SHASTA COUNTY
PLANNING COMMISSION MEETING

MINUTES **Meeting**

Date: June 14, 2018
Time: 1:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

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ROLL CALL **Commissioners Present:**

Tim MacLean	District 2
Jim Chapin	District 1
Steven Kerns	District 3
Roy Ramsey	District 4
Patrick Wallner	District 5

Staff Present:
Richard W. Simon, Director of Resource Management
James Ross, Assistant County Counsel
Kim Hunter, Planning Division Manager
Lisa Lozier, Senior Planner
Lio Salazar, Senior Planner
Luis Topete, Associate Planner
Brent Albrecht, Assistant Planner
Ken Henderson, Environmental Health Division
Jimmy Zanotelli, Shasta County Fire Marshal
Charleen Beard, Public Works/Associate Engineer
Jessica Cunningham-Pappas, Staff Services Analyst II/Recording Secretary

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

PUBLIC COMMENT PERIOD - OPEN TIME: No Speakers.

R1: **APPROVAL OF MINUTES:**
By motion made, seconded (Wallner/Kerns) and carried unanimously, the Planning Commission approved the Minutes of May 10, 2018, as submitted.

CONFLICT OF INTEREST DECLARATIONS: Commissioner Kerns declared his abstention to Items R4 & R5 due to a conflict of interest.

PUBLIC HEARINGS:

Ex-parte Communications Disclosures: None.

R2: **Variance 18-0001 (Mall)** ***continued from May 10, 2018***: The applicant has requested approval of a variance to construct a 21-foot-wide by 27-foot-long and approximately 9-foot tall metal car shade/trellis. Applicant: Jeffrey E. Mall; Assessor's Parcel Number(s): 204-530-007-000; Project Location: South Central Region west of Redding and south of State Route 299, on a 3.81-acre parcel approximately 0.4 miles north of Lower Springs Road (10080 Tilton Mine Road). The structure being proposed is within the minimum 30-foot setback, which also requires an exception to the Shasta County Fire Safety Standards. Supervisor District: 2; Recommended Environmental Determination: Categorically Exempt; Planner: Luis Topete, Associate Planner. 4/5 Vote.

Associate Planner Luis Topete presented the staff report. He noted the project's continuation from the May 10th Planning Commission meeting, to bring back findings for a fire exception (#18-18) to the Commission and that the Fire Warden had recommended approval of an exception, subject to conditions as set forth in the exception.

Chairman MacLean opened the public hearing. There being no speakers, the public hearing was closed.

By motion made, seconded (Chapin/Ramsey) and carried unanimously, the Planning Commission adopted a resolution to: a) find the project Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15303 (Class 3) which exempts new construction of small structures, and Section 15305 (Class 5) which exempts setback variances; b) adopt the recommended findings listed in the attached resolution; and c) approve Variance 18-0001 subject to the conditions listed in the resolution; and d) make the findings for an exception to Section 6.51 of the Shasta County Fire Safety Standards for building setbacks; and e) approve Shasta County Fire Safety Setback Exception #18-18, subject to the conditions as set forth in the exception.

Ex-parte Communications Disclosures: None.

R3 **Zone Amendment 17-004 (Short-Term Rentals):** Associate Planner Luis Topete provided a staff presentation summarizing the proposed changes to short-term rentals in unincorporated Shasta County. Mr. Topete noted that short-term rentals are not currently recognized by the zoning ordinance as a permitted use, however, they exist throughout Shasta County and transient occupancy tax (TOT) has been collected for short-term rentals for years. He affirmed valid concerns exist regarding potential impacts of short-term rentals on the residential character of established neighborhoods and summarized the background, public outreach and marketing analysis that had been done to obtain public input. Mr. Topete summarized issues and comments received from the public and the draft ordinance. He noted that Planning staff recommended continuing the hearing to a later date for the Department to adequately address potential concerns within the draft ordinance that may conflict with standing case law.

Commissioner Chapin asked whether a short-term rental permit would need to be applied for once and inquired about the cost. Mr. Topete confirmed a permit would be applied for once. Director Rick Simon noted the application fee for a zoning permit was in the hundreds and recommended consideration that the permit be renewed and not transferable to a new owner.

Chairman MacLean opened the public hearing.

