

**City of Mt. Shasta Planning Commission
Regular Meeting Agenda**

Mt. Shasta Community Center, 629 Alder Street
Tuesday, June 21, 2016; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services, and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Item	
1.	Call to Order and Flag Salute
2.	Roll call
3.	Approval of Minutes:
a.	Minutes of May 17, 2016 Regular Planning Commission Meeting
4.	Correspondence from Public & Staff
a.	Marijuana Ordinance: An overview of current ordinance language and future consideration as state regulations change. Specific pieces not discussed currently are cultivation on a commercial scale and recreational usage. This presentation serves as an initial discussion for next meeting ordinance workshop. City Council would like to review ordinance in September.
5.	Public Comment
	Welcome to our Planning Commission meeting. The Commission invites the public to address the Commission on issues not listed on the agenda and that are within the Commission’s subject matter jurisdiction. Those wishing to address the Commission are asked to sign-in and indicate their topic of interest. The public has a right to address the Commission on any subject within the Commission’s jurisdiction; however the Commission may limit public comment on matters that are outside of its jurisdiction. The Planning Commission may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Commission may place additional time limits on comments, to ensure members of the public have opportunity to speak and the Commission is able to complete its work. A group may be asked to choose a spokesperson to address the Commission on a subject matter, or the Commission may limit the number of persons addressing the Commission whenever a group of persons wishes to address the Commission on the same subject matter. Speakers are asked to provide their name and address for the public record. We greatly appreciate your active participation.
6.	Consent Agenda
	Consent Agenda items are matters requiring a Planning Commission review but which, following an initial evaluation by staff, have been found to be totally consistent with existing City regulations and the City General Plan and are, therefore, recommended for “routine” approval. If it is determined by the Commission that a Consent Agenda item

requires further discussion and review, it will be removed to the regular agenda for consideration. The remaining items will be handled as a group by a single action of the Commission.

7. **CONDITIONAL USE PERMIT. Bed and Breakfast Inn . 510 McCloud Ave. APN 057-511-140.** The project is a proposed Bed and Breakfast Inn Pursuant to Chapter 18.21 of the Municipal Code. A Bed and Breakfast Inn is allowed in all zones provided that a Conditional Use Permit is obtained. This proposal is to establish a one room attached space and deck for a Bed and Breakfast Inn for maximum of two people with no new construction or additional structures proposed. The unit is connected to the primary home and will serve breakfast to guests in a dining room adjacent to the unit connected by a doorway and provide off street parking.

8. **CONDITIONAL USE PERMIT. Limited On-Site Used Auto Display Area. 402 Chestnut St. APN 057-192-190.** The project is to allow display of up to two used cars for sale on the existing lot at 402 Chestnut. The Mt. Shasta Municipal Code requires a Conditional Use Permit for used or new car dealerships of any size pursuant to Section 18.16.030 of the Municipal Code. No construction is proposed at this existing site.

9. **OPEN DISCUSSION: Planning Commission Priorities and Planning Process** – The Planning Commission will work to identify priorities and the level of importance for each item to be timely. (Attachment)

10. **OPEN DISCUSSION: General Plan Review: Section Discussion and Schedule for Review** – The Planning Commission will review sections of the general plan for future revision and consideration.

11. Commission and Staff Comments

- a. Land Use Management Plan of City Owned Properties
- b. Enforcement of ordinances

12. Future Agenda Items – Future items are topics brought to the Planning Commission from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.

- a. Solar and Alternative Energy Options – 8/8/2016
- b. Smoking Limitations – 9/26/2016
- c. Orchard Property Annexation & Development Plan – 9/26/2016
- d. Noise Ordinance – 10/10/2016
- e. Lighting Ordinance - TBD
- f. Landing Master Plan - TBD
- g. Wayfinding Program - TBD
- h. Sign Ordinance - TBD
- i. Alfresco Dining & Outdoor Business Footprint - TBD
- j. Broadband Plan - TBD

13. Adjourn: Next regular meeting to be held Tuesday July 19, 2016.

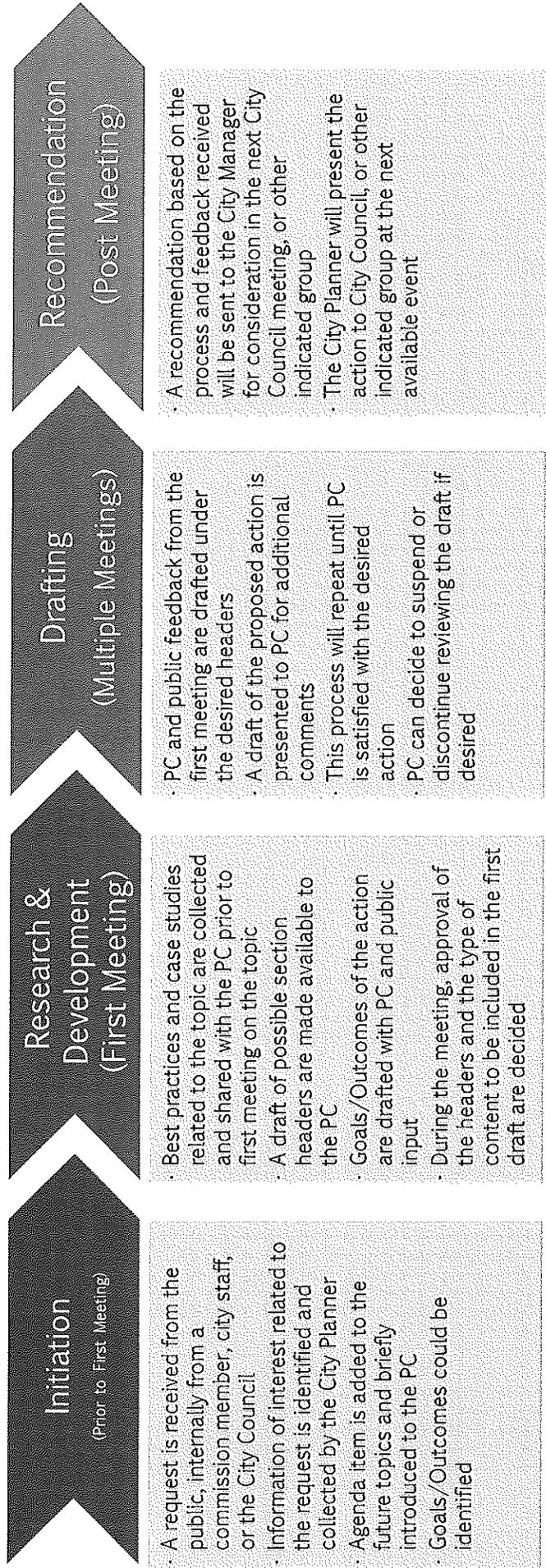
Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body. The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk or Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

Any writings or documents provided to a majority of the Planning Commission after distribution of the meeting Agenda Packet regarding any open session item on this agenda will be made available for public inspection during normal business hours within the binder entitled "Agenda Packet For Front Counter" located at City Hall at the desk on the right-hand side inside the front door.

