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REDDING PLANNING COMMISSION
 Regular Meeting, 4 p.m.
 Tuesday, January 10, 2006
 City Council Chambers
 777 Cypress Avenue
 Redding, California 96001

MINUTES

Chairman Randy Memeo called the meeting to order at 4 p.m., with Commissioners Gary Brickwood, Jim Chapin, Bert Meyer, Randall Smith, and Chris Young present. Absent was Michele Goedert. Also present were Development Services Director Jim Hamilton, Land Development Manager Gary Otremba, Planning Manager Douglas DeMallie, City Attorney Rick Duvernay, Senior Planner Kent Manuel, and Executive Assistant II Anita Felion.

ANNOUNCEMENTS

Development Services Director Jim Hamilton reminded the Commissioners of the Building Healthy Communities Workshop and luncheon to be held on January 18, 2006. He also noted that a workshop was being offered to the public on the evening of January 18.

COMMISSION CONSIDERATION

REVIEW RECOMMENDATIONS OF RECREATIONAL VEHICLE STORAGE COMMITTEE.

Senior Planner Kent Manuel summarized the staff report. He mentioned that the current Zoning Code (Code) allowed the parking of recreational vehicles within a side- or rear-yard setback area, but not within a front- or street side-yard area. Mr. Manuel recalled earlier discussions from previous meetings regarding requests from owners of recreational vehicles (RVs), boats, trailers, and similar vehicles that the existing prohibitions on parking/storage within the front and street-side (corner lot) setback areas be relaxed. He noted that at the Planning Commission meeting of June 28, 2005, the Commission directed staff to form a committee to review the storage issues and to report back to the Commission.

Mr. Manuel discussed the results of the meetings held by the committee, which included allowing, under certain circumstances, the parking of RVs within the setback areas. He said there was not unanimity on the subject among those on the committee; however, some common ground was reached by most of the committee members. He added that all but one member voted to endorse the draft amendments, *if* the City decided that changes were to be made to the Code. Mr. Manuel noted that some of the potential Code amendments included noticing the request for an exception to the Code to those property owners sharing a common street frontage with the subject property, using a 300-foot notification distance; approving a zoning exception only if it was determined that there was no physical space available to access/store an RV in an interior side yard or rear yard; denying the request if there were covenants, codes, and restrictions (CC&Rs) that restricted RV parking; requiring a renewal every three years subject to the same noticing requirements as the original request; and maintaining in an inoffensive manner. Mr. Manuel utilized a PowerPoint presentation to provide examples of RV storage that was in compliance and that which was not.

Commissioner Gary Brickwood, a member of the committee, noted that the meetings started out being fairly heated and divisive, with three people in favor of no change and three in favor of significant change. He remarked that after four meetings, all but one of the members had come to see some legitimate points of view from the other side. Mr. Brickwood believed the end result was a reasonable compromise of the differing points of view. He acknowledged that the current situation was not working well and that there were many violations of the Code, which were unenforceable except by complaint. He observed that Code Enforcement would act upon receipt of a complaint by a neighbor, but if someone did not complain, the violation was not acted upon. He said this resulted in those being contacted by Code Enforcement complaining about others. Mr. Brickwood commented that some neighborhoods had more violations than others because of smaller lots that did not allow side or rear parking. He stated that the original idea for amnesty would possibly lead to

more problems in the future, which was why the recommendation of a three-year renewal was included in the recommendations.

Commissioner Randall Smith wondered if the department would be burdened by an inordinate number of requests for exemption if the amendments were approved by the City Council. Mr. Brickwood explained that the committee felt the current Code Enforcement situation was a bigger problem than the backlog that might happen. Mr. Manuel interjected that the City did not know how many RVs were registered in the City, so it could not determine how staff would be impacted. Mr. Smith believed most of the homes being built were on smaller lots and said he feared that there would be an RV in almost every driveway.

Mr. Brickwood stated that it was recommended that the information be included in the CC&Rs so that the buyer would be aware that an RV could not be parked at the home, or notify the buyer of the requirements for an exception to the Code. He added that the fee for filing for an exception could be several hundred dollars.

