



SIERRA COUNTY PLANNING COMMISSION SPECIAL MEETING MINUTES

Wednesday, April 20, 2022

Chair: Mike Filippini
Vice Chair: Janet Baldrige
Liz Fisher
Irv Christensen
James Kelley

LOCATION: Sierra County Courthouse
Board of Supervisors Chambers
101 Courthouse Square
Downieville, CA 95936

In accordance with the Governor's Executive Order pertaining to convening of public meetings in response to the COVID-19 pandemic, the Planning Commission conducted this meeting in person in the Board of Supervisors Chambers in Downieville, and the meeting was broadcast and open to the public via teleconference and Microsoft Teams.

1. **CALL TO ORDER/ROLL CALL**

Chairman Filippini called the meeting to order at 10:15 am and conducted a roll call:

Commissioners Present: Chairman Mike Filippini, Vice Chair Janet Baldrige, Irv Christensen, Liz Fisher, and James Kelley

Staff Present: Planning Director, Commission Secretary, Tim Beals; Assistant Director/Planner, Brandon Pangman; Planner II, Corri Jimenez, and Planning Secretary Jill Molaris

2. **APPROVAL OF AGENDA**

Motion to approve the April 20, 2022 agenda Fisher/Kelley **Approved** Vote: 5/0

3. **APPROVAL OF MINUTES**

October 14, 2021 and February 10, 2022 meeting minutes

Motion to approve Kelley/Christensen **Approved** Vote: 5/0

4. **CORRESPONDENCE**

Director Beals informed the Commissioners of a training opportunity offered from the Institute for Local Government. The training is free and includes Planning Commission from various counties. Director Beals will return to the Planning Commission when he has more information to provide.

5. **PUBLIC COMMENT OPPORTUNITY**

Chairman Filippini asked if there were any public comments to be heard for items or issues not listed on the agenda. There were none. Public comment item was closed at 10:21.

6. **WORKSHOPS**

None.

7. **PUBLIC HEARINGS**

7.1 **Woodruff Zone Variance: Andrew Woodruff, Applicant and Landowner:**

Consideration of a Zone Variance for a reduction of the rear and side yard setbacks for a proposed 251-square-foot workshop on the property's east side and a reduction of the front yard setback for a 111-square-foot woodshed. The project site, identified as APN 013-080-002-000, is a 0.28-acre parcel zoned Residential One Family District (R-1) at 165 Main Street in Sattley, unincorporated Sierra County. Planning staff's preliminary environmental assessment: exempt under CEQA Guidelines California Code of Regulations, Title 14, Section 15303 (Class 3 Categorical Exemption) and Section 15305 (Class 5 Categorical Exemption).

Chairman Filippini opened the hearing. Staff Planner Brandon Pangman informed the Chairman that the applicant was unable to attend the Special Meeting, and requested that the public hearing be continued without further discussion. The Chairman was agreeable, and informed the public that Item 7.1 would be continued to the next regular Planning Commission meeting scheduled to be held Thursday, May 12, 2022, at 10:00 am in the Board Chambers of the Sierra County Courthouse in Downieville. The public was informed that no further notice would be published, posted, or mailed.

Motion to continue item 7.1, Woodruff ZV: Christensen/Baldrige **Approved** Vote:5/0

7.2 **Short Term Rental Ordinance:**

Consideration of a countywide ordinance to regulate Short-Term Rentals as a new section, Sierra County Code as 15.10.060. Chairman Filippini recognized Director Beals presented the county ordinance and explained there were increasing issues, complaints, questions, and regionally, it has been a hot topic. Director Beals asked the Chairman to recognize Planner Corri Jimenez reviewed what has transpired from March 11, 2021 to the present. Assistant Director Pangman addressed PC Exhibits 1-13 from county departments and public services as well as PC Exhibits A-G from interested parties. A few PC Exhibits were coming in at the last minute, such as Sierra County Council's comments. Mr. Pangman also addressed the preliminary environmental assessment that this project was exempt from CEQA per the California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption), 15060(c)(2), and 15061(b)(3).

Chair Filippini introduced the item. There were approximately 10 people sitting in the chambers and another 15 people online. Planning Director Tim Beals introduced the draft ordinance and explained the process for the hearing.