Projects heard at this Planning Commission meeting may be subject to appeal. Please contact the Planning Department for information. Appeals must be submitted to the City Clerk's office together with the appeal fee of \$375. If you challenge the environmental review or the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department on, or prior to, closing of the public comment period.

Planning Commission (PC) Action Process

The Planning Commission (PC) Action Process is a framework for the introduction and deliberation on a specific topic of interest in the City of Mt. Shasta. The topics are related to current and future planning topics. Actions referred to in this process can be resolutions, ordinances, and other types of recommendations. The recommendations can be made to any other governing group indicated by the Planning Commission.



Initiation (Prior to First Meeting)

- A request is received from the public, internally from a commission member, city staff, or the City Council
- Information of interest related to the request is identified and collected by the City Planner
- Agenda item is added to the future topics and briefly introduced to the PC
- Goals/Outcomes could be identified

Research & Development (First Meeting)

- Best practices and case studies related to the topic are collected and shared with the PC prior to first meeting on the topic
- A draft of possible section headers are made available to the PC
- Goals/Outcomes of the action are drafted with PC and public input
- During the meeting, approval of the headers and the type of content to be included in the first draft are decided

Drafting (Multiple Meetings)

- PC and public feedback from the first meeting are drafted under the desired headers
- A draft of the proposed action is presented to PC for additional comments
- This process will repeat until PC is satisfied with the desired action
- PC can decide to suspend or discontinue reviewing the draft if desired

Recommendation (Post Meeting)

- A recommendation based on the process and feedback received will be sent to the City Manager for consideration in the next City Council meeting, or other indicated group
- The City Planner will present the action to City Council, or other indicated group at the next available event

Mt. Shasta City Council Regular Planning Commission Meeting DRAFT Minutes

Mt. Shasta Community Center, 629 Alder Street
Tuesday, May 17, 2016; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

STANDING AGENDA ITEMS
<p>1. Call to Order and Flag Salute: At the hour of 6:00 p.m. Chair Higuera called the meeting to order and led the audience in the Pledge of Allegiance.</p>
<p>2. Roll Call: Keith, McKinley, Interim City Planner Commissioners Present: Wagner, Findling, Acord, Durby, Pardee, Beck, and Chair Higuera Commissioners Absent: Clure</p>
<p>3. Approval of Minutes:</p> <ul style="list-style-type: none"> a. Minutes of April 19, 2016 Regular Planning Commission Meeting <p>Motion to Approve: Commissioner Findling Second: Commissioner Wagner Aye - 5 Wagner, Acord, Findling, Durby, and Beck Noes - 0 Abstain- 1 Pardee Motion Carried</p>
<p>4. Correspondence from Public and Staff No Staff correspondence shared</p>
<p>4. Public Comment: No public comments were made to the commission</p> <p>Welcome to our Planning Commission meeting. The Commission invites the public to address the Commission on issues not listed on the agenda and that are within the Commission’s subject matter jurisdiction. Those wishing to address the Commission are asked to sign-in and indicate their topic of interest. The public has a right to address the Commission on any subject within the Commission’s jurisdiction; however the Commission may limit public comment on matters that are outside of its jurisdiction. The Planning Commission may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Commission may place additional time limits on comments, to ensure members of the public have opportunity to speak and the Commission is able to complete its work. A group may be asked to choose a spokesperson to address the Commission on a subject matter, or the Commission may limit the number of persons addressing the Commission whenever a group of persons wishes to address the Commission on the same subject matter. Speakers are asked to provide their name and address for the public record. We greatly appreciate your active participation.</p>
<p>6. Consent Agenda: No consent agenda information shared</p>
<p>7. Design Review Mt. View Drive and South Mt. Shasta Blvd. <u>Commissioner Pardee:</u> Voices concern over bias since commissioner is involved with the development.</p>

Commissioner excused for the remainder of the item.

Keith McKinley, Interim City Planner: Routine design review for a small office building. Professional office building for two businesses that is consistent with current zoning (C-1). Parcel is exempt from CEQA review due to size of development below 2500 sq. ft. The parking is adequate for the purpose. Physical design is acceptable according to current review standards.

Commissioner Wagner: Discussion on light intensity and the lack of regulation by the city on light intensity to protect the mountain night sky character. Desires future discussion on light regulations.

Ken Kellogg, Applicant: All lighting will be down shaded and minimal. Did not account for pedestrian traffic because of location and type of business, but will offer alterations for more pedestrian access.

Commissioner Findling: Concern and discussion over pedestrian access. Pedestrian access comes before parking in the design guidelines.

COMMISSION ACTION: Adopt the notice of exemption for the design. Approval of design with the condition that the applicant provide on-site pedestrian sidewalk connecting to the public sidewalk on Mt. Shasta Blvd.

MOTION TO APPROVE: Commissioner Findling

SECOND: Commissioner Acord

AYES: Findling, Acord, Beck, and Wagner

NOES: None

ABSENT: Commissionerr Clure

ABSTAIN: Commissionner Pardee

8. Home Occupation Special Use Permit

Keith McKinley, Interim City Planner: The home occupation permit is in reference to occupations that could have foot traffic that disturbs the neighborhood. The owner will have one or two people per day which is negligible. Existing facility is exempt from CEQA.

COMMISSION ACTION: Adopt notice of exemption from CEQA. Approval of home occupation special use permit with the listed conditions.

MOTION TO APPROVE: Commissioner Wagner

SECOND: Commissioner Beck

AYES: Acord, Findling, Pardee, Back, and Wagner

NOES: None

ABSENT: Commissioner Clure

9. Commission and Staff Comments:

Chair Higuera: Would like action related to city council and items that are being initiated. Should review landscape ordinance and other items together in commission and refer to city council. Can we include a priorities list in the next meeting? Yes we can as an agenda item.