Mr. Smith inquired if the amendment could also require that all sellers of RVs in the Redding area notify buyers of the regulations. He said comments he had received urged no amendment of the Code.

City Attorney Rick Duvernay advised RV parking was not a regulation under the Zoning Code, but that the City could draft a regulation into the Police Code; however, it would be difficult to enforce it. He said he was not aware of any other jurisdictions that had done this.

Mr. Brickwood elaborated on the compromise by the members of the committee. He advised that Kirk Bishop was adamant to any change. He said Bill Vincent was not able to attend the last meeting but thought Mr. Vincent was willing to see both points of view. He said the other four members of the committee, which included Dick Fyten who was opposed and three who were in favor of it, all voted to endorse the amendment.

Commissioner Bert Meyer asked about the required application fees. Mr. Manuel indicated that the current fee for a zoning exception was \$701, but that an amendment of the City's fee schedule was not being excluded. Mr. Brickwood added that the fee would recur every three years.

Mr. Smith inquired if the objections by neighbors to to an application would be kept confidential. Mr. Manuel explained that the City conducted its business in public and that the objections would also be public knowledge. Mr. Brickwood noted that there was much discussion regarding confidentiality. He said the committee was also aware that allowing just one objection to stop the exception could be used by a vindictive neighbor. He noted that a fence or landscape was not considered justification for claiming no side- or rear-yard access. Mr. Brickwood reiterated that the committee put many hours and much thought into the proposed changes.

Mr. Meyer believed RV owners would not volunteer to apply for an exception unless a complaint was filed first. He asserted that no one was going to pay several hundred dollars for an exception unless the application process was triggered first by a complaint. Mr. Brickwood felt responsible RV owners would apply for an exception but admitted that a number of them would not apply for one. He said staff could consider denying an exception to those who waited until they were turned in to Code Enforcement.

Commissioner Jim Chapin inquired about the enforcement action if the amendments were approved. He asked if staff would write a letter to the RV owner once a complaint was received, then giving the respondent 30 days to move the RV or apply for the exception.

Commissioner Chris Young addressed the denial of an application if the CC&Rs prohibited RV parking. He said he had contacted several escrow companies who informed him they would not provide a title report in the search for CC&Rs for subdivisions unless title insurance was purchased. Mr. Brickwood stated that the property owners who wanted an exception would already have a title report when they purchased the property. He suggested that the owner could also go to the County Recorder's office and advised that the committee was trying to put the burden on the applicant. Mr. Young countered that it was easy to show there were CC&Rs if there were some, but that it was difficult to prove there were no CC&Rs if there weren't any. He added that most subdivisions in the

City had CC&Rs, but that some older ones did not reference RVs in them. He pointed out that the CC&Rs for Mary Lake Subdivision, Units 1–12, precluded RV parking with the street-side setback.

Mr. Young also mentioned the 300-foot noticing requirement and asked if it was possible to also consider a line-of-sight requirement. Mr. Brickwood responded that the committee had discussed if the noticing requirement should include line-of-sight, but determined that it would prove difficult for staff to check every request. He said the committee felt the 300-foot distance was the best criteria for the amendment. Mr. Young commented on Zoning Exception Regulations, Section 18.15.030(Q), No. 7, and suggested that the wording be changed from "another" owner to "subsequent" owner to clarify the non-transferable condition. The Chairman opened the public hearing at 4:47 p.m.

Linda Rea stated that she had been a member of the Garden Tract Neighborhood organization, which had worked hard to clean up the neighborhood. She opposed any amendment of the RV parking requirements. She worried that more RVs would be parked in the driveways, which would lead to more cars parking on the streets. Ms. Rea said this would interfere with the street sweepers, lead to more garbage cans being left out, and lower property values. She felt the 300-foot noticing requirement was not large enough. Ms. Rea contended that RV owners should not store their "toys" at home if the property was not set up for it.

Richard Johnson, a committee member, requested that the Commissioners not change the recommendations made. He advised that the committee had spent countless hours and worked hard to reach a compromise. He pointed out that neighbors who opposed the RV parking could always object to the exception when applied for. Mr. Johnson urged adoption of the amended Code.

