



**SIERRA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Thursday, May 12, 2022**

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

**LOCATION: Board chambers**  
**Sierra County Courthouse**  
**100 Courthouse Square**  
**Downieville, CA 95936**

*This meeting was open to the public for in-person viewing/participation, as well as available via video/teleconference.*

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

The meeting was called to order at 10:08 am.

Commissioners Present: Chairman Mike Filippini, Liz Fisher, James Kelley, Janet Baldrige. Irv Christensen was absent.

Staff Present: Commission Secretary/Planning Director Tim Beals and Planner Corri Jimenez. Assistant Director Brandon Pangman was absent.

**2. APPROVAL OF AGENDA**

Thursday, May 12, 2022 regular meeting agenda, approved without changes

Motion: Kelley/Fisher **Approved** without changes. Vote: 4/0; Commissioner Christensen absent

**3. APPROVAL OF MINUTES**

March 10, 2022 minutes and April 20, 2022 minutes approved as presented.

Motion: Baldrige/Kelley **Approved** without changes Vote: 4/0; Commissioner Christensen absent

**4. CORRESPONDENCE**

None.

**5. PUBLIC COMMENT OPPORTUNITY**

None.

**6. WORKSHOPS**

None.

**7. PUBLIC HEARINGS**

**7.1 Woodruff ZV**— Director Beals commented that this was a continued public hearing meeting from the April 20<sup>th</sup> meeting. He introduced the proposed project as a pair of zone variances in Sattley at the corner of Highway 89 and Route A23/Westside Road. The proposed project is for a zone variance for a workshop and a second zone variance for a pre-constructed, 120sf woodshed that is in the road setbacks adjacent to Highway 89. The Director outlined staff is recommending approval of the workshop variance but cannot support the variance for the as-built woodshed. He commended the owner, Mr. Andrew Woodruff, for what he has done with the small odd-shaped parcel. Director Beals stated that the

Environmental Health Department requested a secondary replacement septic field be shown as a constraint; and that planning staff supports the recommended conditions of approval in the staff report.

Chairman Filippini thanked the Director for the update and asked if there was anyone wanting to respond. Mr. Woodruff testified he received a challenging parcel from the previous property owner (Mr. Horton) as a triangular lot with several sheds and cows as neighbors. It has taken him 6 years to clear the property and he wishes to remove the last existing shed. He admitted he made a couple poor choices and thought his woodshed would be in a suitable place when he built it in October 2021, positioned so it is not over the designated replacement leach field. Moving the shed would be a “hardship” and he has limited space because of fruit trees in the vicinity. In addition, he said, the county puts snow on the corner. His request is to approve both the woodshed and the workshop variances.

Commissioner Baldrige asked Director Beals about Appendix B and the proposed space where the shed could be moved. The Director responded the concept is up to the applicant and he suggested that Mr. Woodruff move the shed out of the setback, possibly 5-6 feet. He was unsure on how it would be moved but it was built by the applicant within the setbacks, so it needs to move. He also responded that it did not equal a “hardship” and staff was looking to protect the setbacks of the Highway 89 and Mr. Woodruff could have built it elsewhere outside of his setbacks.

Commissioner Kelley responded that CalFire requires 10 feet from woodsheds to buildings and Director Beals responded that CalFire would have to grant the variance, however, that is an excellent point. Commissioner Baldrige asked the Director if building in the setbacks sets a precedence in the county for other people. The Director explained that we went through this on the previous penetration into the setbacks for an awning on Mr. Woodruff’s residence, which received an administrative variance; therefore, he was aware of the setbacks on his parcel. Commissioner Fisher asked about the larger shed and its prior zoning by the previous owner. Director Beals said he supported the variance for the proposed new workshop.

Commissioner Baldrige asked about the effects of snow and the Director responded that there is a right-of-way for snow removal on the west side since Westside Road is a county right-of-way. He continued that damage to private property can ensue and he can put in a claim with the Public Works Department. “Snow, to be honest, is just conditions we live with here,” he said, and “Caltrans has concerns over a busy intersection and the safety and approach.” Mr. Woodruff responded that it does pile up and stacks up in his driveway.