Keith McKinley, Interim Planner: Mining inspection is done by staff and no planning commission action is needed. The inspection is required by the state. History of the noise ordinance and lack thereof. Landing development plan must be reviewed and updated by Planning Commission for approval by the City Council.

Commissioner Findling & Pardee: Landing zoning PUD discussion.

Full Commission: Recommendation to keep list of priorities for the next meeting to introduce as an agenda item.

Commissioner Beck: Citizen brought 201 Eugene to attention and the need for condemnation enforcement.

Commissioner Pardee: The shell station has been over-landscaping trees which are city owned. The trees are meant to soften the signage.

Commissioner Findling: Signage enforcement Spruce St. and Alpine Realty

10. Adjourn: There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully Submitted by: Juliana Lucchesi, City Planner

**Mt. Shasta Planning Department
Staff Report
June 21, 2016**

Project Number: 2016.46

Property Owner: Randy and Laurie Furry
510 McCloud Ave
Mt. Shasta, CA 96067

Applicant: Same

Request: Conditional Use Permit for Bed and Breakfast Pursuant to Chapter 18.21 of Municipal Code.

Parcel Numbers: 057-511-140

Property Size: 60 feet wide by 150 feet

General Plan Designation: Low Density Residential

Zoning: R-1

Environmental Recommendation: Exempt, Existing Facilities CEQA Guidelines Section 15301

Recommendation: If appropriate findings can be made, and project is found to be consistent with Chapter 18.21 of the Municipal Code, approve with conditions as provided or as modified by the Planning Commission.

BACKGROUND

The project is to establish a Bed and Breakfast Inn pursuant to Chapter 18.21 of the Zoning Code. The site is located at 510 McCloud Ave. The applicants have been inquiring about the potential for a B n B after the City Council decided against allowing vacation rentals in Single Family Zones after months of deliberation. Bed and Breakfasts, however, are still allowed in R-1 Zone with a use permit.

The applicants contacted staff earlier in spring to confirm that the City Council was not allowing vacation rentals and also to confirm that a B and B is allowed in all zones provided as use permit is obtained and the operation of the B an B is compliant with the regulations set forth in Chapter 18.21 of the Municipal Code.

The applicants project description included in Attachment 1.

The immediate case is a project to make available for rent an attached portion of the existing home for guests. The proposal includes the use of the attached space for sleeping quarters and a dining room for breakfast for paying guests. The site includes a main home, garage, attached self contained cottage with a doorway connecting the primary home to a dining room where breakfasts will be served (See photos in Attachment 3).

The guest area consists of a one bedroom suite with deck. The guest unit is not visible from the public right of way. The driveway to the home provides the required parking and the applicants are proposing that they will not install signage at the site (Please refer to Site Plan in Attachment 2, and photos in Attachment 3).

The the proposed site is a single family home site. The portion proposed for rent is attached to the home, but could function as a stand alone unit. There is a doorway connecting the two portions of the home. The applicants reside in the primary portion of the home and seek to make the attached portion of the home available for a one room rental. The proposed operation will be available to a maximum of two guests at a time.

The property is zoned R-1 Single Family Residential in the zoning Code and low density residential in the General Plan Land Use Designations. Bed and Breakfast is allowed in R-1 provided a Use Permit is granted.

Converting this site into this particular use will require no additional construction such as new parking, new construction of facilities, and no signage.

ENVIRONMENTAL RECOMMENDATION

This project, which is to utilize an existing facility for proposed Bed and Breakfast is exempt from CEQA Pursuant to CEQA Guidelines Section 15301, Existing Facilities. See Notice of Exemption Attachment 6.

DISCUSSION

Chapter 18.21 regulates the placement and operation of Bed and Breakfast (B&B) establishments within the City of Mt. Shasta. Locating a B&B in R-1, R-2, R-3, C-1, and C-2 zones (all zones) requires a Conditional Use Permit.

General requirements for B&B's are found in Sections 18.21.030 Subsection A-C.

18.21.030 General requirements.

(A) In addition to any and all required permits and conditions pursuant thereto, and irrespective of whether a use permit is required in a particular instance, all bed and breakfast inns and facilities are subject to other provisions of this title.

(B) The establishment of bed and breakfast inns and facilities in any particular location shall be harmonious with the character of the neighborhood and zone in which they are to be located.

(C) The number of required off-street parking spaces is of concern in the establishment of bed and breakfast inns and facilities, and shall comply with MSMC 18.21.060. (Ord. CCO-11-05 § 71, 2011; Ord. CCO-94-04, 1994).

Minimum Parking Standards

The number of parking spaces provided for B&B's and facilities shall be as follows: one off-street parking space for each rental room in addition to existing required off-street parking for the occupying owner/manager. (Ord. CCO-94-04, 1994)

While the "general requirements" are mostly a technical requirement addressing parking, and general zoning compliance, the primary requirement that needs Planning Commission

discretion is that B&B's "shall be harmonious with the character of the neighborhood and zone in which they are to be located."

For the purpose of addressing the finding that the project is harmonious with the character of the neighborhood, staff wishes to establish a baseline of how R-1 properties are typically used and can be used. See Site Plan Attachment 2.

Bed and Breakfast Compared to Current Allowed Uses

The neighborhood is an area of single family detached homes. Uses allowed in a single family home are mostly residential uses. However, single family homes in R-1 Districts are also allowed to have second units (as per Chapter 18.22) and can also have Businesses in the Home (as per Chapter 18.40).

Home owners and renters (including those long term renters of second units) typically have a reasonable expectation to use property for typical activity such as having personal guests, have barbecues, entertain guests at parties, and have out of town guests overnight if desired. In addition, residents can allow out of town guests in recreational vehicles park in driveways up to two weeks. All of these scenarios are allowed, yet regulated by virtue of nuisance laws and other laws pertaining to disturbing the peace.

This particular property has a portion of the home set up as a secondary attached unit. Secondary units are allowed in the City typically called granny units. In our city, and throughout the state secondary units *can be rented to long term renters (As per the State of California and City of Mt. Shasta).*

With that, this property could rent the second unit or room out to additional residents and the additional residents would reasonably expect to come and go as pleased, entertain their own guests and friends and have visitors daily and use the unit much like any other residence in the area.