Speaker's Name	***Comments/Concerns/Questions***
Stephen Albaugh	Mr. Albaugh expressed concern over a 'one size fits all' approach to the draft ordinance. He noted the draft ordinance appeared to be drafted for residential neighborhoods and that he would be required to notify 23 adjoining property owners, none of whom were within a ¼ mile distance of his short-term rental. He voiced concern over Item 10 which precluded use of a rental property for special events. Mr. Albaugh requested consideration for rural properties to be addressed in the ordinance and an expedited permit process for rentals not residing within a residential area. Commissioner Kerns asked how many guests could be accommodated at Mr. Albaugh's rental. Mr. Albaugh noted there was room for eight. Commissioner Chapin asked whether the rental was used for special events or enjoyment of the ranch. Mr. Albaugh stated to enjoy the ranch, however, he noted the potential for agritourism.
Niki Manning	Ms. Manning stated she has lived in Lakehead for 31 years on Lakeview Drive. Fifteen letters of complaint from residents regarding vacation rentals on Lakeview Drive were submitted to the Department in April 2007. Ms. Manning discussed the conversion of a garage and carport on property fronting hers. She expressed concerns about permits for these conversions and lack of code enforcement follow-up. She voiced concern over the number of people and cars at the property, indicating cars exceeded ten and people exceeded 35 at the rental. Ms. Manning referenced the draft ordinance's intent for compatibility with surrounding residential uses and requested clarification between types of rentals (residential neighborhoods versus rural and occupancy requirements of the ordinance). She requested a building inspector check the garage conversion for the rental property described.
Betty Bryant	Ms. Bryant shared photos of cars parked in front of one of the rentals. She discussed concerns about noise and dogs left in rental units while renters visited the lake. She requested clarification on monitoring of short-term rentals that did not comply with the ordinance. Ms. Bryant requested the ordinance address trash left in the street for months at a time in the winter.
David Miller	Mr. Miller expressed his disappointment the ordinance did not include feedback given by businesses. He stated short-term rentals are not held to the same standard his business is

(health, water, & fire requirements). Commissioner Kerns asked for clarification of Mr. Miller's concern and for his opinion on the ordinance. Mr. Miller requested fairness in competition when he was required to have licenses and testing for his Inn but affirmed the proposed ordinance was a good step in the right direction.

Harold Jones	Mr. Jones stated he was the resort owner of Sugarloaf Cottages. He stated that vacation rentals are running a business and he requested fairness in vacation rentals playing by the same rules he must abide by. Mr. Jones stated he is required to obtain a housing and pool permit annually.
Scott Swendiman	Mr. Swendiman noted one of his rental properties is located on Airport Road. He questioned noise pollution requirements of the ordinance for his rental located in the flightpath near the airport. He asked if noise pollution was determined on a case by case basis and whether agritourism was being considered. Mr. Swendiman inquired about the freedom of use allowed to rental properties and asked about the non-permitted use of a second dwelling.
Kristine McInnes	Ms. McInnes stated she manages a vacation rental in Viola and that she currently follows most of the rules of the draft ordinance. Ms. McInnes requested clarification on advertising requirements of posting the TOT tax number and zoning permit number. She mentioned she was unsure when house policies were received by guests when reserved on host websites and requested clarification on when house policies are required to be received.
Theresa Bloomquist	Ms. Bloomquist stated she was from Lakehead and informed the Planning Commission Lakeview Drive in Lakehead was a residential street. She asked for clarification on the legality of a hosting a wedding on a 20-acre property.

Chairman MacLean called for any other speakers. There being none, the public hearing was closed.

Commissioners Chapin and Kerns requested the short-term rental ordinance address the differences in residential versus rural situations. Commissioner Wallner expressed his appreciation to staff and input from speakers and noted code enforcement for short-term rentals would likely be handled by the Building Division. Planning Division Manager Kim Hunter recommended continuation of the item to a date uncertain.

