental review or your project. ***Please attach additional sheets and/or information as necessary.***

I. GENERAL INFORMATION

A. Describe the proposed project. Provide as much detail as possible:

INSTALL ±361 LF OF 6FT. CHAIN LINK FENCE WITH GREEN VINYL SLATS AND 14 FT GATE FOR VEHICLE ACCESS WITH CODE ENTRY

B. Applicant's Name: NST ENGINEERING

Mailing Address: 1495 RIVERSIDE DR., SUSANVILLE, CA 96130

Telephone: Business (530) 257-5173 Home ( ) _____

Fax ( ) _____ E-Mail NST@FRONTIERNET.NET

What is the best way to contact you? EMAIL

C. If the Applicant is not the Owner of the Property, has the owner's permission been secured?

YES

II. PROJECT SITE INFORMATION:

A. Physical Characteristics:

1. Address or Location: 2550 RIVERSIDE DRIVE
2. Assessor's Parcel Number (if known): 105-350-063

B. Zoning Information: *(If known)*

1. Zoning District(s): C-2
2. General Plan Land Use Designation: GEN. COMMERCIAL / SHOPPING CENTER

C. Adjacent Zoning and Existing Land Uses Within 300 Feet of the Project site: *(If known)*

	Zoning	Existing Land Use
North	C-2	RESIDENTIAL / VACANT
South	C-2	LASSEN COUNTY COURTHOUSE
East	C-2	COMMERICIAL
West	C-2/COUNTY	VACANT / PARKING AREA

D. Environmental Settings:

1. Describe the project site's existing topography, soil stability, plant and animal life, scenic vistas, cultural, historical or archaeological resources, proximity to bodies of water or any other outstanding site characteristics and explain how they will be disturbed (if any) as a result of this project: THE PROJECT SITE IS FULLY IMPROVED AND THE EXISTING BUILDING SERVES AS A JOINT OFFICE FOR BLM AND USFS LOCAL FIELD OFFICES. ENVIRONMENTAL CONDITIONS WILL REMAIN THE SAME. A NEW ADA PATH OF TRAVEL WILL BE INSTALLED FROM THE EXISTING PARKING LOT TO THE EXISTING SIDEWALK ALONG RIVERSIDE DRIVE

2. Is the project site within either of the following (*mark if known*)?

☐ Floodway ☒ 100-year floodplain ☐ 500-year floodplain

III. PROJECT INFORMATION:

A. RESIDENTIAL PROJECTS:

1. Type of residential project: N/A
2. Total number of lots: _____. Total number of dwelling units: _____.
3. Total acreage: _____. Total dwelling units per acre: _____.
4. Total Number of Off Street Parking Spaces Provided: _____
5. Estimated date to begin construction or open business: _____

B. NON-RESIDENTIAL PROJECTS:

1. Type of Uses (s): GOVERNMENT OFFICES
2. Days and Hours of Operation: MON-FRI, 8AM TO 5PM
3. Total Number of Employees: 67 (BLM), 50 (USFS), ±120 TOTAL (SEASONAL INCLUDED)
4. Square footage of use (*if known*) ±7700 SF OF FENCED PARKING AREA
5. Estimated Total Number of Visitors/Customers on site at any one time: 10-15
6. Total Number of Off Street Parking Spaces Provided: 135
7. Estimated date to begin construction or open business: JUNE 2024

V. ATTESTATION:

As applicant/agent for this proposal, I hereby state that, to the best of my knowledge, the above answers and statements are true and complete.