Renting a single room as a B n B unit to no more than two does not give provide the same autonomy as a granny unit. On-site management of guest behavior is a primary difference. The management has full control over setting rules of conduct on the premises. This could be in the form of noise policy, and even curfews if needed. In addition, limits on amount of guests, and amount of vehicles.

A Bed and Breakfast is also a business. According to Chapter 18.40 of the Municipal Code, "Businesses in the home" are allowed in all R-1 zones. In fact the City policy encourages Businesses in the Home (Chapter 18.40). The primary rule of thumb of allowing a business in the home is to allow the business, but the business is typically not to be readily visible to the typical passer-by. If any proposal for any other Business in the Home is proposed (for example those with foot traffic) the business is subject to a use permit.

In comparison with the allowed uses for the attached yet separate unit, it is entirely reasonable to assume a managed B n B has less potential for nuisance behavior than what could occur with a small household with no restrictions on vehicles or residents "coming and going at all hours of the night." In addition, this is entirely different from a Vacation Rental.

Not a Vacation Rental.

The proposed project is not a “vacation rental,” it is specifically for a B and B with limits on number of guests and the presence of on-site management.

By nature, vacation rentals are not supervised by on-site management. An off-site agent rents the entire house to a vacationing group or family, or multiple families, hands over the keys, provides contact information for the guests and the vacationers simply go to the site and move in. Many problems are associated with Vacation Rentals. This subject has been discussed at length in public over the recent years in Mt. Shasta. Many problems may arise when a large group rents an unsupervised vacation rental in any area. For decades the City has prohibited vacation rentals in the R-1 zone— and that prohibition remains in effect today.

On Site Management is Key

In the case of a B and B the owners and operators are on site and occupy the site as their residence and are there during the stay of guests. By law, Bed and Breakfasts can have up to five rooms available provided the site is suitable.

On-site management is key in helping to ensure the often raised concerns are addressed. The owners are able to place rules of conduct of the guests and be present to respond to any issues that come up regarding noise, overcrowding, and general behavior that could impact the neighborhood.

The applicants in this case have provided their own policy that the guests are held responsible for (See Attachment 4 - House Rules). In brief, the rules address times of activity and times of quiet, smoking, parties, additional guests, and child policy.

In this case, with no visible signage proposed, and the unit intended for use is not seen from the Right of Way, a one room two guest limit, rules of conduct, and ample off-street parking for one room, it is reasonable to assume that the proposed business can be harmonious with the character of the neighborhood — especially when a B n B use is compared to what is currently allowed in the district.

It is Staffs opinion that the use, as proposed and with active on-site management and implementation of the management policy can be found to be harmonious with the neighborhood.

If conditioned correctly, the proposed project could be a rather benign use.

Other concerns.

Chapter 18.21 requires several items in the application. Staff has provided the applicants project description and included the correspondence with the County Health Department (see Attachment 5).

The applicant has submitted everything the ordinance requires.

Summary:

The proposed project as submitted is consistent with the provisions set forth in Chapter 18.21 of the Municipal Code. The applicants have House Rules of conduct that address noise, parties, additional guests, and limit the room to two guests. The unit is attached, they provide ample off-street parking, and there will be no signage.

RECOMMENDATION & FINDINGS

Findings for the Conditional Use Permit

The Planning Commission should review the staff report, consider any public testimony, and determine if the following findings can be made. The Planning Commission may also introduce and adopt additional findings if sufficient evidence exists to support the additional findings.

Pursuant to Section 18.29.020 of the Municipal Code, in order to approve or extend a conditional use permit, the Planning Commission shall make the following findings:

(A) The proposed use is consistent with the Mt. Shasta General Plan, any applicable specific plan, and the provisions of this code.

Discussion: This project is processed in compliance with the existing code. Existing Code was found to be consistent with the General Plan upon adoption.

(B) The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements.

Discussion: Evidence on the record demonstrates that the property is suitable for this project. The site has the attached unit meets set-backs, has required parking and will have no additional construction or signs.

(C) The proposed land use is compatible with neighboring land use and zoning.

Discussion: The evidence demonstrates that this use is not unlike the currently allowed uses in this zoning district. The use IS allowed by virtue of a use permit. The physical site and design is consistent with current construction in the area (attached unit with deck) and the rental unit is not visible from the street. House rules provided by the applicant are more constraining than the typical common sense rules of any neighborhood. No additional signs or parking areas will make the property stand out from other similar properties.

(D) The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access, or have been amended by conditions of project approval to satisfy the access requirements.

Discussion: This property fronts McCloud Avenue. A primary east - west collector street and is up to the construction standards.

(E) Conditions of project approval are necessary for protection of the public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Discussion the conditions are placed to ensure implementation of the project as proposed, which is compliant with current codes and Chapter 18.21. The Planning Commission may add conditions if appropriate and reasonable related to a known issue or point of law.

(F) Any requirements for the dedication of land are reasonably related to the use of the property.

N/A

(G) The requirements for the posting of improvement security for installation of public or private improvements is reasonably related to the use of the property. (Ord. CCO-09-02, 2009)

N/A

RECOMMENDATIONS AND CONDITIONS

Staff has reviewed the proposed project, met with the applicant, and believes that compliance with Chapter 18.21 of the Municipal Code has been achieved. Conditional Use Permit findings are provided below.

The Use Permit was properly noticed in the local paper, and public hearing notices were mailed to the owners of property within 300' as per California State Law.

If the Planning Commission can make the required findings for the Conditional Use Permit, then Staff Recommends that the Notice of Exemption should be adopted, and the Conditional Use Permit be approved.

Conditions of Approval

1. The applicants obtain a business license and register to pay the City Transient Occupancy Tax.
2. The proposed Bed and Breakfast Inn is operated and used as the application submittals are presented.
3. The House Rules are strictly implemented.

ATTACHMENTS

1. Project Description
2. Site Plan
3. Site Photos
4. House Rules
5. Letter from Health Dept
6. Notice of Exemption

PROJECT DESCRIPTION

PROJECT NAME-Furry B & B/ Conditional Use Permit

SITE ADDRESS-510 McCloud Ave., Mount Shasta

ASSESSOR'S PARCEL # 057-511-140-000

Describe in detail your proposed project, including all proposed uses, special materials, special features or appliances and any grading and/or construction which must be done to establish your project. Refer to project guideline for specific submittal requirements. (Attach additional sheets if necessary)

Purpose : Seeking to comply with City regulations to operate a Bed and Breakfast in Mount Shasta by submitting a Conditional Use Permit.