The Chairman opened the public hearing at 10:25 am. Staff Planner Brandon Pangman entered the following documents into the Administrative Record:

- **PC Exhibit 1** Short-Term Rental Staff Report
- **PC Exhibit 2** Short-Term Rental Ordinance, Version 7
- **PC Exhibit 3** Short-Term Rental Ordinance Resolution provided at the hearing
- **PC Exhibit 4** Sierra County Emergency Services Department commented on March 30, 2022
- **PC Exhibit 5** Sierra County Public Health Department commented on March 30, 2022
- **PC Exhibit 6** Sierra County Sheriff Office commented on March 30, 2022
- **PC Exhibit 7** Sierra County Assessor Office commented on April 12, 2022
- **PC Exhibit 8** Sierra County Public Works Department commented on April 12, 2022
- **PC Exhibit 9** Sierra County Environmental Health Department commented on April 13, 2022
- **PC Exhibit 10** Sierra County Treasurer-Tax Collection Office commented on April 14, 2022
- **PC Exhibit 11** Downieville Fire Department commented on March 30, 2022
- **PC Exhibit 12** Allegany Water District commented on March 30, 2022
- **PC Exhibit 13** County Counsel, commented on April 19, 2022

Exhibits presented by Persons other than County Departments and Public Entities to Planning Staff

- **PC Exhibit A** Sierra Pines Resort commented on March 30, 2022
- **PC Exhibit B** Yuba Gallery commented on April 1, 2022
- **PC Exhibit C** Joan Odum commented on March 31, 2022
- **PC Exhibit D** Jeff Champlin commented on April 19, 2022
- **PC Exhibit E** Suzi Schoensee commented on April 19, 2022

Staff Planner Corri Jimenez read two additional documents into the Administrative Record that were received after the Commission packets were sent out:

- **PC Exhibit F** Greg Munson commented on April 20, 2022
- **PC Exhibit G** Wendy Church Bergstrom commented on March 10, 2022, requested on April 20, 2022

Planning Director Beals went over the changes to the draft ordinance since the March 10, 2022 Planning Commission Workshop—mostly reformatting and small technical edits, and no real substantive changes.

Chairman Filippini invited the public to comment:

- BJ Jordan from the Sierra County Arts Council/Yuba Theater said her concerns for the hearing as a property owner had all been addressed by the ordinance; but with the Arts Council as a tenant of the Champlin building in downtown Downieville, she expressed concern about whether the upstairs apartment could still be used as a short term rental [as an R-3 occupancy in a mixed commercial/residential building in a commercial zoning district]. She asked the question of the percentage of short-term rentals allowed within a given area, and asked the Commission to consider setting a limit on the number of STRs to avoid future problems.
- Stephanie Villa, a resident of Downieville and employee at the Assessor's office, recalled what she said last year at a special meeting, referring to the housing analysis done by the Assessor's office. She shared that she had been recently evicted, and the property owner was converting her former apartment into a short-term rental. She said that property values in Downieville had increased 47-50%, which was the equivalent of \$3,000/month. She supported rent subsidies from the county and asked the commission to consider other affordable housing solutions as assistance.
- Wendy Bergstrom from Loyalton asked, "Are we going to review zoning or can we re-visit Ag. and Sierra Brooks?" The Chair responded that this [allowable zoning districts for STRs] will be addressed at a later meeting. She also asked that her correspondence to Ms. Jimenez from March 10, 2022, be added to the record that addressed a breakdown of rental and housing needs. See PC Exhibit G.
- Glen Haubl from Sierra City asked the Commission to consider a 2 or 3-year waiting period before a recently purchased house can become a short-term rental. See PC Exhibit A.
- Mary Davey of Sierra City said 18 years ago it was difficult to buy a house in the county. She thanked planning staff for the work. She said 14 pages is over the top for an ordinance. Commercial realtors do not want to sell houses and now they are being advertised as high value short-term rentals. She had concerns on winter operations, power losses, garage disposal, etc. She addressed how many vacation rentals there are vs. vacant houses, but did like Mr. Haubl's suggestion.
- Brad and Debbie Stocking, who manage a short-term rental in Downieville, shared concerns over how many permits would be required, specifications in the site plan and septic system requirements. Mrs. Stocking asked the Commission to consider property owners and why they own; and requested that permitting costs remain practical. She said that VRBO owners talk to each other, and bad renters/guests do not come back. They asked about the effective date for the ordinance, which was addressed by Director Beals ["30 days after the Board of Supervisors adopts it"], and asked the Commission to consider a "grandfather clause."