Bob Hill advised that he had not owned an RV until several years after he had purchased his home. He said he parked in his front yard but received a complaint from a neighbor who lived two blocks away. He complimented the committee for the changes recommended, pointing out that Redding was a recreational community. Mr. Hill noted that there was not enough storage available in the City if the RVs were not allowed to be parked at the owner's home. He also worried that the fees would be too high for young families or the elderly on fixed incomes.

Eldon McGarity, also on the committee, thanked Mr. Brickwood and staff for their time and cooperation. He too urged the Commissioners to adopt the revisions. Mr. McGarity agreed that those who sold RVs should be required to divulge to the purchaser the rules regarding the parking of RVs.

Jay Jessen advised that the size of his lot was only 50 by 100 feet, which would not allow the parking of his trailer behind his home. He said he was on a limited income and could not afford to rent storage space. Mr. Jessen pointed out that the newer trucks and SUVs were as long, if not longer, than a lot of RVs, but noted that they were allowed to park with no restrictions.

Dick Fyten, also a committee member, said he started out being opposed to any change. He stated that after listening to those in favor of change, he made some concessions in his beliefs. Mr. Fyten felt an amended Code was something that would accommodate most people. He did not think granting amnesty was a solution. Regarding CC&Rs, Mr. Fyten recalled a case where a homeowner had to take another homeowner to court for violation of the neighborhood's CC&Rs. He estimated the cost of trying to enforce CC&Rs through the legal process to be between \$20,000 and \$30,000. Mr. Fyten observed that it was hard to enforce CC&Rs and that an amended Code would be easier to enforce. He said he had initially desired a 1,000-foot noticing requirement, because a next-door neighbor might feel uncomfortable in voicing an objection to the RV parking request, but eventually agreed to the standard 300-foot noticing requirement. He contended that the City should inform developers that they should be developing larger-sized lots in order to support the recreational vehicles so prevalent in the City.

Nancy Wharton appreciated the work of the committee and believed it had been very thorough and had reached a well-thought-out compromise. She asserted that not every toy could be put in one's yard.

Shirley Goldstein said she had moved from the Bay Area in order to enjoy the recreational opportunities Redding offered. She stated that her tent trailer was stored on her pie-shaped

cul-de-sac lot. Ms. Goldstein asserted that it would be a hardship if she had to pay a permit fee. She worried about the requirement for neighborhood approval, because she and some of her neighbors had been involved in disagreements.

Carolyn Heaton, who was on the committee, said the compromise was reasonable and appreciated both sides agreeing to it. She hoped the permit process and the fees would work for people on limited incomes. Ms. Heaton had been in favor of relaxing the Code and would have liked more concessions. She urged the Commissioners to recommend approval to the City Council.

Steve Courtney maintained that the Fire Code called for a setback requirement and that allowing the storage of RVs in a side-yard setback would interfere with the Fire Department's ability to fight a fire. He contended that a permit fee was the same as a tax and should be voted on by the public. Mr. Courtney felt dealing with the RV issue would be more cost-effective if it was handled on a complaint basis, although sometimes the complaint was caused by a vindictive neighbor, rather than instituting a voluntary tax or fee because only a fraction of the RV owners would apply for the permit. Determining that no one else wished to speak, the Chairman closed public comment at 5:24 p.m.

Mr. Chapin believed the recommendations were an improvement over the existing Code. He worried about staff time and cost and if it would be awkward to enforce because of the amount of time required to send out notices, etc. Mr. Hamilton acknowledged that it was difficult to estimate staff time, but that the processing of an exception would generally be less than the processing of a violation through Code Enforcement. He added that if the exception was instituted, staff would have a way to process the request in a straightforward manner. Mr. Hamilton noted that the current fee for a zoning exception averaged \$700, but that these requests might be in the range of actual cost. He continued that the City Council needed to weigh the fees against enforcement costs.

Mr. Young asked what would trigger a renewal for the permit. Mr. Hamilton responded that the permit holder would receive a notice to renew.

Mr. Meyer asked why the committee recommended that the permit would have to be renewed every three years, as opposed to five years. Mr. Brickwood explained that the three-year figure was a compromise. He said the committee realized that neighborhoods changed homeowners and felt three years was reasonable, whereas five years had seemed too long.

