

# SHASTA COUNTY PLANNING COMMISSION MEETING

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## MINUTES

### Meeting

Date: November 9, 2017  
Time: 2:00 p.m.  
Place: Shasta County Administration Center  
Board of Supervisors' Chambers

## Flag Salute

## ROLL CALL

### Commissioners

<b>Present:</b>	Roy Ramsey	District 4
	Tim MacLean	District 2
	Jim Chapin	District 1
	Steven Kerns	District 3
	Patrick Wallner	District 5

**Staff Present:** Richard W. Simon, Director of Resource Management  
James Ross, Assistant County Counsel  
Kim Hunter, Planning Division Manager  
Lio Salazar, Senior Planner  
Jimmy Zanutelli, Shasta County Fire Marshal  
Tracie Huff, Administrative Secretary I, Recording Secretary  
Jessica Cunningham-Pappas, Staff Services Analyst II/Recording Secretary

**Note:** All unanimous actions reflect a 5-0 vote.

Key: California Environmental Quality Act (CEQA): Mitigated Negative Declaration (MND), Negative Declaration (ND), Categorical Exempt (CE), Other Exemption from CEQA (OE); Not Subject to CEQA (N/A).

## APPROVAL OF MINUTES:

### October 12, 2017 – Minutes

By motion made, seconded (Wallner/MacLean) and carried unanimously, the Commission approved the Minutes of October 12, 2017, as submitted.

### October 19, 2017 – Minutes

By motion made, seconded (Chapin/MacLean) and carried unanimously, the Commission approved the Minutes of October 19, 2017, as submitted.

**OPEN TIME:** No Speakers.

**CONFLICT OF INTEREST DECLARATIONS:** None.

**CONSENT ITEMS:** None.

**PUBLIC HEARINGS:**

**Ex-parte Communications Disclosures:** None.

**R1:**            **PARCEL MAP 05-061 – EXTENSION OF TIME:** The project is located in the Happy Valley area on a 21.30-acre parcel on the south side of Olinda Road at its intersection with Redleaf Lane (APN: 207-470-002-000). John Castellanos had requested an extension of time for approved Parcel Map 05-061. The Planning Commission approved Parcel Map 05-061 on April 13, 2006 for the division of a 21.30-acre parcel into four 5.0 to 6.3-acre parcels for residential uses. Subsequently on July 10, 2008 the Commission approved a 2½-year extension for the parcel map extending the expiration to October 13, 2010. The recommended 3½-year extension of time would establish the new tentative map expiration to April 13, 2021. Staff Planner Kent Hector. District 2. Proposed CEQA Determination: Exempt.

Senior Planner Lio Salazar presented the staff report. The Parcel Map location was noted in an overhead presentation. Mr. Salazar noted the General Plan land use designation Rural Residential A (RA) and Zoned Limited Agriculture and Mobile Home Zone District (A-1-T). Commissioner Wallner asked if this extension would be the last for the map. Mr. Salazar confirmed it would be.

The public hearing was opened and with there being no speakers for or against the project the public hearing was closed.

**ACTION:**    By motion made, seconded (Kerns/Chapin), and carried unanimously by Resolution 2017-041, the Planning Commission found that the extension of time is not subject to the requirements of CEQA under the “common sense” exemption, Section 1506 (b)(3) of the CEQA guidelines and approved a 3½-year extension of time for Parcel Map 05-061 based on the recommended findings and subject to the conditions listed in the original Planning Commission Resolution 2006-045.

**NON-HEARING ITEMS:**

**NH1:**            **USE PERMIT15-002 TNJ PROPERTIES - EXTENSION OF TIME:** The project is located in the Fall River Mills area, on the north side of State Highway 299 East, approximately 0.45 miles of the intersection of State Highway 299 East and Reynolds Road (43386 State Highway 299 East). TNJ Properties had requested a one-year extension of time to October 8, 2018 for an approved wireless telecommunications facility use permit. The approved facility includes a 76-foot high monopole wireless telecommunications tower and associated ground equipment. Staff Planner Lio Salazar. District 3. Proposed CEQA Determination: Statutorily Exempt.

Senior Planner Lio Salazar presented the staff report. Mr. Salazar noted two points of clarification. The agenda noted the project as a second extension of time when it should have been noted as a first extension of time. The second clarification was the zoning plan section reference for the use permit

extension of time should have been 17.92.040.E.1. and not 17.94.040.E.1. as referenced in the staff report. This reference was corrected in the proposed resolution for the project. The original project expiration was October 8, 2017. The applicant filed an extension request on September 21, 2017. They indicated a reasonable cause to extend the approval existed because the completion of negotiations and agreements between the applicant and the owner were not entirely within the control of the applicant and delayed commencement of construction. The applicant is currently preparing to submit building permit applications for the facility.