Jeffery Morrish Project Engineer — 5/13/24

Signature of Applicant/Agent — Date

Jeffery Morrish

Print Name and title of Applicant/Agent

City of Susanville
Planning Division
66 North Lassen Street
Susanville, CA 96130-3904
Fax: (530) 257-4725

Contacts:
Craig Sanders, City Planner
Phone: (530) 252-5104
e-mail: csanders@cityofsusanville.org

City of Susanville

PLANNING APPLICATION

City of Susanville, Planning Division
66 North Lassen Street
Susanville, California 96130-3904
(530) 252-5117 / Fax (530) 257-4725

TYPE OR PRINT CLEARLY

Applicant	Street Address	City	Zip Code	Day Phone
TSG DEVELOPMENTS, LLC	352 MITCHELL LAKE LN., COPPEROPOLIS, CA 95228			(530) 356-8010
Representative (if any)	Street Address	City	Zip Code	Day Phone
NST ENGINEERING	1495 RIVERSIDE DR., SUSANVILLE, CA 96130			(530) 257-5173
Property Owner	Street Address	City	Zip Code	Day Phone
TSG				( )

Correspondence to be sent to: ☒ Applicant ☒ Representative ☒ Owner

Project Address			Assessor's Parcel No.
2550 RIVERSIDE DRIVE			105-350-063-000
Existing Land Use	Site Acreage	Zoning	General Plan
GOVERNMENT OFFICE BUILDING	2.0 AC	C2	GENERAL COMMERCIAL / SHOPPING CENTER

Description of proposed project (attach sheets if necessary)

INSTALL A 6FT CHAIN LINK SECURITY FENCE WITH GREEN VINYL SLATS ALONG RIVERSIDE DRIVE

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate.

Signed [signature] Civil Engineer Date 5/3/24

Property Owner/Authorized Agent: I have read this application and consent to its filing.

Signed _____ Date _____

TYPE OF APPLICATION

- ☐ Abandonment
- ☐ Administrative Permit
- ☐ Architectural & Site Plan Review
- ☐ Amendment/Appeal
- ☐ Design Review
- ☐ General Plan Amendment
- ☐ Home Occupation Permit
- ☐ Lot Line Adjustment
- ☐ Other _____
- ☐ Parcel Map
- ☐ Planned Development District
- ☐ Rezoning
- ☐ Specific Plan
- ☐ Subdivision
- ☒ Use Permit
- ☐ Time Extension: Expiration Date _____
- ☐ Zone Variance

