

**ACTION MINUTES
LAND USE & COMMUNITY DEVELOPMENT COMMITTEE**

October 4, 2022

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

STAFF PRESENT: Chuck Beatty, Planning Director
Mary Ann Manges, Recording Secretary

CALL TO ORDER: Supervisor Forster called the meeting to order at 2:00 p.m.

AGENDA: Approved by consensus.

PUBLIC MATTERS NOT ON THE AGENDA: None.

APPROVAL OF MINUTES: August 25, 2022 approved with minor corrections.

CORRESPONDENCE: None.

ITEM 1: Continued discussion requested by the Board of Supervisors regarding a request to amend the zoning code to include separate, detached rooms as overnight lodging units similar to a bed and breakfast.

Supervisor Forster introduced the item.

Discussion began with Mr. Beatty explaining that a number of counties had been polled to see if they had rules in place for units similar to the ones that have been proposed by Mr. Lague. He shared that no county responded that use them as B&B rooms, but that many counties said they would call them guest houses. He elaborated that Amador County has some precedent with guest houses similar to this, but that they were for occasional use, could not be rented, and that the guest house shared the same utility connections as the primary house. Supervisor Axe asked about Napa and San Luis Obispo counties that had been discussed as allowing similar units. Mr. Beatty responded that Napa said there are only a small number of bed and breakfasts in the unincorporated area with most being in the cities with more public services.

Supervisor Forster asked about the difference between minor and major use permits that some counties use that go before the Planning Commission like a bed and breakfast. Deputy County Counsel Spitzer responded that he would need to look at their specific language in order to respond. Mr. Beatty commented that minor use permits are staff approved, have a 10-day notice, and that guest houses were considered minor use permits in Amador County. He added that most jurisdictions consider a major use permit to require Planning Commission approval and potentially involve environmental review. He shared that Sorensen's in Alpine County operates with a major use permit.

Supervisor Forster said that the Board was in favor of considering this type of use, and that they just wanted this to go back to the Land Use Committee to see if any modifications are desired, where to limit locations, and which types of land uses can have this. He stated that other counties have not ventured out this far, that we should be limited with the scope, and to maybe keep this just to wineries or tasting rooms and put an acreage limitation on it. Supervisor Axe shared that there should be acreage associated with where the units are and to look at a minimum setback. Deputy County Counsel Spitzer shared that if we're creating a new rule that it makes sense to put the setback into the law. Discussion about noise problems concluded that the General Plan would cover the noise curfew of 10:00 p.m. for residential uses.

Come Lague, La Mesa Vineyards, said he is in favor of having these units tied to a business and to have a primary residence or an owner on site. He shared that bed and breakfasts have a caretaker element and that winery and tasting room guests are constantly asking where they can stay. The Committee discussed the potential for using central or individual septic systems, which would ultimately be determined by room unit locations. Mr. Lague noted that his proposal would have all units within a one acre footprint.

Austin F. (name provided on Zoom) asked what the Committee is trying to accomplish and said that it looks like new rules are trying to be made for existing short term rentals. Supervisor Forster responded that lodging is being looked at and that this lodging is going to have its own definition. Mr. Beatty explained that this is another type of short term rental unit for wineries with tasting rooms and the Committee is not establishing regulations for short term rentals in general.

Jessica Herndon asked if there will be limitations for those currently with short term rentals or if the Committee is just identifying terms for what Mr. Lague is trying to request. Mr. Beatty responded that the proposal will not affect existing VRBO or Airbnbs.

Discussion continued with Supervisor Forster voicing that the goal is to not have a negative impact on neighboring properties. Supervisor Axe stressed that there should be a caretaker on site and suggested that if a location is on a collector road that units be limited to 2 or 3. He stressed that it could not be operated as an event center. Mr. Beatty added that if it is on a private road that a road maintenance agreement would be required and that they would not be given additional rights to have events just because they have these units. Supervisor Forster said that he would like a cap at 5 units along with a caretaker unit. Mr. Beatty shared that the fire code changes if the number of rented units exceeds 5 plus the caretaker unit and added that the kitchen in the caretaker unit would count as an ADU on the property and that no more than two homes with kitchens on a parcel are allowed.

Discussion continued about minimum parcel sizes and setbacks with the consensus that a 20 acre minimum parcel size could easily accommodate a property line setback of 100 feet. Supervisor Axe stressed that guidelines are desired and at this point to keep it as restrictive as possible. He added that if the rules are too restrictive, they can be changed in the future. Supervisor Forster stated that the location of the units should be as unobtrusive as possible to the neighbors, and that language should be created to help give direction to the Planning Commission when deciding on use permits. He stressed that he does not want these units to create a nuisance and reminded that other counties have not delved into this yet. He added that for now this would be for wineries and tasting rooms and that he would be in favor of expanding in the future if it helps ranches and farms prosper.

Terri Sweet asked if the caretaker's house can cook for guests, have cottage food, or have a restaurant kitchen. Mr. Beatty said anyone can have a commercial kitchen in their home, but the law for bed and breakfasts only allows breakfast to be served.

Supervisor Axe made motion to forward this item to the Board of Supervisors with the points and guidelines discussed, with a recommendation to adopt a Resolution of Intention. Supervisor Forster agreed.

Supervisor Forster asked Counsel if it is proper to put something in the code to give the Planning Commission clear direction for making sure use permits for these units don't become problems for neighbors.

Deputy County Counsel Spitzer replied that it is proper to put more information in on things such as focusing on nuisance concerns. He added that for access issues that it is best to let the Planning Commission figure out the details.

Ms. Sweet voiced that if these developments would not require a commercial kitchen to cook breakfasts for their guests that she would like to cook breakfast in her kitchen for her short term rental guests, but she is not allowed to.

Mr. Beatty said that if Ms. Sweet operates as a short term rental without a bed and breakfast permit, then food service isn't allowed. A bed and breakfast permit could remedy that.

Supervisor Forster concluded by saying that the winery ordinance revisions will most likely be addressed beginning in January.

The meeting was adjourned at 2:46 p.m. The next regular Land Use Committee meeting is tentatively scheduled for October 27, 2022 at 2:00 p.m.