Director Beals concluded there are other locations for the woodshed as an option; however, it is in the setbacks and staff cannot support it. He informed Mr. Woodruff that he can appeal the Planning Commission’s decision to the Board of Supervisors, and it would be considered *de novo*, which would include the commission’s findings.

**Motion:** Fisher/Kelley **Approved**, as recommended **Vote:** 4/0; Commissioner Christensen absent

**7.2 Short-Term Rental Ordinance**—Director Beals commented that this was a continued public hearing meeting from April 20<sup>th</sup> and there were consensus points heard. For one, planning staff heard the commission’s wishes to expand into other zoning districts, such as Agricultural and General Forest. On page 2-3 of the draft ordinance, commercial properties can now have a Short-Term Rental (STR) with the condition of where it is appropriate only as a permitted accessory Group R-3 mixed occupancy. To do that, a building permit for a change of occupancy would be needed. In addition, the Director said the STR cannot comprise the use of the property. One example is the owner of the Yuba Gallery building who put in a written comment noting that the building they occupy has a residence upstairs and there is a valid commercial use. They can use it as a STR. A second example is the Old Forks Building/Bike Shop/Sabrina’s: there is a residential use upstairs and if it has a Group R-3 occupancy, they too could use it as a STR.

Chairman Filippini opened the hearing to public comments. Ingrid Larson spoke about her property that is zoned Commercial Residential (CR) at 117 Main Street, Downieville. Her residence is in the front as a 400sf cabin that was connected to the Downieville Motor Inn, which burned. Her objection was that CR should not be added to the ordinance since “hotels” are listed as an exception. Second, Ms. Larson

expressed concern that if she builds a two-story commercial building, the first floor will need to be commercial, and she would not be able to use her ADU as a STR. She stated that she feels STRs are a component of residential zoning districts. Additionally, if she sells and doesn't develop it, the next owners will have to wait 2 years to use it as a STR under the current draft ordinance. Director Beals addressed Ms. Larson's concerns as follows: one, State law prohibits ADUs as STRs, and she cannot have more than one ADU on a parcel. He clarified, if you have multiple units on the property, only one STR is permitted, and hotels/lodges/motels are transient R-1 occupancy, which would be exempt. The Director continued that the Planning Commission gave staff direction to add commercial to the ordinance. Her options to build a hotel would not hinder her and she would need a permit for a residence as a STR; however, commercial use would need to be the primary use on the property.

The next speaker, Ms. "Clancy," was concerned about the Yuba Gallery and the Group R-3 occupancy. Director Beals responded that under this amended ordinance, the second floor may have already been converted to this occupancy and "we just need to look at the building permit file."

Chairman Filippini asked what zones can and cannot have a STR. The Director said the Agricultural zone, which is Long and Sierra Valleys, and General Forest was added. It is currently not allowed in the Industrial District, Scenic Corridor, Forest Recreation, Timber Production Zone Business Park, Planned Development, Open Space Residential Districts, and Rural Residential Districts. "All of Calpine is permitted," he said, "except those to the west of town, the Sierraville community, except the Amodei Ranch. Most of Verdi would not be able to have a STR whereas most of the communities in Sierra City and Downieville would be possible." Commissioner Filippini asked, "Why exclude Rural Residential?" and the Director said, "Sierra Brooks was a master plan community with 400 lots on public water, and there could be a problem with that." Planner Jimenez commented that there were only two STRs in Sierra Brooks compared to the dozen in Downieville and Sierra City.

Ms. Larson asked why this would not be permitted where there are duplexes or in Residential 2 District (R-2). The Director said, "we are trying to keep that available for affordable employee housing." The Chairman also reiterated what the Director originally said and anyone in Sierra Brooks would be in violation of the law to do a STR and it is not allowed outside of those districts listed in the ordinance.