Gerie Johnson addressed the Commission on behalf of Complete Wireless Consulting and Verizon Wireless. Ms. Johnson stated that the applicant and the landowner have a lease in place; however, the terms of the lease had not been solidified. Therefore the applicant requested an extension of time. Mr. Ramsey asked the public if there was anyone who wished to address the Commission on this item. No further comments were received.

**ACTION:** By motion made, seconded (Wallner/MacLean), and carried unanimously, by Resolution 2017-042, as revised, the Planning Commission found the project not subject to CEQA under Section 15268 "Ministerial Projects" of the CEQA guidelines and approved Use Permit Extension of Time 15-002 to October 8, 2018 based on the recommended findings and subject to the conditions listed in the original Planning Commission Resolution No. 2015-025.

### **WORKSHOP**

**NH2:** **WORKSHOP FOR Z17-005 COUNTY-WIDE SHORT TERM RENTALS:** The Planning Commission conducted a public workshop regarding the development of an ordinance regulating Short Term Rentals in unincorporated Shasta County. The Shasta County Department of Resource Management sought feedback from county residents and property owners on the various aspects of the short-term rental market. This was the third, and last, public workshop to be held prior to consideration of draft regulations. The previous workshops were held in Lakehead (October 3, 2017) and Shingletown (October 4, 2017).

Planning Division Manager Kim Hunter presented a PowerPoint overview of short-term rentals in Shasta County. Based on the direction received by the Board of Supervisors, the Department of Resource Management Planning Division is in the process of developing a draft "Short-Term Rentals" ordinance to recognize and appropriately regulate the use of short-term rentals.

Ms. Hunter addressed the definition of what a short-term rental is. Generally, rentals of residential dwelling units of less than a month. Currently, short-term rentals are not recognized in the Shasta County Zoning Plan. Ms. Hunter discussed platforms that are used as online marketplaces for connecting travelers to local hosts. One challenge that local jurisdictions face in regulating short-term rentals is that there is no boilerplate ordinance. Several elements to consider included housing, economic development, land use, community development, taxation, and safety among others. Ms. Hunter impressed best practices including the need for data driven decisions and that the ordinance be enforceable to be successful.

Currently, short-term rentals are unregulated in the unincorporated areas of Shasta County. However, the County has collected 10% Transient Occupancy Tax (TOT) for years. The 2016 total TOT tax for short-term rentals was approximately \$132,000.

Previous workshops were hosted in Shingletown and Lakehead. Entire dwelling units make up the majority of short-term rentals. Ms. Hunter acknowledged the concerns that have been raised through the complaint process related to short-term rentals including quality of life issues.

Commissioner Ramsey asked for highlights about the workshops. Ms. Hunter mentioned that the County has contracted with Host Compliance LLC (Host Compliance). Highlights included:

Workshop 1: The Lakehead workshop was well attended and productive. Positions generally depended on whether the speaker was a host, operated another type of lodging business, or was a neighbor to a short-term rental property. Many neighbors cited concerns about quality of life issues (noise, trash, parking, and related negative encounters with visitors). A number of residents complained that hosts packed too many guests into rentals leading to safety and noise concerns. All supported some form of legalization expressing a desire to follow the rules as long as they were fair.

Workshop 2: The Shingletown workshop was also well attended. Unlike Lakehead, attendees were almost entirely residents with very few hosts. Discussion tended to be broader. Concerns about police, fire, and emergency response to enforcing a short-term rental ordinance. Additional concerns about strangers coming and going on the street was noted. There was general agreement that any tax money generated by short-term rentals should stay local, within the community.

Commissioner Ramsey opened the floor to the public for comments.

**Speaker's Name**

**Comments/Concerns/Questions**

Phillip Bass

Voiced concerns about trash left by renters of one particular rental in Lakehead. Animals such as bears, coyotes, and raccoons who get into trash and spread it across the road was noted. Concerns about noise and road erosion due to ski boats driving along a narrow road and property damage due to vehicles and boats attempting to turn in too narrow of a roadway. Safety issues related to traffic. Mr. Bass asked for the Commission to consider that each property is unique.

Niki Manning

Ms. Manning attended the Lakehead Workshop. She noted that CC&Rs state no business or trade is to be conducted in her neighborhood. Currently there are four or five vacation homes. Due to a variety of citizen concerns for vacation rentals, complaint letters were sent to the Department of Resource Management in April. Additional concerns were voiced about traffic and houses that advertise for large groups of 18 to 25 and lack of enforcement. Mr. Simon clarified several complaints can be received for a single rental or location.