- The project would not require any major construction that we are aware of.
- Our property consists of a main home, garage and a separate self-contained cottage which is not visible from the street. We reside in the main house full time and will be onsite operators of the B&B. We do not require additional employees.
- The cottage consists of a 500 square foot guest suite; one bedroom with a small kitchenette, full bath, living room/dining space and a private deck. Cottage has a separate entrance and an additional exit through doors off the bedroom.
- The property has additional parking in front of the main house which is off the street. We have a contract for snow removal on all parking spaces. Guest parking space can accommodate two vehicles and this is in addition to our garage and driveway for our personal vehicles.
- We have walkway lighting for guests arriving at night.
- At this time we are not considering the addition of signage for our B&B and will complete all guest bookings fully online.

Related to relevant codes:

18.21.020 Definition

We will be renting the cottage suite to accommodate overnight guests. The suite is located in an existing structure. We will be providing breakfast and the accommodation fee will include the breakfast.

Breakfast will be limited to the overnight paying guests, once each day. Breakfasts shall consist of the following options: granola, fruit, coffee, tea, toast, eggs, muffins, etc.

(Ord. CCO-94-04, 1994)

18.21.030 General Requirements

B-Character of the neighborhood

There is no visible evidence of the cottage from the street as it is located behind our primary residence. We do not intend to post signage.

C-MSMC 18.21.060 (Ord. CCO-94-04, 1994)

Per this section-one parking space per rental room-

Our guests will be limited to two individuals requiring only one parking space per occupancy. This is in keeping with the number of cars parked outside any of the neighboring homes adjacent to our property. There will be no change to the character of the neighborhood created by the approval of this Conditional Use Permit.

Paying guests will create no significant impact, visual or otherwise, to the neighborhood. To anyone passing by the residence the additional car could belong to friends or family.

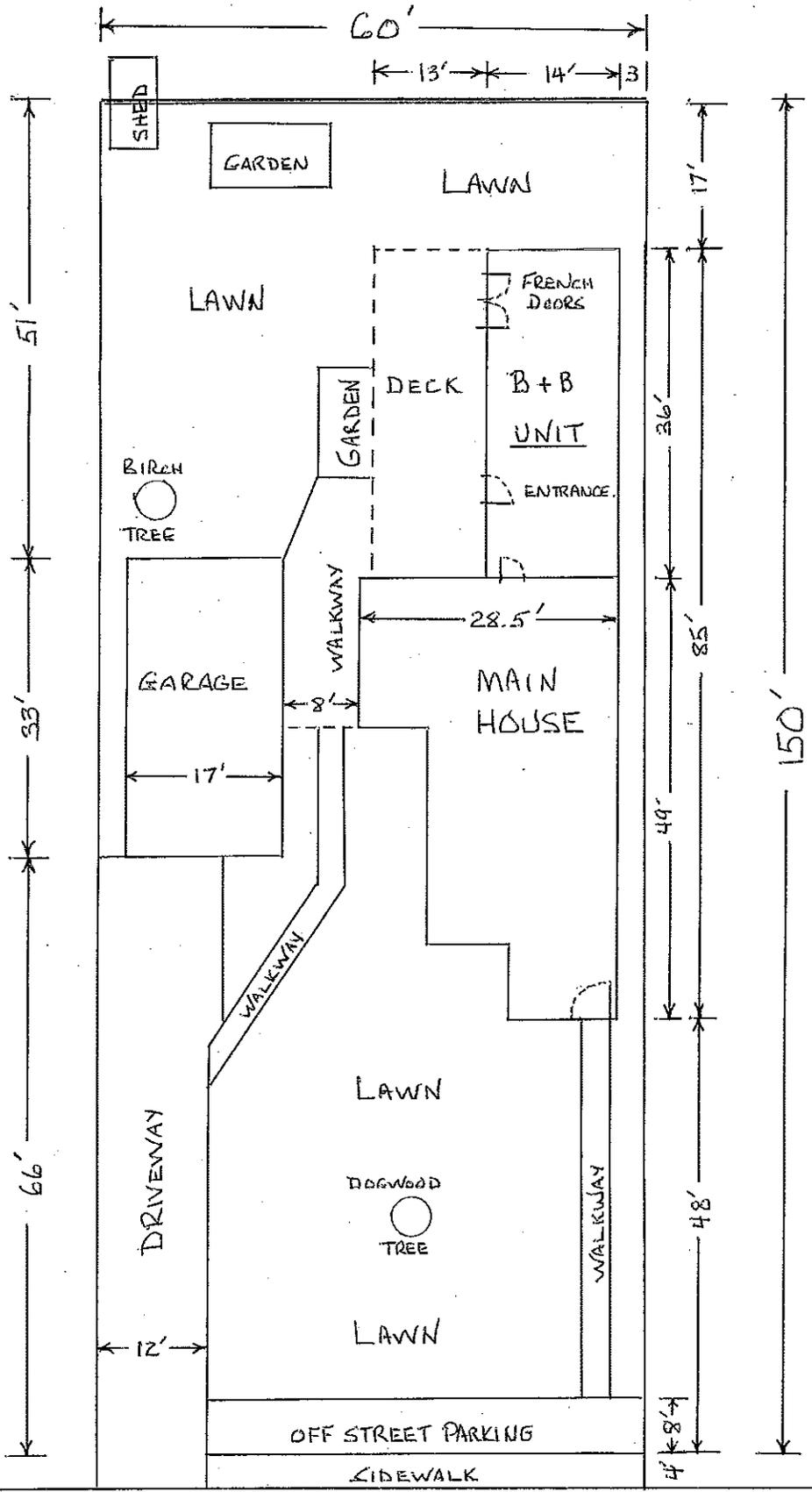
18.21.070 Number of units

C-this permit is for one rental suite only, with a maximum of two guests per occupancy.

D-Maximum Occupancy will not exceed two weeks. (ORD. CCO-94-04. 1994)

CONDITIONAL USE PERMIT - SITE PLAN FOR BED AND BREAKFAST
 510 McCLOUD AVE, MT SHASTA, CA.