Ms. Hunter addressed questions from the public hearing, including: concerns of one size fits all, dogs left in rentals, monitoring, the difference between accessory dwelling units and second dwellings, and TOT & permitting information on advertising. Mr. Simon noted the difficulty of imposing

commercial standards to a residence, however, he affirmed some jurisdictions have adopted thresholds for days a residence is rented which identify the rental as a commercial endeavor. He asked whether the Commission was interested in what other jurisdictions have done in establishing a threshold. Commissioners Ramsey and Wallner indicated they believed if a short-term rental is run as a business for a certain number of days, it was appropriate for staff to bring back more information on addressing those endeavors in the draft ordinance.

By motion made, seconded (Ramsey/Kerns) and carried unanimously, the Planning Commission continued Zone Amendment 17-004 to a date uncertain.

Ex-parte Communications Disclosures: Commissioner Kerns stated he conducted environmental reviews; including biological reviews and wetland delineations for Items R4 & R5 and would be abstaining from voting on those items. Commissioner Kerns left the room.

The Commission announced a recess at 2:20 p.m., and reconvened at 2:27 p.m.

R4: **Extension of Time 18-0002 (Fall River Development, Inc.):** The applicant has requested an extension of time for an approved parcel map PM12-002 to subdivide a 61-acre property into 4 parcels ranging from 3 to 10 acres in size for residential uses with a 41-acre remainder parcel. Applicant: Fall River Development, Inc.; Assessor's Parcel Number(s): 701-040-008-000; Project Location: Shingletown area, on the east side of Thatcher Mill Road, approximately 0.9 miles north of the intersection of Ritts Mill Road and Thatcher Mill Road; Supervisor District: 5; Recommended Environmental Determination: Exempt under section 15061(b)(3) of the CEQA Guidelines which states that as a general rule CEQA applies only to projects which have the potential for causing a significant effect on the environment; Planner: Lio Salazar, Senior Planner. Simple Majority Vote.

Senior Planner Lio Salazar presented the staff report.

Chairman MacLean opened the public hearing. Frank Nichols, owner of Fall River Development, Inc. discussed challenges of meeting conditions of the project. Specifically, connecting with water for fire suppression water through Lassen Pines Mutual Water Company.

Chairman MacLean called for any other speakers.

Speaking in opposition of the Extension of Time:

Speaker's Name	***Comments/Concerns/Questions***
Tracy Sardad	Ms. Sardad submitted a letter and photographs to the Planning Commission and read a letter discussing how the building of homes by the meadow affect the neighborhood. She noted the project's lack of annexation to Lassen Pines Mutual Water Company. Ms. Sardad expressed concerns over limited water stating that additional water suppression would be a burden to extend beyond current homes. She expressed concerns about disruption of wildlife and fowl.
Tim King	Mr. King stated he was manager of Lassen Pines Mutual

Water Company. He noted the lack of a will serve letter from the water company for the project. Mr. King discussed problems with the project (lack of domestic and fire suppression water, lack of annexation to Lassen Pines Mutual Water Company and contamination of well water in the meadow area; including several wells that tested positive for E. coli). He stated it was his belief the project was a different project than the one originally approved. He asserted the applicant came to the water board as recently as 3-4 months ago. Mr. King requested the Commission vote no on the extension of time and stated it was a terrible project. Commissioner Chapin asked if Lassen Pines Mutual Water Company had a duplicate water system. Mr. King stated fire and domestic water were treated through the same pipeline.

Mark Armogida

Mr. Armogida stated he recently purchased a home on a lot on the meadow and that he went to the Planning Commission to see how the project might impact his view. He noted he was assured by the applicant there would not be any activity behind his home because another easement had been purchased. He noted other than some grading, nothing had been done on the project and that it was an eye sore. Mr. Armogida expressed concern about the meadow asserting the area that was graded had not been restored.

Gail Boehm

Ms. Boehm stated she owns two properties along the creek where the applicant built an offramp off of Mountain Meadow Road. She asserted it was not wide enough for two cars and a culvert had been extended from creek level into her property which allows water to come into her property. She expressed opposition to the project stating it had ruined both her properties. Ms. Boehm maintained the applicant hauled in dirt from the meadow four feet from subgrade, blocking her view of the meadow.

Chairman MacLean called for any other speakers. There being none, the public hearing was closed.