Al Knoll

Mr. Knoll asked the Commission to define unique properties versus unique hosts. He owns a vacation home in Lakehead that is rented on a short-term basis approximately 20-25 times for a total of 70 days per year. He has been renting for the last seven years without any complaints. Rental rates are \$450 per night. Commissioner Chapin asked if rules of conduct were given to renters. Mr. Knoll stated that he did not, however, emphasized how important the rating system of some of the platforms were (i.e., Airbnb) to ensuring good tenants and screening which provided self-regulation. Commissioner Kerns asked what Mr. Knoll's experience was in dealing with issues such as traffic and what he would recommend the County do to address those kind of issues. Mr. Knoll questioned what leads Commissioners to justify the need for regulation and what metrics would be relied upon. He noted the difficulty in distinguishing between regular reports of the Sheriff's Department for noise and other issues versus whether the problem is more pervasive to rentals in identifying if a problem exists. Commissioner Wallner thanked Mr. Knoll for being a conscientious renter. Ms. Hunter defined unique hosts and a unique listing.

David Raun

Mr. Raun mentioned he owned two properties in Lakehead. He expressed recognition of the complex issues involved and different perspectives. He discussed the screening involved and deposit requirements for his rentals. He mentioned the spending people bring into communities outside of TOT. Mr. Raun expressed concern over empty homes and issues of break-ins or people camping out at the home. Mr. Raun discussed solving issues as they came about, such as renting an additional trash bin, putting locks on bins and limiting parking to a specific area. Mr. Raun stated his experience renting his home has been positive and that he wanted to have a clean, nice house and neighbors who like him. He stressed the importance of strong communication with guests.

Commissioner Kerns inquired about the rental season. Mr. Raun responded mid-June through August is his peak season and some holidays with the remaining year hit or miss. Minimums of four nights in the summer and typically two in the winter are required. Commissioner MacLean asked how long the business has run. Mr. Raun stated he started renting in September 2015 and purchased a second home a year later. Mr. Raun provided a handout to the Commission.

Betty Bry

Ms. Bry has lived in Lakeview for 17 years. Currently there are five vacation rentals and another coming to her area. She expressed concern with the residential neighborhood being in close proximity to each other. One of the rentals will host between 25-30 people and 15 cars. She expressed concern over insufficient parking and cars being on the road and blocking people's driveways. She indicated renters are rude and not willing to move their vehicles when asked. Ms. Bry expressed concerns over noise, drinking, partying, language, traffic and fighting. She noted sheriff personnel can take up to two hours response time and that fire response is also a concern. Ms. Bry stated she puts cones in her driveway during the summer due to past property damage (sprinklers & plants) from renters attempting to use her driveway to navigate turning with their boats. She indicated it is rare to see owners of rentals as they almost all live out of the area. Further issues include garbage being left or strewn by animals across the roadway. Ms. Bry commented owners would never want to live next door to what we (property owners) have to live with.

Karen Koroknay

Ms. Koroknay rents her home when away. Her renters are families and church groups. She declines renting to certain groups and requires renter information. Ms. Koroknay stated she provides contracts and requires a security deposit. She stated she is a responsible renter and she pays the quarterly TOT. She indicated that without short-term rentals, many houses would sit for months and concerns about squatters. Ms. Koroknay discussed the additional benefit other business receive when their services are used. She expressed her desire to be treated fairly in what is decided. Commissioner Chapin asked about the rental amount charged per day. Ms. Koroknay stated \$300 plus a deposit. Commissioner Chapin further asked if she felt having a deposit helped in getting good tenants taking care of the home and following the rules. Ms. Koroknay stated she looks to rent to families. Ms. Koroknay provided a handout to the Commission.

Mr. Simon acknowledged the different sides to short-term rentals; which was one of the reasons the Board of Supervisors gave direction to begin the research and development process establishing an ordinance. One of the main reasons for the initiative is to address the current Shasta County code which does not recognize short-term rentals as a legitimate land use. Anyone who has a short-term rental currently, is technically in violation of the County code. Mr. Simon impressed the balance sought between recognizing short-term rentals as a legitimate use of property along with a reasonable set of regulations.

Commissioner Kerns asked if the next step after hearing testimony was to put together a recommendation before the Commission. Mr. Simon stated that it was. Along with working with Host Compliance, the Department of Resource Management will complete a draft ordinance for consideration by the Planning Commission. The Planning Commission, once satisfied, would make a recommendation to the Board of Supervisors. The recommendation and document will be forwarded to the Board of Supervisors who would conduct their own public hearing(s) and would decide to either to approve, amend, or start from scratch.

Commissioner Kerns clarified that the public would be able to comment on the draft. Mr. Simon stated that they would. Commissioner Chapin stated that it seemed part of the ordinance should take into consideration the infrastructure (quality and width of the streets, parking availability, closeness of homes). He also suggested looking at successful rentals and minimum requirements for a code of conduct. Mr. Simon noted that what has been observed in the workshops is in circumstances where there is the presence of an owner or representative, there are the fewest problems.

There being no other speakers, the chairman thanked all participants and the public workshop was closed.

**PLANNING DIRECTOR'S REPORT:** None.

**ADJOURNMENT:** The Planning Commission adjourned at 3:52p.m.

**Submitted by:**

  
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**Jessica Cunningham-Pappas, Staff Services Analyst II**  
**Recording Secretary**