RANDY + LAURIE FURRY ASSESSOR'S PARCEL # 057-511-140-000







Hideaway Cottage House Rules

No smoking of any kind
Not suitable for pets
No parties or events
Not child-friendly (0-12 years)
Check-in is after 3PM
Check out is noon

Non-smoking guests only please-no smoking of any kind inside or outside at the cottage please.

Sorry, no pets; dander-free cottage. We do not make exceptions on this house rule, sorry. :(We know there are listings in Shasta that are pet-friendly)

Quiet hours for residential neighbors please; before 8:00 am and after 10:00 pm. You may stay out on the deck as long as the quiet hours are respected.

Please park in the space in front of the main house or pull up into the driveway.

No overnight guests other than the guests who are officially booked. Our guests are all verified and this is a safety policy for our guests, our neighbors, as well for us. Please add a profile picture so we can be sure you are our special guests.

No parties with additional guests/friends please. The Hideaway Cottage B&B is a couple's retreat in a quiet neighborhood and we love our neighbors as much as our guests!

Hello Laurie,

Here is the information you requested:

Siskiyou County Environmental Health permits Bed and Breakfast establishments to operate pursuant to the California Retail Food Code. Bed and Breakfast facilities are classified as a restricted food service facility, which is defined by Section 113893 of the California Retail Food Code as:

113893.

(a) "Restricted food service facility" means either of the following:

(1) A food facility of 20 guestrooms or less that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal and no other meals, and that includes the price of food in the price of the overnight transient occupancy accommodation.

(2) An agricultural homestay facility that meets all of the following requirements:

(A) Has not more than six guest rooms or accommodates not more than 15 guests.

(B) Provides overnight transient accommodations.

(C) Serves food only to its registered guests and serves meals at any time, and includes the price of food in the price of the overnight transient occupancy accommodation.

(D) Lodging and meals are incidental and not the primary function of the agricultural homestay facility.

(E) The agricultural homestay facility is located on, and is a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income.

(b) Notwithstanding subdivision (a), a restricted food service facility may serve light foods or snacks presented to the guest for self-service.

(c) The predominant relationship between the occupants of a restricted food service facility and the permitholder of the facility is that of innkeeper and guest. For purposes of this section, the existence of some other legal relationships as between some occupants and the permitholder shall be immaterial.

Best regards,

Nicole Peterson

Siskiyou County Community Development

Environmental Health

530-841-2115

npeterson@co.siskiyou.ca.us

Notice of Exemption

To: Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

County Clerk
County of Siskiyou
510 North Main Street
Yreka, California 96097-2525

Project Title: Furry Bed and Breakfast Inn

Project Location – Specific: 510 McCloud Avenue, Mt. Shasta, APN 057-511-140

Project Location – City: City of Mt. Shasta **Project Location – County:** Siskiyou

Description of Nature, Purpose & Beneficiaries of Project: The project would install approximately Conditional Use for B n B at existing residence

Name of Public Agency Approving Project: City of Mt. Shasta

Name of Person or Agency Carrying Out Project: Randy and Laurie Furry

Project Approval: This is to advise that the Mt. Shasta Planning Commission has approved the above described project on June 21, 2016 and has made the following determination regarding the project.

Exempt Status: *(check one)*

- Categorical Exemption CEQA Reference §15301;
- Ministerial Exemption (§21080(b)(1); 15268);
- Declared Emergency (§21080(b)(3); 15269(a));
- Emergency Project (§21080(b)(4); 15269(b)(c));

Reasons Why Project Is Exempt:

This is exempt because it is a Use Permit for use of an existing facility

Lead Agency Contact Person: Keith McKinley, City Planner **Area Code/Phone:** 530/926-7510

Signature: _____ **Date:** _____ **Title:** City Planner

Date received for filing at OPR:

**Mt. Shasta Planning Department
Staff Report
June 21, 2016**

Project Number: 2016.45

Property Owner: Lily Stephen
301 E. Lake St.
Mt. Shasta, CA 96067

Request: Conditional Use Permit - Part Time Auto Dealership

Parcel Number: 057-192-190

Property Size: 50 x125

General Plan Designation: Commercial Center

Zoning: C-1, Downtown Commercial

Environmental Recommendation: Exempt, Section 15301 existing site.

Recommendation: Discuss project and findings, if findings can be supported, approve project.

PROJECT OVERVIEW

This project is for allowing the occasional use of two spaces of an existing parking lot for display of occasional used cars pursuant to Section 18.16.030 and all state auto-dealership licensing requirements at 402 Chestnut St. The applicant desires to sell used cars one or two at a time. To do this, the Department of Motor Vehicles requires a display space, sign, and office. In order to establish this business, of any size, on the proposed site, the applicant must obtain a CUP for auto-dealership pursuant to Municipal Code.

See Attachment 1 for Applicants project description.

The applicant has been informed that any dealer of vehicles is subject to the Municipal Code and was cited for continuing the display and sale of vehicles at this site. At this time the applicant is pursuing the CUP as part of the process to begin the licensed sale of up to two vehicles at a time at the location described herein.

The project will not be operational until the required dealers license from the Department of Motor Vehicles is obtained.

Project Setting

The project site is located at 402 Chestnut. The site is surrounded by commercially zoned property along with several residential uses. Near-by land uses are a mix of residential (note residential in Commercial Zones is allowed yet many were established prior to the current Zoning Code), One property was granted a CUP for a B an B, other uses include an auto-body shop, video store, Sewing Supply, Crystal and Gem Shop and the main commercial center of

the City is one block to the west. Residential uses are generally found to the east of the site. An air photo is attached at Attachment 4 for locational reference.

DISCUSSION

This project, as described in attachment 1, is for two vehicle display areas in an existing lot at 402 Chestnut (See Site Plan attachment 2). Also, please see the attached photograph of the display site (Attachment 3). The visible change on-site will be the use of a two parking spaces in the front of the property. In the space shown, up to two vehicles will be placed there on occasion for sale. Also, some additional signage will be added to existing sign on site.

The process for establishing an auto dealership of any volume is done through the California Department of Motor Vehicles. It is a detailed process and if the "Dealer" license is not obtained, then the Use Permit will not be operational.