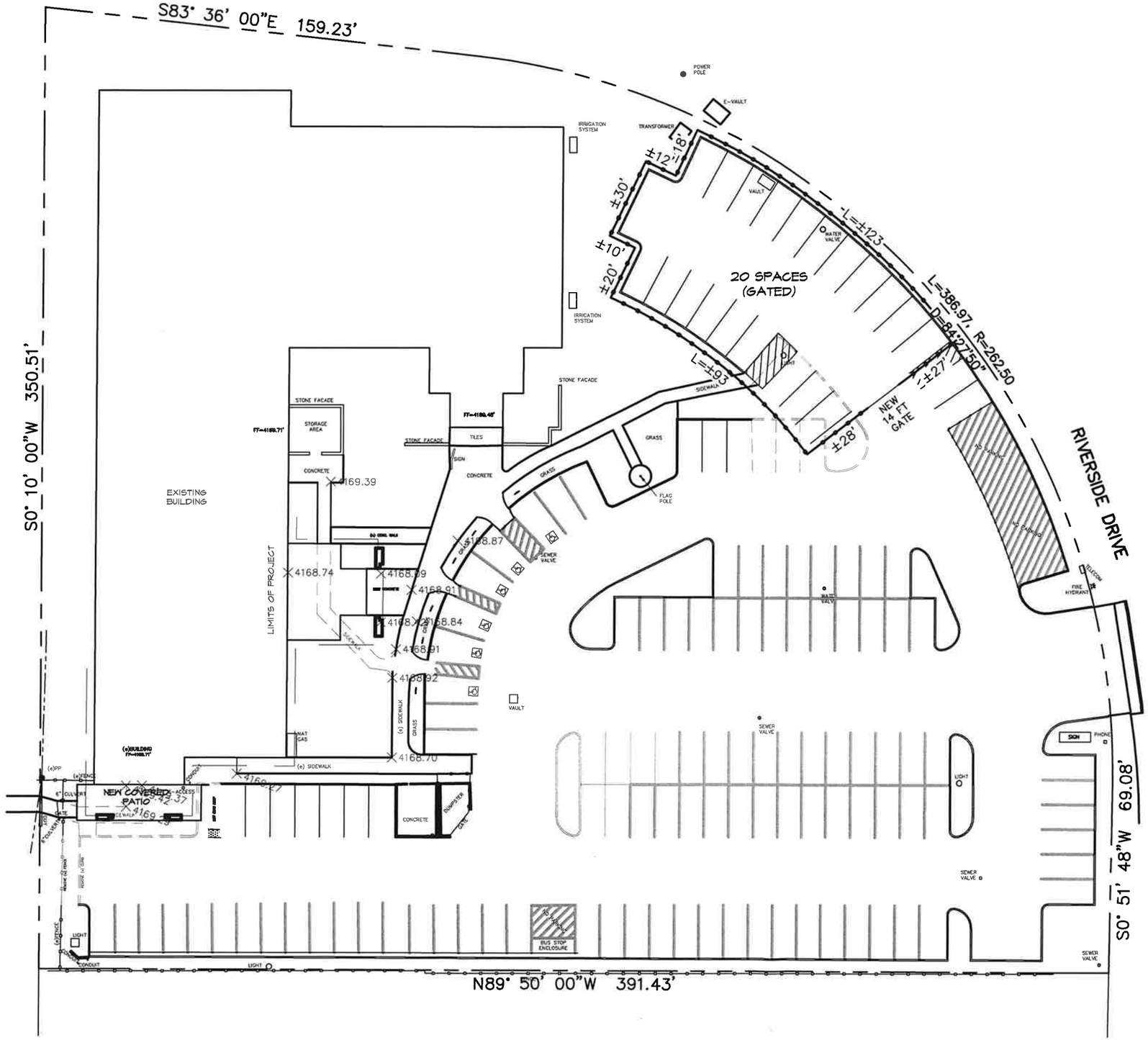
REQUIRED SUPPLEMENTAL INFORMATION

- ☒ Reproducible Site Plan; Use Permit, Administrative Permit, Site Plan Review, Variance
- ☐ Building Elevations: Use Permit, Site Plan Review, Planned Development
- ☐ Floor Plans: Planned Development, Use Permit
- ☐ Reproducible Tentative Subdivision Map (copies)
- ☐ Preliminary Title Report: Subdivision, Lot Split, Abandonment
- ☐ Subdivision Data Sheet: Subdivision, Planned Development
- ☐ Letters from Utility Companies: Abandonment
- ☐ Letter of Justification: Variance
- ☐ Home Occupation Permit Affidavit
- ☐ Legal Description: Lot Line Adjustment/Merger; Abandonment
- ☐ C C & R's
- ☐ Other _____

FOR OFFICE USE ONLY

Application Number(s)	Received By	Date Application Received
UP-24009	RMC	5/13/24
Date Application Certified Complete	Staff Assigned	Redevelopment Area ☐ Yes ☒ No
6/3/2024 by KM	Kelly Mumper	
Fees Received/Reciept No.		NOTES TO FILE
$421.00		
Environmental Determination		
☒ Categorically Exempt ☐ Negative Declaration ☐ EIR Required		

MAKE CHECKS PAYABLE TO CITY OF SUSANVILLE



0' 20' 40' 60' 100'

SCALE IN FEET

TSG DEVELOPMENTS, LLC

2550 RIVERSIDE DRIVE

SUSANVILLE, LASSEN COUNTY, CALIFORNIA

APN: 105-350-063

FILE NO. Use Permit 24-009
TSG Developments, LLC Parking Lot Interior Security Fence
(with heights up to 6 ft. within the required front yard)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF FINDINGS
June 25, 2024

