

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

October 24, 2019

MEMBERS PRESENT: Richard Forster, Supervisor District 2
Frank Axe, Supervisor District 4

MEMBERS ABSENT: None

PRESENT: Mike Israel, Environmental Health Director
Chuck Beatty, Planning Director
Todd Barr, Chief Building Official
Michelle Gallaher, Code Enforcement
Glenn Spitzer, Deputy County Counsel
Marion Anderson
Lynn Morgan
Dan Morris
Mary Ann Manges, Recording Secretary

Supervisor Axe called the meeting to order at 1:30 p.m.

AGENDA: Approved.

CORRESPONDENCE: None.

APPROVAL OF MINUTES: October 1, 2019 – Approved as amended.

PUBLIC MATTERS NOT ON THE AGENDA: None

**ITEM 1: 15.04 ADOPTION OF CALIFORNIA BUILDING CODES BY REFERENCE –
UPDATE - Building**

Todd Barr, Chief Building Official, explained that section M of County Code Section 15.04.010, which adopts the International Property Maintenance Code, was written to mirror the Health and Safety Code but is easier to relay in writing. He added that Section 15.04.045, Expiration of Building Permit, was written to mirror the Building Code in practice. Mr. Israel commented that it should be added that it be upon the discretion of the building official to extend a permit when a permit is subject to expiration. Supervisor Forster asked for clarification in Subsection ii in Section 15.04.060, Grading Exemptions. Mr. Barr explained that the change is being requested to help clarify the paragraph. Mr. Israel elaborated that The Regional Water Control Board no longer desires to receive a Notice of Intent when a parcel is less than one acre. Supervisor Axe mentioned that it can rain other than between April 15 and October 15. It was clarified that the dates in the code mirror the Building Code. Discussion continued about clarification of language in compaction in Subsection iii of Section 15.05.060. It was explained by Mr. Barr that any project needing a permit needs to be compacted to 95% and that anything else is the owner's

responsibility with the requirement for testing left to the discretion of the building official. Ms. Morgan requested that the language be clear. Supervisor Axe asked if this is to be effective January 1st. Mr. Barr stated yes and that he is looking for the Committee to make a recommendation to the Board of Supervisors for a public hearing.

Committee Action: The Committee made a recommendation to take the proposed update to County Code Section 15.04 to the Board of Supervisors with a memo stating the more substantial changes along with the reasoning behind the update.

Supervisor Forster asked Dan Morris, resident of Lone, if he had any public comments since he arrived late. Mr. Morris asked what the pipes laying outside of U.S. Mine are for. It was explained that the pipes are for completing a storm water project. Supervisor Forster asked if any grading was being done where the proposed motor cross was going to be. Mr. Israel responded that any grading associated with the storm water piping would be consistent with the mine's Reclamation Plan.

ITEM 2: DISCUSSION OF NUISANCE ORDINANCE OPTIONS – County Counsel

Deputy County Counsel, Glenn Spitzer, began by sharing background that the ordinance to address noise was initiated by the Board of Supervisors after they directed staff to cease drafting a Short Term Rental ordinance. He stated that Gary Redman, Undersheriff, shared that he currently relies on Penal Code 415, but that it does not specifically address noise. Mr. Spitzer added that this ordinance would provide a better tool to address noise and that it would have teeth.

Discussion followed amongst the Committee about possibilities and details for administrative and criminal warnings, citations, and fines for guests and/or property owners that violate the terms of the ordinance. Also addressed were methods for Code Enforcement and the Sheriff's Office to best work together.

Ms. Anderson shared concerns about her numerous experiences with noise from a neighboring short term rental where the Sheriff had no County Code to enforce when responding. Concerns shared by the Committee included taking into consideration things such as the running of generators, preserving the Right to Farm, short term rentals as residential use, residential and commercial/industrial applicability, and agritourism. Also discussed was adding residential to the opening paragraph, making sure that language is broad enough to include agritourism, ensuring that Code Enforcement receives information about incidences of verbal or written warnings, and warnings for criminal enforcement. Consensus of the Committee was to have input on these items from the Undersheriff.

Committee Action: The Committee made a recommendation to bring a revised draft ordinance to the next Land Use Committee meeting.

The meeting adjourned at 2:42 p.m.