Mary Davey testified by reading Gary Grutkowki's letter (see PC Exhibit K), which she said voiced her opinion. Ms. Davey was concerned about the fees applied to STRs. Chairman Filippini interrupted her since he was outlining the current draft ordinance and wished to hold off on her question. He asked Director Beals if there was anything to add as changes since the last revision. The Director said septic system verifications were streamlined and added the existing system needed to support the proposed STR occupancy. He supplemented, "when staff receives the application, it will go to the Environmental Health Department for review and any limitations on the system—such as septic, ground water, bodies of water—can't be ignored."

Director Beals said open building permits cannot proceed on the STR and if there is an existing violation on the property because of life and safety, the property cannot be a STR. Chairman Filippini had no concerns with this condition. In answer to Ms. Davey's original fee question, according to the Director, nothing has been added. Application fees will be set by the Board of Supervisors. Director Beals continued that planning staff removed the maximum occupancy language and set it as two-people per bedroom as well as a grace period of two-years before the property can be permitted as a STR. Chairman Filippini said that he was comfortable with 2-year grace period and had seen this in other counties. Commissioner Baldrige concurred with this provision. Director Beals continued with another change to the draft ordinance that is if the property is sold or there is a change of ownership, "the administrative use permit would be voided;" and staff also removed the pet vaccination requirements.

Chairman Filippini asked about incidental camping at a STR, cited in a PC Exhibit (PC Exhibit E). Director Beals clarified that the ordinance is only in place and enforced while it is being used or in operation as a STR. Staff will craft some language in the ordinance that will only affect it as a STR when it is rented out and not under private use by the property owner. The Director also addressed the BBQ setback and said that 25 feet to the property line might not work with some properties and wished to have the first sentence stand on its own under 15.10.060(H)(12). Commissioner Fisher said there will be a

period of “no open flame” coming soon plus there were two propane BBQs fires last year in the county. Ms. Davey commented that her deck was 10 feet wide, and it would be hard to comply. Ms. Davey asked about fire/home insurance and if it would comply with inspections, possibly putting the county at ease regarding the permit process. Commissioner Baldrige commented that there are people in her community who don’t carry fire insurance and moving the BBQ to a designated space is a good suggestion to the Director’s statement. Chairman Filippini liked having a designated spot for a BBQ since it would be easier to enforce. Ms. Davey said not all homeowners are required to have insurance, which was countered by Commissioner Baldrige who said Ms. Davey was “running a business.” Commissioner Fisher chimed in that the difference between Ms. Davey and someone coming into the community from the Bay Area is she was aware of the fire danger. The Director recommended simplifying the section on BBQs and striking the last sentence.

Director Beals mentioned that staff advised County Counsel that a violation of the ordinance would be an infraction other than a misdemeanor. Planner Jimenez read into the record the new exhibit items since the April 20, 2022 meeting with PC Exhibit 14 as the current draft ordinance, and PC Exhibit 15 from County Counsel on enforcement. She also identified the new public comment exhibits staff received (PC Exhibits H-K). Commissioner Kelley concluded he liked the 2-year waiting period because this is becoming a national issue from predatory investors renting them out and felt this is one way of controlling it.

At 12:01 pm, the public hearing was closed, and Chairman Filippini recommended that staff bring back a final ordinance for approval that included County Counsel comments. Commissioner Fisher asked at its close if there could be a number added to STRs and Director Beals responded if the Planning Commission wishes, the ordinance can always be amended.

8. **BUSINESS REQUIRING ACTION OR DISCUSSION**

None.

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

None.

10. **PLANNING COMMISSIONERS’ REPORTS**

Chairman Filippini mentioned that TimberFest was occurring in Loyaltown on the weekend, May 14, and encouraged everyone to attend. He said the new owners of the Loyaltown Mill has organized it as a “logging rodeo” and invited the commissioners and staff to “come down for a hamburger.”

11. **ADJOURNMENT**

Motion to adjourn: Kelley/Baldrige Vote: 4/0; Commissioner Christensen absent

The meeting was adjourned at 12:10 pm with the next regular Planning Commission Meeting scheduled “at the convenience of the Planning Department.” No official meeting was announced.

Respectfully submitted,

Corri Jimenez

Corri Jimenez  
Planner II

Approved as Witnessed



Tim H. Beals  
Commission Secretary