



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission Draft Minutes

Board of Supervisors Chambers
575 Administration Drive, Room 102A
Santa Rosa, CA 95403
PlanningAgency@sonoma-county.org

March 2, 2023
Meeting No.: 23-05

Roll Call

Commissioner Carr, District 1
Commissioner Gilardi, District 2
Commissioner Ocaña, District 3
Commissioner Koenigshofer, District 5
Commissioner McCaffrey, Chair, District 4

Staff Members

Scott Orr, Deputy Director
Wil Lyons, Planner
Alisa Sanders, Administrative Assistant
Jennifer Klein, Chief Deputy County Counsel

1:00 PM Call to order, Roll Call and Pledge of Allegiance.

Correspondence

Planning Commission/Board of Supervisors Actions

2023 BOS Calendar approval

Items scheduled on the agenda

Planning Commission Regular Calendar

Item No.: 1
Time: 1:05 PM
File: ORD22-0006
Applicant: County of Sonoma
Owner: N/A
Cont. from: N/A
Staff: Wil Lyons
Env. Doc: Exempt per CEQA Guidelines sections 15282(h), 15301, 15302, 15303, and 15305
Proposal: Zoning Code Text Amendments to allow for the temporary use of transportable housing units (Tiny Homes) prior to the construction of an Accessory Dwelling Units including the use of Recreational Vehicles (RVs), Travel Trailers, manufactured homes, or other transportable housing unit as defined and allowed in the California Building Code in zoning districts where

Accessory Dwelling Units are allowed. Additional modifications to the existing ordinance are proposed to provide clarity.

Recommended Action: The Permit Resource and Management Department (Permit Sonoma) recommends that the that the Planning Commission adopt the attached resolution to recommend adoption of Zoning Ordinance Text Amendments to establish standards and allow for the temporary use of transportable housing units prior to the construction of an Accessory Dwelling Unit; including the use of Recreational Vehicles (RVs), Travel Trailers, manufactured homes, or other transportable housing unit as defined and allowed in the California Building Code in zoning districts where Accessory Dwelling Units are allowed with additional text modifications to the existing ordinance are proposed to provide clarity.

Location: Countywide
APN: Various
District: Countywide
Zoning: Various

Commissioner Disclosures: 0h0m

Wil Lyons summarized the staff report, which is incorporated herein by reference. 0h2m

Commissioner Questions:

Commissioner Carr asked where in the ordinance does it talk about maximum time frame for temporary units.

Staff Lyons responded it's not included at this time. 0h10m

Commissioner Carr asked about what entails "caring" for someone, how is that reviewed? **Staff Lyons** responded they are required to provide a doctor's note stating that person requires that extra care. 0h11m

Commissioner Carr asked why 5 years. **Staff Orr** responded typically caregiver units at the moment are annual and the decision was if 1 is too short then how about 5? 0h12m

Commissioner Ocaña asked if you have to already be in progress of getting a permit for an ADU, or is that not a requirement? **Staff Lyons** responded it's not a requirement. For the caregiver in the code ordinance as proposed it's a separate use standard. 0h12m

Staff Cecily Condon stated currently you can a TEM permit for the caregiver unit while you're in the process of building your single family home. This does two separate things, to add ability to get a tiny home or travel trailer while you have the building permit for the ADU, which currently wouldn't be allows. That's separate from accepting tiny homes now as meeting requirements to those other TEM permits. 0h13m

Commissioner Gilardi asked about the requirement is they have to hook up to the existing sewer or septic in relation to the capacity of the residence. **Staff Condon** responded that's partly why staff is recommending the hold and haul alternative. 0h14m

Commissioner Koenigshofer stated two existing allowances if you're replacing a home due to fire loss or caregiving, and the current requirement is they'd have to hook up to the septic system. **Staff Lyons** responded the fire rebuilds are already allowed to use pump and haul, but under normal circumstances they'd be required to hook up. 0h15m

Commissioner Koenigshofer asked about the 5 years and if this will come back for review. **Staff Lyons** responded that's correct we would need to do further analysis. **Staff Orr** responded as this item moves on we'll provide a response to the Board of what they asked for. Rather than hold up the rest of it we're going to

bring forth what we can, outline what has larger challenges and the board may direct us to not do that or come back in the future through the Planning Commission. **0h15m**

Chief Deputy County Counsel, Jennifer Klein, stated the board must direct staff to bring that initiative back through the system, it's not a guarantee right now. **0h16m**

Commissioner Koenigshofer asked about the fire rebuilds using pump and haul and if there's a time limit. **Staff Orr** responded chapter 40 that allows for it was extended for another 2 years at the end of 2022. **0h17m**

Commissioner Koenigshofer asked about the number of rebuilds and the length of time. **County Counsel** responded it's for so long as the chapter 40 ordinance is in place. **Commissioner Koenigshofer** stated so that self-resolves as a temporary ordinance for the rebuilds. What we're talking about may be permanent and the 5 years isn't before us as part of the recommendation? **0h18m**

Commissioner Koenigshofer asked it's a one-year cycle before us now? **Staff Orr** stated we're not proposing any cycle at the moment. **Staff Condon** responded the TEM are annual, so the contract for hold and haul would be 1 year and those permits can be renewed as long as you're continuing the rebuild, construction or caregiving. **0h19m**

Commissioner Koenigshofer asked we're talking about creating a program that isn't related to the fires, it's related to having these temporary or permanent units that are mobile of some definition? **Staff Condon** responded the program already exists, if you buy a vacant lot, you can get a temporary permit to build a home and live in a travel trailer or RV. We're extending that to also include the tiny homes it the intention and to allow it to be done under hold and haul rather than needed septic set up in advance. **0h19m**

Commissioner Koenigshofer asked under this proposal, what presents as temporary that has potential to become permanent? **Staff Condon** responded there is nothing that could become permanent. **0h20m**

Commissioner Koenigshofer asked is there any affirmative action required by the permittee to report and verify contracted licensed hauler for pump and haul. How do we verify or is that left to code enforcement? **Staff Condon** responded proof of contracted needs to be provided to get your permit. From there it is a code enforcement complaint-based system. We have had good success with fire rebuilds and haven't had any complaints related to improper waste distribution for those units. **0h21m**

Commissioner Koenigshofer stated you don't have any complaints but that's kind of his questions. Do we expect neighbors to follow the pump truck down the road, how does that work? He stated it's not necessarily responsible on our part to expand this program and allow pump and haul more broadly, and have it be a passive mechanism of compliance, which he considers code enforcement by complaint, as opposed to having to make proof. **0h22m**

Staff Orr stated he doesn't disagree, but this could happen on anything and gave an example about wood burning furnaces. It's going to be a balance between expecting people to follow the rules as we put them forward and enforcement as we learn about any negligence or nefarious deeds. **0h23m**

Commissioner Koenigshofer asked if pump and haul is intended to be temporary? **Staff Orr** responded the temporary permit would be for one year, then they would return the next year to renew that permit with an updated contract. It may be the same contract if the term of the contract is no longer but it needs to cover at least that one year. **0h24m**

County Counsel stated a suggestion that on the application for renewal the applicant would have to provide proof that if they got their permit based on hold and haul contract that they provide evidence they used that contract for the duration or converted to septic or other allowed needs. For that first year you could also require some sort of self-reporting monthly, that might be cumbersome but certainly if they seek renewal that could be a requirement. **0h25m**

Commissioner Koenigshofer stated the process of the hold and haul introduces a third-party participant making the journey from the site to the treatment plant. We don't have any mechanism that offers proof that the delivery to the treatment plant actually occurred. When this delivery is made there is a receipt. The property owner in good faith could be contracting with somebody but there's a gap in the proof that it got delivered to the treatment plant that's not in the purview of the property owner. Should the hauler provide their receipt back to the owner showing proof their trip was completed? **0h25m**

County Counsel stated haulers have to comply with a variety of state laws, the department of toxic control and have to be licensed to transport waste like this. We believe the additional of the language in the ordinance already addresses those concerns. If the waste is removed and not properly disposed they would be in violation of state law and their license. It's taken care of through state law and there isn't anything further that needs to be in the ordinance to confirm that. **0h27m**

Public Hearing Opened & Closed: 1:28PM

Commissioner Carr stated his concern on this is always enforcement, that's what this is all about. His biggest concern is more on the idea of temporary housing becoming permanent, that's why he's concerned about the five years. Do we require any type of active move on the part of the person who obtained the permit initially to come back to us and reapply? Is there a bureaucratic method by which we can review our files and if the permittee hasn't actively reapplied that we pass it to code enforcement and take action? **Staff Condon** responded these permits do not automatically renew so they would have to come back and reapply. **0h29m**

Commissioner Carr asked if no one shows up to reapply and they still have the unit, how would we know that? **Staff Condon** responded that is a code enforcement situation that relies on complaint. We don't have an automatic tracking mechanism. These are essentially over the counter permits so their ministerial and need to expire. Or if they come in for another permit and see that the unit is still there but they haven't extended it, we'll bring it to their attention and possibly code enforcement. **0h30m**

Commissioner Carr asked because it's an over-the-counter permit, we don't have a tracking mechanism? Is that different from a discretionary permit? Use permits occasionally have time limits on them, we do have a tracking system from that do we not? **Staff Condon** responded we do, we do condition compliance with discretionary permits that we wouldn't necessarily do with ministerial permits. **0h30m**

Commissioner Carr stated he'd be looking for a way to track this permit, a ministerial permit, and have it pop up for someone to make a phone call when this expires. That kind of enforcement if effective. Is that a big mountain to climb? **Staff Orr** responded there might be some things we can do at the administrative level, but if we are acting proactive review in the process we'd likely need it addressed in the fee for the TEM permit since that would take additional staff time. **0h31m**

Commissioner Carr asked but that review would occur if the permittee reapplied, right? **Staff Orr** responded correct. **Commissioner Carr** stated he thinks that would just add a phone call and is not saying there's not cost there. He asked for clarification. **Staff Orr** responded it would take more than a phone call, we would have to create triggers in our permitting system to notify specific staff to show a record that we've given a 30 day

notice. It's not a huge lift but it's still something we'd want to consider as a permit agency that tries to be self-sufficient. **0h32m**

Commissioner Carr stated he's not sure if there's a place in this ordinance for this but he encourages looking at something like this for enforcement. Someone needs to know when the permittees backsliding and not getting appropriate permits. These units are going to morph into permanent units at a certain level and the question is how much can we trim that down. **Staff Orr** responded one thing can do is look at things to implement administratively and provide that to the Board in terms of how we might implement it. It's not the kind of thing he would include in the ordinance. Based on the discussion today it's something they'll be able to communicate to the Board. **0h33m**

Commissioner Koenigshofer stated often we adopt something and it becomes permanent, unless there's a mechanism to reign that in. He finds it when you're dealing with something like hold and haul, it's inviting problems. He asked how many of these permits we expect. **Staff Orr** responded probably closer to 200 or less. Even if it only takes a half an hour, it does add up over time and have an impact. **0h34m**

County Counsel stated you can incorporate in your recommendation to the board to consider giving direction to staff for proactive enforcement in this unique scenario. **0h36m**

Commissioner Koenigshofer stated or at least proactive monitoring. With regard to temporary becoming permanent without intention, a refundable deposit so the person who gets a permit and their use is terminating, they're motivated to come get their money back. There are impacts associated with any of these mechanisms, but also impacts associated with not doing this. **0h36m**

Commissioner Koenigshofer asked regarding hold and haul, are you just saying you have to that you have to demonstrate that you've contracted with a licensed provider? **Staff Condon** responded you have to demonstrate the contract. **0h36m**

Commissioner Koenigshofer stated if that's the case, if they change haulers it seems like we'd want to know that just as much as we'd want to know the first arrangement. As part of the contract between permittee and hauler, he thinks it wouldn't be a burden on staff time to require the hauler provide the permittee with proof of delivery to a licensed receiver for each trip they make. There has to be some sort of paper exchange between them. The idea is to limit the possibility that someone might try to cut corners to save 500-1,000 cost of delivery to treatment plant. If we can tighten that up so it's less likely it would be worth exploring. **0h38m**

Commissioner McCaffery asked if anyone would like to offer a resolution with some language to recommend to the Board about enhanced enforcement of monitoring both the permitting process and the sewage hauling part? **0h39m**