The following are selected State of California regulations that are applicable to this project:

- While there are certain exceptions, as defined in California Vehicle Code (CVC) Section 286, in general, a "vehicle dealer" is typically a person who, on a full or part-time basis, buys, sells, trades, or arranges the purchase, sale or trade of vehicles, expecting some compensation or benefit.
- The display area of the principal place of business shall be of sufficient size to physically accommodate vehicles of a type for which the dealership is licensed to sell. The display area must be clearly for the exclusive use of the dealer for display purposes only.
- Additional display areas are permitted within a radius of 1,000 feet from the principal place of business and any licensed branch location without being subject to separate licensing. However, such display areas must also meet the signing requirement.
- Signs must be of a permanent nature, erected on the exterior of the office or on the display area, and be constructed or painted and maintained so as to withstand reasonable climatic effects and be readable as provided for in CVC Section 11709, CCR, Title 13, Section 270.06
- Every such sign erected or posted, on an established place of business, shall have an area of not less than two square feet per side displayed and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet. This section shall not apply to a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers.
- (b) Notwithstanding Section 11704 and this section, a dealer may display vehicles at a fair, exposition, or similar exhibit without securing a branch license, if no actual sales are made at those events and the display does not exceed 30 days.
- (c) All vehicles displayed pursuant to subdivision (b) or (e) shall be identified by a sign or device providing information relating to the dealer's name and the location and address of the dealer's established place of business.

Site Suitability

This site is not suitable for a full sized auto-dealership. Detailed review would be needed to satisfy a change of use to that specific land use. However, this request is for a small operation, creating two spaces and a sign. The question is how to limit the use to keep it "limited" as described in the project description. The permit must be very specific, if granted.

Under no circumstances should a permit of this nature be construed to allow a full "car-lot" at any time in the future unless an application is submitted to modify the permit. Staff is cautious

about the terms of the use permit due to the possibility that this permit is construed to be for allowing an expansion of use to allow a used car –lot at the location. If the building is destroyed or demolished in the future, subsequent property owners could attempt to exercise the Use Permit inappropriately. Care must be taken to allow only a narrow or specific operation on-site.

If only used as described in the applicants project description, the site could be utilized without notice due to the location of the proposed display site.

One comment letter opposed to the project was received. Letter is attached. Staff is unsure whether the commenter is aware of the details of the project for they have not reviewed the file.

Use Permit is Not a License to Sell Used Cars

Section 285 of the California Vehicle Code (CVC) defines a dealer who:

(a) For commission, money, or other thing of value, sells, exchanges, buys or offers for sale, negotiates or attempts to negotiate, a sale or exchange of an interest in a vehicle subject to registration or a motorcycle, snowmobile, subject to identification under this code, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle; or

(b) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by the person. The Use Permit is for the land use only. It is not a “Dealer” permit pursuant to the State of California Department of Motor Vehicles.

To engage in the business of selling used cars, of any volume, the applicant will be required to obtain a license for auto dealer from the Dept. of Motor Vehicles pursuant to Section 11700 et seq of the California Vehicle Code.

The license requirements are extensive, and include a plethora of requirements that may or may not be possible to complete. It is important for the Commission and the applicant to understand that the licensing requirement for this business must be completed prior to operating the business, if the CUP is approved.

Getting the land use authorization is one step toward being able to sell vehicles as a Dealer in the state of California.

In this case we are only allowing the two spaces to be used as display. This is not a license to operate a dealership. The license to operate as a “dealer” (As defined in Section 285 of the Vehicle Code) is granted by the Dept of Motor Vehicles.

Since there are many requirements that the applicant is responsible to provide to the DMV, the conditional use permit is only valid if the applicant can complete the licensing process and has a dealers license.

To ensure the appropriate license is obtained, a Condition of Approval approval is placed on the project that if approved, that no vehicles shall be displayed for sale on site until the applicant can provide proof of a license issued by the State pursuant to Section 11700 et seq.

Conclusion

The site is an existing site with parking lot adjacent to a public right-of-way. The land use is consistent with the zoning code with the issuance of the Use Permit. Uses that are granted a use permit are implied to be consistent with the General Plan. The site is existing and in the commercial center of the city, therefore no impacts are expected as there are no new structures proposed.

RECOMMENDATIONS AND FINDINGS

Staff has reviewed the application materials and regulations, made a site visit and met with the project representative. Based on the material in the record and the information provided in this staff report, staff recommends that if the Planning Commission can make the findings below, then adopt the Notice of Exemption and approve Project 2016.45 with conditions listed. ,

Findings

Pursuant to Section 18.29.020 of the Municipal Code, in order to approve or extend a conditional use permit, the Planning Commission shall make the following findings:

(A) The proposed use is consistent with the Mt. Shasta General Plan, any applicable specific plan, and the provisions of this code.

Discussion: This project is processed in compliance with the existing code. Existing Code was found to be consistent with the General Plan upon adoption.

(B) The subject property is adequate in land area to accommodate the proposed project,

Discussion: Evidence on the record demonstrates that the property is suitable for this project. the area is a paved portion of an existing parking area.

(C) The proposed land use is compatible with neighboring land use and zoning.

Discussion: The evidence demonstrates that this use is not unlike the currently allowed uses in this zoning district.

(D) The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access, or have been amended by conditions of project approval to satisfy the access requirements.

Discussion: This property fronts Chestnut Street.

(E) Conditions of project approval are necessary for protection of the public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Discussion the conditions are placed to ensure implementation of the project as proposed.

(F) Any requirements for the dedication of land are reasonably related to the use of the property.

N/A

(G) The requirements for the posting of improvement security for installation of public or private improvements is reasonably related to the use of the property. (Ord. CCO-09-02, 2009)

N/A

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to displaying any vehicle for sale or operation the used car business, the applicant shall submit the auto dealer license issued by the State of California to the Planning Department for verification and the permanent file.
2. The Applicant shall maintain the Dealer License and report any changes, revocation, or other status changes. If there is no active Dealers License issued by DMV, the permit is not valid.
3. The project is carried out specifically as submitted and as described in applicant's project description and as shown on the site plan.
4. No additional spaces beyond the stated two spaces can be made available for display. This is for up to two vehicles at a time to satisfy requirements of dealer licensing pursuant to California Dept of Motor Vehicles.
5. No employee or customer parking is to be used for display of any used vehicle for sale at any time in the future. If inventory is more than two vehicles, a new site shall be purchased or leased and subsequent CUP shall be obtained for the new site, and CUP for current project site shall be revoked if needed.
6. All sales and other activity by appointment only, no open houses, as described in submitted application
7. Sign Permit pursuant to Title 8 of the Municipal Code will be required before beginning the operation, the sign shall be as required by DMV and is to be attached or made part of existing sign at site, or placed either in the window or flush-mounted onto building.
8. Any modification to the project in operation of the car dealership either proposed by applicant or in response to State Licensing requirements at the site shall be reviewed by the Planning Commission in a Public Hearing.