Mr. Smith voiced concern about the long-term consequences. He warned that future subdivisions would be closely scrutinized by him. He observed that RVs were discretionary; they were not required for transportation, but were for someone's pleasure. Mr. Smith desired that the City be a dignified place in which to live. He believed approval of the committee's recommendations would create a Pandora's box, although he did not like the current method of a neighbor having to lodge a complaint in order to enforce the Code.

Mr. Memeo thanked Mr. Brickwood for serving on the committee. He agreed with some of Mr. Smith's comments and thought Ms. Rea's were quite compelling. He continued that the requirements have been in the Code for a long time. He wondered how many people would comply and voluntarily apply for a permit. He sympathized with the residents who had RVs and not enough room for storage. Mr. Memeo felt the compromise did a reasonable job of taking a complaint and putting it in a perspective that neighbors could accept, but that it did not resolve the future problem of the whole situation. He believed things should just stay the way they were.

Mr. Young also thanked the committee. He felt it was a reasonable compromise. He maintained that lots were not getting smaller and saw subdivisions being built with RV parking spaces or with CC&Rs that restricted parking. He noted that prospective buyers frequently changed their minds on purchasing when they saw the restrictions. Mr. Young asserted that the problem was more with existing subdivisions and not new ones. He favored the recommendations.

Mr. Meyer noted that he lived on a street with people who owned boats and jet skis and who were in violation of the existing Code. He observed that there were neighborhoods where residents could not comply with the Code because of lot sizes. He appreciated the committee's compromise on the requirements, but was concerned that not enough nearby residents would be notified of the exception

request. Mr. Meyer indicated that if he received requests for exceptions on his street, he would vote no every time.

Mr. Brickwood felt the Pandora's box was already open and that the problems were not going to go away. He observed that the Code had been in existence for a long time but was not being enforced equitably because staff did not have the manpower to enforce it fairly. He contended that Redding would continue to grow and that RV sales seemed to be increasing, so the problem would get worse under the present circumstances. Mr. Brickwood agreed that a long SUV would not violate the Code, but a boat would. He advised that the Fire Marshal had addressed the safety issues. He urged the Commissioners to recommend adoption of the amendments to the Code.

Mr. Chapin felt the amendments were reasonable. He did not think it would solve all the problems but would result in some changes. He believed the number of boats and RVs would decline due to the requirements. He favored the committee's recommendations. Mr. Chapin remarked that if the City Council adopted the changes, there should be strong publicity in the news so that all would be informed.

Mr. Smith questioned the cost of implementing the changes. He pointed out that staff would have no more money than what it presently had. Mr. Brickwood responded that there would be people who would comply with the Code and those who would not. He continued that the people would be able to comply and keep their RVs without risk of an enforcement action. He remarked that currently, there was no enforcement; but, if there were no exceptions, then enforcement would have to begin.

Mr. Smith inquired if the Commissioners could recommend to the City Council not to water down the fee so that there would be sufficient money to enforce the rules of the Code. Mr. Brickwood suggested talking to staff. He said the committee did not discuss the fees at length and felt it was something the City Council should decide.

Motion: Commissioner Gary Brickwood moved that the Planning Commission recommend that the City Council adopt an amendment to the City's Zoning Code in accordance with staff's recommendation.

Second: Commissioner Jim Chapin.

Ayes: Commissioners Brickwood, Chapin, Meyer, Smith, and Young.

Noes: Commissioner Memeo.

Abstain: None.

Absent: Commissioner Goedert.

APPOINTMENT OF COMMITTEE TO REVIEW TREE PRESERVATION ORDINANCE.

Development Services Director Jim Hamilton recalled that at its meeting of November 22, 2005, the Planning Commission directed staff to develop a committee consisting of Planning Commissioners and citizens to review the current Tree Preservation Ordinance (Ordinance). He noted that the City Council asked the Commission to determine whether the Ordinance was in need of modification based on the City's experience in working with it over the past 14 years.

Mr. Hamilton said the recommendation was that the committee be comprised of three Commissioners, three citizens representing a broad community perspective, and three members representing various aspects of the development industry, including development engineering, custom home construction, and production home building. He stated that the committee would be supported by Development Services Department Planning and Engineering staff and that Dr. Richard Harris, from the University of California, would serve as an advisory member of the committee to provide expertise on environmental and tree-preservation issues.