Commissioner Chapin recognized the project's original environmental reviews when first approved, noting that if the extension was approved, there would not be any changes to the original project plans. Commissioner Wallner also submitted the project's conditions would remain the same. Commissioner Ramsey noted the extension was what the Commission was considering. Chairman MacLean asked Planning staff if the applicant would be required to go through additional approval if there was a change to the project. Mr. Simon noted under current Shasta County code, to modify an approved tentative map, the applicant would be required to submit a new application identifying any changes to the previously approved tentative map. Additionally, any change would be subject to review by the Planning Commission as well as environmental review under CEQA. Mr. Simon noted review would be limited to the change proposed.

By motion made, seconded (Chapin/Ramsey) and carried 4-0, the Planning Commission adopted a resolution to: a) find that the extension of time is Exempt from the California Environmental Quality Act (CEQA) under section 15061(b)(3) of the CEQA Guidelines which states that as a general rule CEQA applies only to projects which have the potential for causing a significant effect on the environment; b) adopt the recommended findings listed in the attached resolution; and c) approve Extension of Time 18-0002 for Parcel Map 12-002.

Ex-parte Communications Disclosures: None.

R5: **Parcel Map 17-006 (E C Smith Investments):** The applicant has requested approval to subdivide a forty-acre property into 4 lots of 5 to 9.8 acres and a 14-acre remainder. Applicant: E. C. Smith Investments, LLC; Assessor's Parcel Number(s): 041-650-031-000 & 041-650-032-000; Project Location: Igo Rural Community Center on the north side of Platina Road, approximately one-tenth of a mile west of the intersection of Platina Road and Placer Road (13634 Platina Road); Supervisor District: 2; Recommended Environmental Determination: Mitigated Negative Declaration; Planner: Lisa Lozier, Senior Planner. Simple Majority Vote.

Senior Planner Lisa Lozier presented the staff report. Ms. Lozier noted the project site was previously approved for an eight-lot subdivision (Tract Map 1955) which was still active and that should proposed Parcel Map 17-006 be approved, Tract Map 1955 shall be withdrawn by the applicant. Additionally, the Department of Public Works has conditioned the Parcel Map on the installation of a type "A" road connection (paved apron) at the access of parcels 2, 3, and 4 prior to recordation as a safety measure to address construction traffic.

Ms. Lozier summarized a memorandum received by the Planning Commission. Commissioners discussed concerns related to a letter received from the California Department of Fish and Wildlife; including examining buffer zones and the wetlands delineation prepared for the project site. Planning Manager Kim Hunter noted that a wetland delineation is generally accepted for five years. The age of the wetland delineation (Tract Map 1955) is twelve years old. Given its age, a review and verification by the Army Corps of Engineers was requested. Chairman MacLean noted that generally it is up to the project's applicant to work with the biologist to request reverification by the Army Corps of Engineers.

Chairman MacLean opened the public hearing. Representative Jim Elkins noted the tentative map's wetland delineation was still active and the vernal pools and ponds are not within the proposed building site. He noted one of the reasons for reducing the number of lots was to avoid impacting the wetlands, which would avoid fill in the drainages and lessen grading and tree removal. Mr. Elkins requested the Planning Commission accept the previously approved wetland delineation, adopt a determination of a Mitigated Negative Declaration and approve Parcel Map 17-006 subject to the proposed conditions. Commissioner Chapin asked for confirmation the project would avoid the wetlands. Mr. Elkins affirmed that was correct.

Commissioner Wallner asked when Mr. Elkins was made aware of the response letter from the Department of Fish and Wildlife. Mr. Elkins indicated the day before the Planning Commission meeting. Chairman MacLean asked if any permits from the Army Corps of Engineers had been pulled. Mr. Elkins confirmed no permits had been pulled and that there would be no impact to wetlands. Planning Division Manager Kim Hunter noted no field site visit had been conducted by the Department of Fish and Wildlife.

Chairman MacLean called for any other speakers. There being none, the public hearing was closed.

The Planning Commission discussed requirements of the project. Commissioner Chapin suggested continuing the project to the next meeting to allow time for the applicant to work with a biologist to confirm no existence of the western pond turtle and for the Department to work on project conditions.

Chairman MacLean re-opened the public hearing. Applicant Jim Elkins confirmed continuance was acceptable and verified that no additional wetlands delineation confirmation was necessary.

Chairman MacLean closed the public hearing.