APPLICANT	TSG Developments, LLC
OWNER	TSG Developments, LLC
REPRESENTATIVE	NST Engineering
REQUEST	The applicant is proposing a six-foot green chain link vehicle security fence, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code. A six-foot fence is allowed to encroach into a front yard setback if a Use Permit is secured through the City of Susanville Planning Commission.
ASSESSOR'S PARCEL NO	105-250-063-000
PARCEL SIZE	2 Acres
LOCATION	2550 Riverside Drive
EXISTING ZONING	The parcel is zoned: C-2 (General Commercial/Shopping Center District).
SURROUNDING ZONING	North: C-2 (General Commercial/Shopping Center District). South: C-2 (General Commercial/Shopping Center District). East: C-2 (General Commercial/Shopping Center District)/ County Jurisdiction). West: C-2 (General Commercial/Shopping Center District).
SURROUNDING LAND USE	General Commercial/Shopping Center
GENERAL PLAN DESIGNATION	*General Commercial/Shopping Center*
ENVIRONMENTAL DETERMINATION	The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332.

COMMENTS RECEIVED BY CITY DEPARTMENTS:

1. **Building Department:** No comments.

2. **Fire Department:** Knox Box shall be required for emergency access.

3. **Police Department:** No Comments.

4. **Public Works Department:** No Comments.

5. **Susanville Sanitary District:** No Comments.

6. **Lassen Municipal Utility District:** No comments.

7. **Caltrans District 2:** No comments, not applicable due to project location.

ANALYSIS:

The applicant is proposing a six-foot green chain link vehicle security fence, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code. A six-foot fence is allowed to encroach into a front yard setback if a Use Permit is secured through the City of Susanville Planning Commission. The applicant is required to supply information that demonstrates that if the project is approved, that it will not hinder line of sight safety for pedestrian and vehicular traffic on Riverside Drive, nor that the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular case, will be detrimental to the health, safety, morals or comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. The project site is zoned C-2 (General Commercial Shopping Center Zoning District) with a General Plan designation of *General Commercial/Shopping Center* pursuant to the *City of Susanville General Plan 1990-2010*. The project site is located at 2550 Riverside Drive in Susanville, CA. The subject parcel is approximately 2 acres in size and has an assessor's parcel number of 105-350-063-000 and is approximately 200 feet south of Tractor Supply on Robs Way.

COMMUNITY CORRESPONDENCE:

Property owners were notified within 300 feet of the proposed project and no comments were received in favor or against.

ENVIRONMENTAL REVIEW:

The City of Susanville City Planner/ Environmental Review Officer has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332.

STAFF RECOMMENDATION:

Based on staff findings of consistency within the *City of Susanville General Plan 1990-2010* and the Susanville Municipal Code, staff has prepared an approving and disapproving resolution for the Planning Commission's consideration.

RESOLUTION NO. 24-1180

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE APPROVING USE PERMIT APPLICATION #24-009 TO ALLOW A SIX-FOOT GREEN CHAIN LINK VEHICLE SECURITY FENCE, WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACKS PURSUANT TO THE CITY OF SUSANVILLE MUNICIPAL CODE ON APN 105-350-063-000 (2550 RIVERSIDE DRIVE)

WHEREAS, TSG Developments, LLC is requesting a Use Permit to allow a six-foot chain link vehicle security fence with green vinyl slats, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code on APN105-350-063-000 (2550 Riverside Drive); and

WHEREAS, a six-foot fence is allowed to encroach into a front yard setback if a Use Permit is secured through the City of Susanville Planning Commission; and

WHEREAS, the applicant is required to supply information that demonstrates that if the project is approved, that it will not hinder line of sight safety for pedestrian and vehicular traffic on Riverside Drive, nor that the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular case, will be detrimental to the health, safety, morals or comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city; and

WHEREAS; the project applicant is required to maintain a 2 feet or less plant height in the planting box that is located at the driveway entry pursuant to the Susanville Municipal Code Chapter 17.96.040 (f) which states that in order to provide safe sight distance at driveways and street intersections, all plant material within a 30 foot triangle at the intersection of streets, and a 15 foot triangle at the intersection of driveways and streets, shall be no more than two feet in height above the curb level, except for trees which are trimmed so that no branches extend lower than six feet above the curb; and