ATTACHMENTS

1. Applicants description of the project
2. Map of Parcel
3. Photograph of display parking site
- ~~4. Air photo~~
4. 5. Notice of Exemption

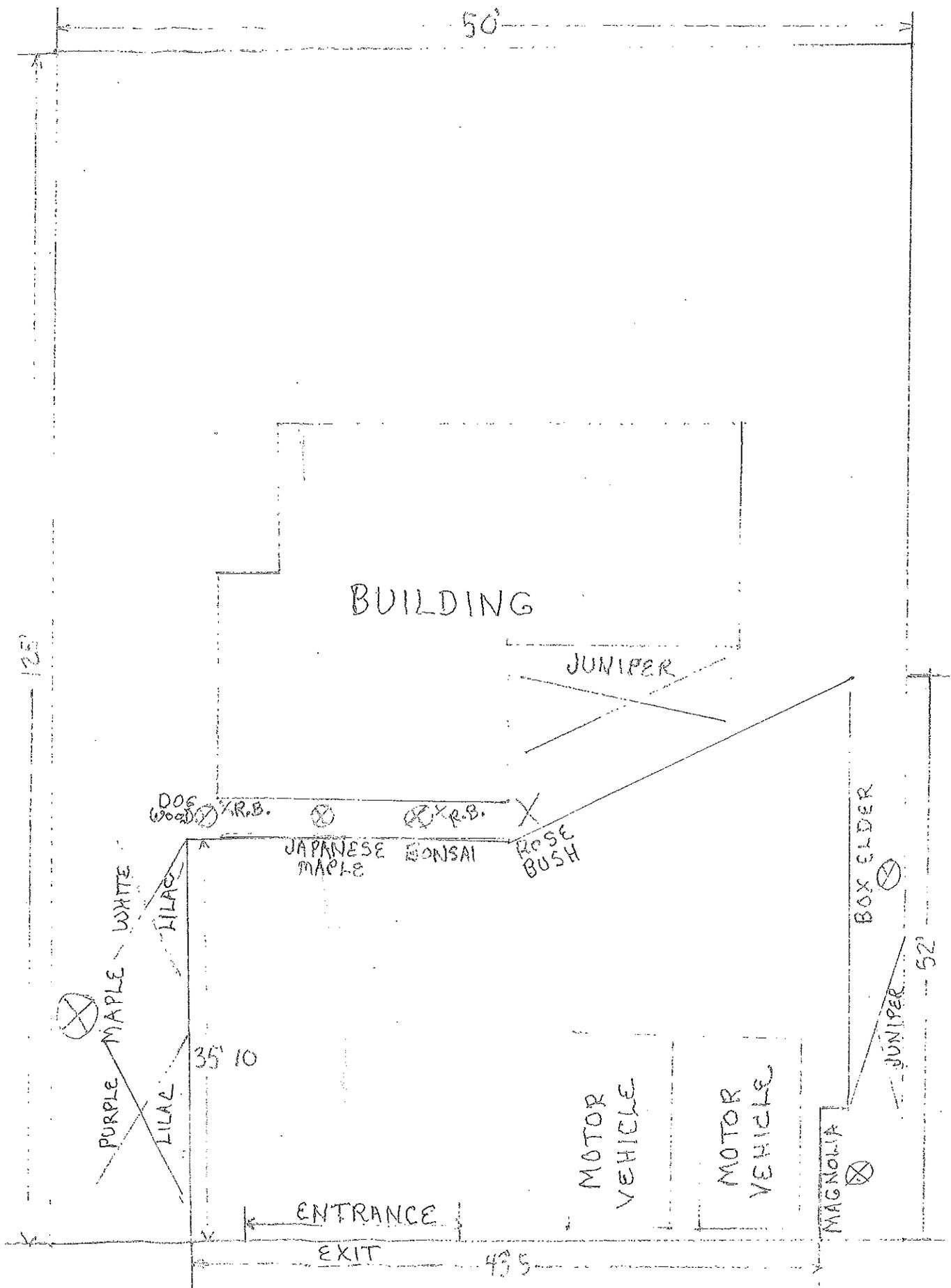
305 NORTH MT. SHASTA BOULEVARD
MT. SHASTA, CALIFORNIA 96067
(530) 926-7510 TELEPHONE *** (530) 926-0339 FAX

PROJECT DESCRIPTION

PROJECT NAME Motor Vehicle Sales
SITE ADDRESS 402 Chestnut Street
ASSESSOR'S PARCEL # 057-192-190-000

Describe in detail your proposed project, including all proposed uses, special materials, special fixtures or appliances, and any grading and/or construction which must be done to establish your project. Refer to project guideline for specific submittal requirements. (Attach additional sheets if necessary)

At the parking lot at 402 Chestnut Street, the proposal is to occasionally park for sale up to two personal motor vehicles. This will entail no changes to the property whatsoever. Benefits to the public include generating money spent with other businesses such as Bjers Auto Repair and Longhair Collision Works. Approximately 80% of interested parties come from out of town and spend money locally at restaurants, etc. The proposed usage at this address is in harmony with Bjers Auto Repair immediately across the street.





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County Clerk
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510 North Main Street
Yreka, California 96097-2525

Project Title: Used Auto Display

Project Location – Specific: 402 Chesatnut St. Mt. Shasta CA.

Project Location – City: City of Mt. Shasta **Project Location – County:** Siskiyou

Description of Nature, Purpose & Beneficiaries of Project: The project would install approximately Conditional Use for Used Vehicle Display

Name of Public Agency Approving Project: City of Mt. Shasta

Name of Person or Agency Carrying Out Project: Lily Stephen

Project Approval: This is to advise that the Mt. Shasta Planning Commission has approved the above described project on June 21, 2016 and has made the following determination regarding the project.

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Lead Agency Contact Person: Keith McKinley, City Planner **Area Code/Phone:** 530/926-7510

Signature: _____ **Date:** _____ **Title:** City Planner

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