Mr. Hamilton continued that the question the City Council had asked the Commission to address was whether the Ordinance was effective as written, was effective but inadequately administered, or should be modified in some fashion. He said approximately 90 days after the Commission appointment, the committee should be able to return with recommendations on any changes in implementation or approach that the committee felt might be necessary.

Commissioner Bert Meyer said he noticed there was no arborist on the committee, other than one consultant. He wondered if someone with local knowledge should also be utilized.

Commissioner Jim Chapin indicated that he was a forester and on the committee. He explained that an arborist was more interested in single trees and the health of single trees.

Commissioner Randy Memeo voiced concern about the issue of "landmark" trees. He asked if Dr. Harris was qualified to know the space needed for individual trees. Mr. Hamilton responded that when we get to the point of crafting the Ordinance language necessary to implement the decision made, if a decision was made by the Planning Commission and the City Council to move forward in protecting trees of a certain character, it would be important to have an arborist in that process. He explained that the committee would not be crafting the details of the Ordinance.

Mr. Memeo asked why certain people were picked for the committee, such as Brian Sindt of The McConnell Foundation. Mr. Hamilton explained that The McConnell Foundation was the largest landowner and that Brian Sindt was the Land Manager. Mr. Hamilton said Mr. Sindt's responsibility was to manage and protect the land and could provide a perspective on the issues.

Mr. Hamilton recommended that staff work with Mr. Meyer to organize the meeting schedules. He felt the most difficult issue to deal with was going to be in the subdivision practices because drainage and grading were also involved.

Mr. Smith mentioned the revision of the Grading Ordinance.

Land Development Manager Gary Otremba responded that the revision was in its draft format and that he was waiting to see formation of the committee before he finalized the document.

Commissioner Chris Young understood that the City Council wanted the Commissioners or committee to review but not to change the Ordinance. He also asked if members of the committee lived in Redding. Mr. Hamilton replied that there was no requirement for them to live in the City, but if it mattered to the Commission, the requirement could be instituted. Mr. Young said it did not matter to him, and the other Commissioners concurred.

Motion: Commissioner Chris Young moved that the Planning Commission form a committee to review the Tree Preservation Ordinance, to include the individuals mentioned in Attachment "A" of the staff report.

Second: Commissioner Jim Chapin.

Ayes: Commissioners Brickwood, Chapin, Memeo, Meyer, Smith, and Young.

Noes: None.

Abstain: None.

Absent: Commissioner Goedert.

PUBLIC PARTICIPATION

None.

COMMISSIONERS' COMMENTS

Commissioner Bert Meyer appreciated seeing two City Councilmen, Mary Stegall and Dick Dickerson, at the Planning Commission meeting. He inquired about grading restrictions during the winter months.

Land Development Manager Gary Otremba explained the requirements and the standard construction practices and procedures, including minor grading and undergrounding, of the developers during that period of time. Mr. Meyer congratulated staff on educating the developers, noting that they seemed to be complying with the rules.

Commissioner Randall Smith concurred with Mr. Meyer. He mentioned the overgrown vegetation in Olney Creek and lamented that the City was understaffed in the area of clearing vegetation. He remarked that creeks functioned only when they were clean.

Development Services Director Jim Hamilton noted that the City faced environmental constraints under the California Environmental Quality Act. He added that the City was undertaking a Master Storm Drain Plan, which looked at ways for dealing with long-term flooding issues.

City Attorney Rick Duvernay informed the Commissioners that the State legislature recently passed AB1234, effective January 1, 2006, which addressed requirements dealing with reimbursement of expenses incurred by the Planning Commission or City Council. He explained that if the Commissioners were reimbursed by the City for attending any conference, they would be required to provide a report on the conference. Mr. Duvernay also noted that the Commissioners and Councilmen were also required to attend two hours of ethics training every two years. He said more information would follow.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Randy Memeo adjourned the meeting at 6:15 p.m.

Jim Hamilton, AICP
Acting Secretary

Randy Memeo
Chairman