WHEREAS, the Susanville Planning Commission at a public hearing held during its regular meeting on June 25, 2024, considered both written and oral comments presented concerning the proposed project as required by City Code Section 17.112.20 E and;

WHEREAS, property owners were notified in a 300 ft. radius of the proposed project via USPS mail service, and a legal publication was submitted to the Modoc Record on June 11, 2024 and subsequently published June 13, 2024 and;

WHEREAS, the proposal will not negatively affect line of sight safety for the existing businesses, neighboring businesses, or pedestrian and vehicular traffic; and

WHEREAS, the City of Susanville Planning Division has determined that the project is Categorically Exempt under Article 19, Section 15332 of the CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission:

A) Makes the following findings:

1. That the proposed project is consistent with the General Plan and the Zoning Ordinance.

2. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.

3. The conditions imposed upon approval of this use are necessary to further the public health, safety, peace comfort and general welfare of the city.

B) Approves the Site Plan and Use Permit (UP#24-009) for TSG Developments, LLC in accordance with the site layout plan, "CITY OF SUSANVILLE RECEIVED May 13, 2024, BUILDING AND PLANNING" and included in the attached staff report, except as modified by the following terms, agreements and conditions contained in this Resolution:

AREA/ SITE SPECIFIC CONDITIONS

1. Compliance with the California Fire Code and a Knox box for emergency access shall be required.

GENERAL

2. This Use Permit approval will become null and void if the interior parking lot fence construction has not begun within one year from the date of adoption of this resolution unless an extension of the life of the permit is approved by the Planning Commission. It is the applicant's responsibility to request an extension within a reasonable time frame, if needed.
3. Any modifications to the submitted Use Permit proposal after approval by the Planning Commission shall require a new application or a modification to conditions of approval application.

APPROVED:_____
Melanie Westbrook, Chairperson
Planning Commission
City of Susanville, State of California

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

The foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 25th day of June 2024, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

RESOLUTION NO. 24-1180

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE DISAPPROVING USE PERMIT APPLICATION #24-009 TO ALLOW A SIX-FOOT GREEN CHAIN LINK VEHICLE SECURITY FENCE, WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACKS PURSUANT TO THE CITY OF SUSANVILLE MUNICIPAL CODE ON APN 105-350-063-000 (2550 RIVERSIDE DRIVE)

WHEREAS, TSG Developments, LLC is requesting a Use Permit to allow a six-foot chain link vehicle security fence with green vinyl slats, which will encroach into the required front yard setbacks pursuant to the City of Susanville Municipal Code on APN105-350-063-000 (2550 Riverside Drive); and

WHEREAS, the Susanville Planning Commission at a public hearing held during its regular meeting on June 25, 2024, considered both written and oral comments presented concerning the proposed project as required by City Code Section 17.112.20 E and;

WHEREAS, the applicant has failed to provide adequate information that demonstrates that if the project is approved, that it will not hinder line of sight safety for pedestrian and vehicular traffic on Riverside Drive, nor that the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular case, will be detrimental to the health, safety, morals or comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city; and

WHEREAS, the City of Susanville Planning Division has determined that projects that are disapproved are Categorically Exempt under Article 19, Section 15270, of the CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission:

A) Makes the following findings:

1. That the proposed project is inconsistent with the General Plan, Zoning Ordinance, and City of Susanville Design Guidelines adopted by City Council Resolution No. 02-3556.

2. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will, under the circumstances of the particular use, be detrimental to or contrary to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use and will be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.

3. Use Permit application #2024-009, is hereby Disapproved.

APPROVED:_____
Melanie Westbrook, Chairperson
Planning Commission
City of Susanville, State of California

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

The foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 25th day of June 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission