

AGENDA

City of Plymouth

PLANNING COMMISSION

REGULAR MEETING
THURSDAY, OCTOBER 21, 2021
6:30 P.M.



9426 Main Street, Plymouth, California

William Klaproth, Chair

Melvin Cossairt, Commissioner
Jason Ralphs, Commissioner

Stephanie Moreno, Commissioner
Michael Sullivan, Vice-Chair

PLEASE NOTE: The Planning Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. Members of the public who wish to speak may be subject to a three (3) minute maximum time limit when addressing the Commission, and/or the Commission may require speaker identification sheets be submitted to the Planning Commission Secretary prior to being called upon by the Chairman to provide public comment.



**CITY OF PLYMOUTH
PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, OCTOBER 21, 2021 at 6:30 PM**

Plymouth City Hall - 9426 Main Street Plymouth, California

PLANNING COMMISSION MEETING IN-PERSON OR VIA ZOOM

CORONAVIRUS (COVID-19) ADVISORY

Pursuant to Assembly Bill (AB) 361, this meeting will be held in-person and electronically. In-person participation by the public is permitted and remote/electronic public participation is also available in the following ways:

Join the meeting via Zoom with the link below.

<https://us02web.zoom.us/j/81660979009?pwd=SExiWmV0ZU4vR3lrOERpRkkzVC96Zz09>

Or, dial in by phone: 1 669 900 9128 US

Meeting ID: 816 6097 9009
Passcode: 185324

Members of the public participating electronically via this link and wishing to speak may do so during public comment, by using the "Raise Hand" feature in the Zoom webinar. When dialing in by phone use *9 to raise and lower your hand and *6 to mute and unmute your phone. Thank you.

Written comment cards can be given to the Planning Commission Secretary prior to the start of the meeting. Comments can also be submitted via email to dknight@cityofplymouth.org before 5:00 PM on the day of the meeting. All comments will be distributed to the Planning Commission and made part of the official minutes.

William Klapproth, Chair

Melvin Cossairt, Commissioner
Jason Ralphs, Commissioner

Stephanie Moreno, Commissioner
Michael Sullivan, Vice-Chair

1. CALL TO ORDER/ROLL CALL:

- Roll Call
- Flag Salute

2. APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA FOR OCTOBER 21, 2021

3. PUBLIC COMMENT:

In accordance with California Government Code Section 54954.3, the public may address the Planning Commission on any item concerning subject matter that is within the Planning Commission's jurisdiction. However, no action may be taken on

items not posted on the agenda, other than to briefly respond, refer to staff, or to direct that an item be placed on a future agenda.

4. PRESENTATIONS:

None

5. CONSENT CALENDAR ITEMS:

All matters listed under the Consent Calendar are to be considered routine and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

5.1 APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA MINUTES OF SEPTEMBER 2, 2021

6. PUBLIC HEARINGS:

None

7. UNFINISHED BUSINESS

7.1 CONTINUED DRAFT ORDINANCE DISCUSSION AND DIRECTION REGARDING REGULATING SHORT TERM VACATION RENTALS

RECOMMENDATION: Review and discuss draft ordinance with matrix prepared by Planner Erin Ventura as directed at the last Planning Commission meeting. Take public comment, and direct staff on changes needed or other possible direction.

8. NEW BUSINESS

None

9. REPORTS

- Commission
- Chairperson
- Planning Director
- City Staff

10. ADJOURNMENT

The next regularly scheduled Planning Commission meeting date is November 18, 2021. The meeting will begin at 6:30 PM.

CERTIFICATION OF POSTING OF AGENDA

I, Dana Knight, Planning Commission Secretary for the City of Plymouth, declare that the foregoing agenda for the October 21, 2021 Regular Meeting of the Plymouth Planning Commission was posted and available for review on October 18, 2021 at the City Hall of the City of Plymouth, 9426 Main Street, Plymouth, California, 95669. The agenda is also available on the city website at www.cityofplymouth.org.

Signed October 18, 2021 at Plymouth, California

//s//

Dana Knight
Planning Commission Secretary

5.1



CITY OF PLYMOUTH
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, SEPTEMBER 2, 2021
at 6:30 PM

Plymouth City Hall - 9426 Main Street Plymouth, California

PLANNING COMMISSION MEETING IN-PERSON OR VIA TELECONFERENCE
1-978-990-5000 / ENTER CODE: 550802

COVID-19

Pursuant to Governor Newsom’s Executive Order N-29-20, members of the City of Plymouth Planning Commission and/or staff may participate in this meeting via a teleconference. Members of the public are welcome to participate in-person or telephonically by calling 1-978-990-5000, Enter Code: 550802, or by submitting comments on any item via email to the Planning Commission Secretary at dknight@cityofplymouth.org before 5:30 PM on the meeting date, or on a comment card on or before 5:00 PM on the meeting date. Comment cards are available at City of Plymouth website “Government/Notices”.

William Klapproth, Chair

Melvin Cossairt, Commissioner
 Jason Ralphs, Commissioner

Stephanie Moreno, Commissioner
 Michael Sullivan, Vice-Chair

1. ROLL CALL TO ESTABLISH A QUORUM:

Planning Commissioners Present: Melvin Cossairt, Bill Klapproth, Stephanie Moreno,
 Jason Ralphs, Michael Sullivan

Planning Commissioners

Via Teleconference: None

Planning Commissioners Absent: None

Staff/Advisory Present: Planning Director Erin Ventura,
 Planning Commission Secretary Dana Knight

2. APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA FOR SEPTEMBER 2, 2021

Motion to approve the Regular Meeting Agenda for September 2, 2021, by Commissioner Ralphs, second by Commissioner Moreno. Motion passed by consensus vote 5 Ayes / 0 Nays. With 0 Abstain votes. With 0 Absent.

3. PUBLIC COMMENT:

SPOKE: Carol Emerson asked about the Facebook Live feed and said that it is still hard to hear.

4. PRESENTATIONS:

None

5. CONSENT CALENDAR ITEMS:

5.1 APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA MINUTES OF AUGUST 5, 2021

Commissioner Moreno asked that the Minutes be amended to correct the spelling of Mara Feeney's name in Item 8.2 and that in the Reports section her comment be changed to show that she was referring to having the Wildland Urban Interface (WUI) be put on a future agenda.

Motion to approve the August 5, 2021 meeting Minutes as amended by Commissioner Moreno, second by Commissioner Sullivan. Motion passed by consensus vote 5 Ayes / 0 Nays. With 0 Abstain votes. With 0 Absent.

6. PUBLIC HEARINGS:

None

7. UNFINISHED BUSINESS

7.1 CONTINUED DISCUSSION REGARDING REGULATING SHORT TERM VACATION RENTALS, REVIEW DRAFT PROVISIONS FOR DISCUSSION AND FURTHER POSSIBLE DIRECTION

RECOMMENDATION: Review and discuss draft ordinance with matrix prepared by Planner Erin Ventura as directed at the last Planning Commission meeting. Take public comment, and direct staff on changes needed or other possible direction.

SPOKE: Elizabeth Pinotti spoke of the need for Short Term Vacation Rentals. They bring in people to Plymouth that spend money in Plymouth. The matrix is within the Airbnb guidelines.

SPOKE: Steve Pinotti spoke regarding the matrix suggestions for Short Term Rentals. He suggests that a higher number of people should be able to stay overnight than is suggested. Parking should be on a case-by-case basis. The permit should be simple and not an Administrative Use Permit and there should be a local contact person in town.

SPOKE: Carol Emerson commented about the Administrative Use Permit noticing process needing to be revised.

After a lengthy discussion a Motion was made by Commissioner Moreno to have Planning Director Erin Ventura draft an ordinance with an updated matrix to bring back to the Planning Commission before it goes to the City Council for approval. Second by Commissioner Sullivan. Motion passed by consensus vote 5 Ayes / 0 Nays. With 0 Abstain votes. With 0 Absent.

Per Planning Director Erin Ventura Enforcement and Penalties will be part of the matrix to be presented to the City Council as part of the ordinance.

8. NEW BUSINESS

8.1 DISCUSSION REGARDING CHANGING THE PLANNING COMMISSION MEETING SCHEDULE TO HAVE THE PRIMARY MEETING ON THE 3RD THURSDAY OF THE MONTH.

RECOMMENDATION: Hold a discussion and make a decision regarding changing the day.

After discussion a Motion was made by Commissioner Moreno to change the primary monthly Planning Commission meeting to the 3rd Thursday of the month, beginning with the October 21, 2021, meeting and if a second meeting is required it be on the 1st Thursday of the month. Motion Passed by roll call vote with 5 Yes votes; by Planning Commissioners Cossairt, Klapproth, Moreno, Ralphs and Sullivan; 0 No votes, With 0 Abstain votes. With 0 Absent.

9. REPORTS

- Commission
*Commissioner Moreno would like the Traffic Study completed in 2019 be put on a future agenda to review. It could be put on as a Consent Calendar Item.
- Chairperson - None
- Planning Director
*The League of California Cities will hold a Planning Commissioners Academy in March of 2022. More opportunities for training will be made available as they come in.
- City Staff - None

10. ADJOURNMENT – 8:30

The next regularly scheduled Planning Commission meeting date is September 16, 2021. The meeting will begin at 6:30 PM

Respectfully submitted,

//s//

Dana Knight
Planning Commission Secretary

7.1



City of Plymouth

Planning Commission Meeting Staff Report

Item 7.1

Date:

October 21, 2021

Report by:

Erin Ventura, Planning Director

Policy, Program, Project or Issue Title:

Discussion regarding an ordinance regulating Short Term Vacation Rentals.

Issue Statement & Discussion:**BACKGROUND**

At the City Council meeting of May 27, 2021, a discussion was held regarding short term vacation rentals (STVR) within the City. During that meeting the City Council authorized and gave direction to staff to create a permitting/regulatory process for all properties that fit the description of a STVR within the City.

At the August 5, 2021 meeting of the Planning Commission, the Commission discussed and received comments regarding amendments to the Municipal Code to allow for the permitting and regulations of Short Term Vacation Rentals.

Staff brought draft regulations to the Planning Commission on September 2, 2021. During discussion and Public Comment, the Planning Commission made changes to the draft regulations and requested that staff bring them back for review prior to making a recommendations to the City Council.

DISCUSSION

Staff took the comments from the September 2, 2021 Planning Commission Meeting and put the following regulations together.

Permit Type: Non-transferable Administrative Use Permit. See attached PMC 19.14.030 Administrative Use Permits.

Fees: Flat permit fee of \$195. \$195 covers 3 hours of staff time. Based on other permits 3 hours is about the average time it takes to process an Administrative Use Permit. Sometimes the permits take less time, sometimes they take longer depending on the complexity. This also includes staff time for noticing.

Renewal fee of \$65 every three (3) years.

Permit Cap: 5% of residential units (22 Units). There are approximately 450 residential properties within the City at this time. If the City reaches capacity a waiting list will be created and property owners will be notified when a space opens up.

Owner Occupancy: If more than one unit is on the same parcel, the owner must occupy one of the units.

Length of Stay/Turnover: None.

Maximum Occupancy: 2 adults per bedroom, plus 2 additional adults. (Minor children are not counted towards capacity.) Additional guests allowed between 8:00 a.m. and 10:00 pm, total number of additional guests cannot exceed triple the allowed overnight guests.

Example:

Number of Bedrooms	Total Sleeping Capacity	Total Daytime Capacity
2	6 + minor children	18 + minor children
3	8 + minor children	24 + minor children
4	10 + minor children	30 + minor children

Parking: Number of vehicles cannot exceed onsite parking plus legal street parking adjacent to the site.

Emergency Contact: Local Contact must be on site or able to respond to issues on site within 20 minutes.

Information for Guests: Rules and regulations, plus visitors information must be provided.

Additional Regulations

1. Application should include the following:
 - a. Owner's contact information
 - b. Operator/Manager's contact information
 - c. Floor Plan identifying number of bedrooms, location of fire extinguishers, smoke detectors and carbon monoxide alarms
 - d. Site Plan identifying off street parking, trash enclosures, pools/spas.
2. Permits must be renewed every 3 years

3. Owner's must provide each tenant with rules and regulations, and visitor's information
4. Each property must be inspected prior to issuance of the permit, and every 3 years as part of the renewal process

During the discussion additional items were brought up such as penalties and amnesty.

Per the Plymouth Municipal Title 20, Code Enforcement, any violations of the City's Municipal Code are subject to review and enforcement by the City's Code Enforcement Officer. Chapter 20.12, Administrative Citations, is attached to this report.

Staff is proposing that any STVR that is currently operating in good standing, has obtained a business license and is up to date on required Transient Occupancy Tax payments to the City, will be allowed a 90 day amnesty period from the date the ordinance is adopted. STVR's that are not in good standing with the City must immediately cease rental activities and apply for a STVR Administrative Use Permit. Once the Administrative Use Permit has been issued, they may resume rental activities.

NEXT STEPS

Once the Planning Commission is satisfied with proposed Short Term Vacation Rental regulations, staff will put together a draft ordinance for the City Council to review.

Attachment:

1. Plymouth Municipal Code Chapter 20.12 Administrative Citations

Fiscal Impact:

Current work has not had a fiscal impact outside of standard work covered by the planning staff.

Staff Recommendation:

Hold a discussion, take public comment, and direct staff to draft an ordinance regulating Short Term Vacation Rentals to bring to the City Council for review and adoption.