By motion made, seconded (Chapin/Ramsey) and carried 4-0, the Planning Commission continued Parcel Map 17-006 to the July 12, 2018 Planning Commission meeting to allow additional time for the applicant to have a survey conducted of the wetlands to confirm no western pond turtles are present at the site and for the Department to review project conditions.

Commissioner Kerns returned to the meeting.

Ex-parte Communications Disclosures: None.

R6: **Tract Map 1990 (Gold Bear Mountain, L.P.):** The applicant has requested to divide an existing vacant parcel of 5.29 acres into two resulting parcels of 2.52 acres (Lot A) and 2.77 acres (Lot B) for residential uses. Applicant: Gold Bear Mountain, L.P.; Assessor's Parcel Number(s): 306-640-015-000; Project Location: Lot 15 of the Manzanillo Orchard Tract Map (Tract No. 1922) recorded in February 2006; Supervisor District: 4; Recommended Environmental Determination: Mitigated Negative Declaration; Planner: Luis Topete, Associate Planner. Simple Majority Vote.

Associate Planner Luis Topete presented the staff report.

Chairman MacLean opened the public hearing. General Partner Rob Middleton offered to answer any questions. Commissioner Chapin asked if Mr. Middleton was satisfied with the conditions. Mr. Middleton affirmed he was.

Chairman MacLean called for any other speakers. There being none, the public hearing was closed.

By motion made, seconded (Wallner/Chapin) and carried unanimously, the Planning Commission adopted a resolution to: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration; b) adopt the recommended findings listed in the attached resolution; and c) approve Tract Map 1990 subject to the conditions listed in the attached resolution, as amended.

R7: **General Plan Amendment 18-001 and Zoning Plan Amendment Z17-003 (Housing-related text amendments and other Zoning Plan text revisions):** Director Richard Simon provided a staff presentation summarizing proposed revisions to the Shasta County General Plan and Zoning Plan made necessary by State housing law, the Shasta County Housing Element and zoning clarifications.

Proposed General Plan Amendments:
Mr. Simon discussed the Housing Element Cycle, Default Density, and the County's commitment from both the prior and current Housing Element cycle to rezone approximately 55-acres to the default density. He further addressed proposed General Plan Amendments to Chapters 7.1 & 7.5.

Mr. Simon reviewed Land Use Designations, Policies, Mixed Use Land Use, and CO-x (Goals & Policies).

Proposed Zoning Plan Amendments:
Mr. Simon discussed the change of format for referring to definitions of state code automatically as a part of the policy within the County's Zoning Code. He discussed Emergency Shelters, Zone Districts, Supportive and Transitional Housing, Purpose, Minimum and Maximum Residential Density, Uses requiring an administrative permit, Uses to the CM district, Mandatory project features, design review (DR) district, Density Bonus Purpose, Special Uses for "Emergency shelters", Applications and Procedures for Use permits, Use permits – modification, Zone district land use interpretation, Appeal, and Reasonable Accommodation.

Commissioner Kerns recommended using the following language once to indicate throughout the Zoning Plan "wherever supportive housing is allowed by zoning, it shall be subject to the same standards as a one family residence", subject to feedback by County Counsel.

Commissioner Chapin asked how higher density zoning would be identified. Mr. Simon stated it would be identified through the County's Housing Element by parcel number and on a map.

Mr. Simon requested setting a Special Planning Commission meeting to review the final proposed ordinance and final proposed changes to the General Plan.

Chairman MacLean opened the public hearing. There being no speakers, the public hearing was closed.

By motion made, seconded (Ramsey/Wallner) and carried unanimously, the Planning Commission continued Item R7 to a Special Meeting on Thursday, June 21, 2018 at 2:00 p.m.

R8: **Planning Director's Report:** Director Richard Simon reported that the rezone applications for Roach-Carr (Z16-003) and the Department of Public Works (Z17-001), that the Planning Commission recommended the Board of Supervisors approve, were approved by the Board on June 12, 2018.

NON-HEARING ITEMS: None.

CONSENT ITEMS: None.

ADJOURNMENT: The Planning Commission adjourned at 4:49 p.m.

Submitted by:

Jessica Cunningham-Pappas

Jessica Cunningham-Pappas, Staff Services Analyst II
Recording Secretary