- George Day from Sierra City was concerned about the fee schedule, parking, snow blocking driveways, property manager, floor & site plans, and the effective date the ordinance would be active.
- Angelo Genasci from Loyalton asked how it would impact short-term rental ranch housing and asked for an exemption for workforce housing. Mr. Pangman addressed Mr. Genasci that the current draft ordinance [revision '7'] only allows STRs in the R-1 zoning district, and only pertains to transient occupancies of less than 30 days—whereas workforce housing is typically for more than 30 days at a time, and therefore should not be affected.
- Jeff Champlin who owns the Yuba Gallery in a Commercial Residential zone was concerned about how it would affect his existing short-term rental in his building. See PC Exhibit D. Staff noted that the current revision of the draft ordinance would no longer permit using his top-floor R-3 occupancy apartment in his mixed-use commercial building as an STR.
- Julie Estudillo from Napa said she owned the former Costa House next to the Downieville cemetery, and was curious about her zone and what it meant for her short-term rental. She said it was already an STR when she bought it, and hoped it could be “grandfathered in.” She said she supports the ordinance, but felt it should be “maybe not so drastic.”

During the public hearing, the Planning Commissioners addressed the public comments directly. A short 10 minute recess occurred, and the hearing resumed at 12:26 pm. Chairman Filippini invited the commissioners to comment. Chairman Filippini expressed concerns over costs. Commissioner Fisher had questions about enforcement; and Director Beals responded that it would only involve Building/Planning Departments with the Planning Department taking on the bulk and minimal involvement from Building. There was further discussion among the Commissioners regarding: allowable zones; workforce housing and caretaker residences in A-1, GF, etc.; ADA concerns and “predatory lawyers”; and Chairman Filippini expressed concern that some of the provisions in Section (I)—specifically: (I)(4), (I)(5), and (I)(15)—seemed extreme, and perhaps some of the regulations were unnecessary.

Mary Davey commented that “You can’t regulate sanity”; and said that property owners have a vested interest in protecting their homes. She said she still believes in a free America... “Don’t regulate the minutia.”

Director Beals summed up the commissioner’s comments in what was heard by staff. Commissioner Baldrige also expressed interest in the fees and a “grandfather clause.” Commissioner Christensen considered the fact that septic-related costs are unknown, but if it is a functioning system it should be “ok.” Also, he asked if a STR use in a commercial zone is either termed-out or could be grandfathered. Chairman Filippini asked staff for other zoning designations and possibly expanding it to Sierra Brooks and Agricultural areas and/or Commercial districts. Commissioner Kelly seconded the Chair’s desire about expanding it to other districts.

Director Beals continued with other comments he heard from the commission that included possibly adding a “grace period” and legislating a vested right (aka, ‘grandfather clause’) in commercial zones. He reiterated to the Commission that it should still entail a septic system obligation. He continued, noting concerns about the local contact should either be onsite or able to be contacted within 30 minutes; and that the effective date could be extended; and a moratorium could be imposed on new short-term rentals in the interim, as well as possibly a “cap” or percentage of total housing in an area as a way of setting a maximum on short-term rentals.

Staff was directed to bring back a revised draft ordinance incorporating suggested revisions, for further discussion and final direction at the next regularly-scheduled Planning Commission meeting. The public hearing would be continued to a specific time and place, with no further notification or publication necessary.

Motion was made to continue the public hearing on item 7.2, Short-Term Rental Ordinance to: May 12, 2022 at 10:00 am at the Sierra County Courthouse (Board Chambers) in Downieville. Kelley/Christensen

Approved Vote:5/0

8. **BUSINESS REQUIRING ACTION OR DISCUSSION**

None.

9. **PLANNING DIRECTOR'S/STAFF REPORT**

None.

10. **PLANNING COMMISSIONERS' REPORTS**

None.

11. **ADJOURNMENT**

Motion to adjourn meeting at 1:43pm: Baldrige/Fisher **Approved** Vote:5/0

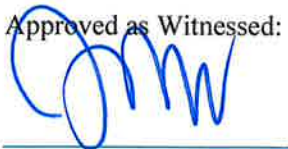
Note: Items 7.1 and 7.2 on the Wednesday, April 20, 2022 Planning Commission Agenda are continued and will be heard at the Thursday, May 12, 2022 Planning Commission meeting beginning at 10:00 am. The meeting will be held in the Boardroom at the Downieville Courthouse, 101 Courthouse Square, Downieville, CA 95936.

Respectfully submitted,

Corri Jimenez / Brandon Pangman

Corri Jimenez, Planner
Brandon Pangman, Planner

Approved as Witnessed:



Tim H. Beals
Commission Secretary