Chapter 20.12 ADMINISTRATIVE CITATIONS

20.12.010 First offense warning.

- A. Whenever a Code Enforcement Officer determines that a violation of this Code exists, the Code Enforcement Officer may serve a first offense warning to the responsible party. The first offense warning shall be served as a prerequisite to the issuance of a first administrative citation and serves as a written warning of responsibility.
- B. The first offense warning shall include the following information:
1. The date, approximate time and location of the violation, including the address or other description of the location where the violation occurred or is occurring;
 2. The name(s) of the responsible party(ies), if known;
 3. The Code section(s) violated and a description of the violation(s);
 4. An order prohibiting the continuation or repeated occurrence of the violation;
 5. A description of the action necessary to abate the violation;
 6. A period of time during which the action necessary to abate the violation shall be commenced and completed, which shall be determined pursuant to Section [20.08.040](#);
 7. A statement that the period of time during which the action necessary to abate the violation shall be commenced and completed may be extended pursuant to the procedure set forth in Section [20.08.040](#);
 8. A statement that an administrative citation shall be issued to the responsible party upon the expiration of the period of time during which the action necessary to abate the violation or any extension of that time period granted by the Director pursuant to Section [20.08.040](#) in the event that the responsible party fails to abate the violation;
 9. The amount of the administrative citation in the event that an administrative citation is issued for the violation;
 10. The name and signature of the Code Enforcement Officer, City contact information (address, telephone number) for additional information and, if possible, the signature of the responsible party; and
 11. A statement informing the responsible party that he or she may dispute the violation by contacting the City Clerk to set up a meeting with the Director to discuss the matter within ten (10) days of receiving the notice of violation. (Ord. 2010-01 § 1)

20.12.020 Violation disputes.

If a person designated as the responsible party in the first offense warning wishes to dispute the alleged Code violation, he or she may contact the City Clerk to set up a meeting with the Director to discuss and seek resolution of the matter within ten (10) days of receiving the first offense warning. (Ord. 2010-01 § 1)

20.12.030 Administrative citation.

- A. In the event that the responsible party fails to abate the violation upon the expiration of the period of time identified in the first offense warning during which the action necessary to abate the violation shall be commenced and completed or any extension of that time period granted by the Director pursuant to Section [20.08.040](#), the Code Enforcement Officer shall have the authority to issue an administrative citation to the responsible party for the violation.
- B. Each administrative violation shall include the following:
1. The date, approximate time and location of the violation, including the address or other description of the location where the violation occurred or is occurring and a brief description of the conditions observe that constitute a violation;
 2. The name(s) of the responsible party(ies), if known;

3. The Code section(s) violated and a description of the violation(s);
4. The amount of the fine for the Code violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine must be paid;
6. An order prohibiting the continuation or repeated occurrence of the violation of this Code;
7. A description of the administrative citation process, including the time within which the administrative citation may be appealed and the procedure for requesting an appeal hearing;
8. A description of the waiver of deposit process set forth in Section [20.16.020](#), including the time within which a written request for a deposit waiver may be made; and
9. The name and signature of the Enforcement Officer, City contact information (address, telephone number) for additional information and, if possible, the signature of the responsible party. (Ord. 2010-01 § 1)

20.12.040 Administrative fines.

- A. The amounts of fines that may be imposed for a violation shall be set forth in a schedule of fines established by resolution of the City Council. The amount of such fines shall not exceed:
 1. The amount of any fine that may be imposed for a violation that would otherwise be an infraction shall not exceed the amounts set forth in [Government Code](#) Section 36900, as amended from time to time.
 2. The amount of any fine that may be imposed for a violation that would otherwise be a misdemeanor shall not exceed one thousand dollars (\$1,000.00).
- B. If a condition of real property constitutes a violation that is the same, or substantially similar, to a violation that has been the subject of an enforcement action within the previous two-month period, the fine for such violation, and any subsequent substantially similar violation within a twelve (12) month period shall increase by an amount of one hundred dollars (\$100.00) per violation. (Ord. 2010-01 § 1)

20.12.050 Payment of fines—Late payment charges.

- A. Fines shall be paid directly to the City within thirty (30) days from the date of the administrative citation.
- B. Payment of a fine under this section shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative citation.
- C. Fines that remain unpaid thirty (30) days after the due date shall be subject to a late payment penalty of ten (10) percent plus interest at the rate of one percent per month on the outstanding balance, which shall be added to the fine amount from the date that payment is due. (Ord. 2010-01 § 1)

20.12.060 Hearing contesting an administrative citation.

- A. Any person issued an administrative citation may contest the administrative citation by filing a written request for a hearing with the City Clerk within thirty (30) days of the date of the administrative citation. The fine issued by the administrative citation shall be deposited with the written request for a hearing or a written request for a waiver of the deposit shall be filed with the written request for a hearing. A hearing to contest the administrative citation shall be conducted pursuant to the procedures set forth in Chapter [20.16](#) and shall be subject to all of the provisions of this title. A hearing to contest the administrative citation shall not be held unless and until the fine has been deposited or a waiver of the deposit has been granted pursuant to Section [20.16.020](#). If the fine or written request for a waiver of the deposit are not filed with the written request for a hearing, the hearing request shall not be considered timely submitted.
- B. When a written request for hearing is filed with the City Clerk to contest an administrative citation, the City Clerk shall set the time and place for the hearing and shall serve a notice of hearing on the requesting party. A hearing to contest the administrative citation shall be conducted pursuant to the procedures set forth in Chapter [20.16](#). (Ord. 2010-01 § 1)