Commissioner Gilardi stated she doesn't know that she agrees with having the person who has the travel trailer/RV or tiny home have to have proof the hauler actually delivered it to wherever they haul it. So many people have septic and it has to get pumped regularly. She assumes that guys takes it to a facility, a few years ago she was surprised to read the guy she contracted with was dumping it in Rohnert park sewer system and he went to jail for it. So, that can happen. That issue can take place with everyone that has a septic system so she doesn't know she agrees with having that additional burden on the property owner to have to get the assurance it made it all the way. **0h40m**

Commissioner Carr asked if the pump and haul contractors have to put in their contract the destination of the treatment wastewater? **Staff Condon** responded there isn't a current standard drafted to that at this time but there could be a requirement for that material to be included. **0h41m**

County Counsel stated right now the requirement is that the person they contract with hold a valid registration issued by the California department of toxic substance control for the transport of hazardous waste. **0h42m**

Commissioner McCaffery stated so we have a couple things we're talking about, we have the resolution in front of us, some talk about more proactive enforcement on the permit and also more proactive enforcement on the sewage hauling. Also monitoring flags to be raised at certain times when the permit lapses. **0h42m**

Commissioner Carr suggested let's act on the ordinance before us and then talk a little bit more about what we'd recommend on the administrative side. **0h43m**

Commissioner Koenigshofer asked all-in-all what is required by the permittee for holding capacity, what do they have to install? **Staff Orr** responded this is where the overlap in permit Sonoma comes into play. Planner staff don't have frequent interactions with the specifications of septic systems. That's what our Well & Septic section in our construction and engineering division will be taking a look at while we're reviewing those permits. He's sure there are specific requirements for that but those of us here to say are not able to say specifically what they are. **0h44m**

Commissioner Koenigshofer stated but we're not talking about a septic system. **Staff Orr** responded he understands that but it's still the treatment of waste which falls under the well and septic section. **0h45m**

Commissioner Koenigshofer stated it goes to the issue raised by Commissioner Gilardi. Is the hauling going to be every two months or every other day? **0h45m**

County Counsel stated her understanding is that the unit itself under the building code is self-contained, so there's no structure or tank. The building code already defines those temporary units and that's what's been incorporated into the ordinance. **0h45m**

Commissioner Gilardi stated she has a fifth wheel and if you're showering every day and doing the dishes you're going to get five days out of it. So the guy is coming around once a week if you're at a campground with no sewer hookup. **0h46m**

Staff Condon stated alternatively an in-ground tank can be installed with a septic permit and that's regulated by the OTS manual and planning wouldn't get into that. **0h46m**

Commissioner McCaffery stated clarification about grey water and black water tanks. **0h46m**

Commissioner Koenigshofer stated the issue of it is not the planning part, but it raises an important question. If you're talking about putting in a holding tank, you're not putting in a leech field because the point is to not put in a septic tank. The issue of practicality that he sees relevant to this discussion has to do with how many trips. If you're talking about 6 times a month as opposed to putting in a 750 holding tank and maybe it's 1-2 times a month, to him that's relevant to this discussion. **0h47m**

Commissioner Ocaña asked about composting toilets and if they would be required to have someone come out and monitor the removal of that. **Staff Lyons** responded that would go to building and well and septic. **Staff Orr** responded going back to the Board direction to bring this item forward, it came out of discussing building code updates. The board talked about this idea and acknowledged that even if many of these things are allowed under the adopted building code, that there's the planning side for the use. The item before you is

focused on the use and is building off of things in our building code and regulations. The structural integrity lives in the building code. **0h48m**

Commissioner Ocaña stated the reason she brought it up is because it could reduce potential for multiple trips with hold and haul if the county was encouraging composting toilets that didn't be tended to so regularly. Of course the consequences of that is the owner improperly disposing of that composting. It seems there could be an opportunity to solve the issue with the five-day period and decrease the cost in the long run to the owner. She understands it's trapped in the building code and if we're going to offer some additional requests for information that might be something we might want to add. **0h49m**

Commissioner McCaffery stated he would think if you're having someone to pump out the system every five days it would quickly become cost prohibitive so having another option would make sense. **0h51m**

Commissioner Carr stated his understanding is that composting toilets are not allowed by the regional water control board. **Staff Orr** responded he believes the most recent discussion regarding composting toilets is consistent with a longstanding department interpretation but on recent analysis it's been determined there hasn't been an issue with them ever. **0h51m**

County Counsel stated her understanding is that there are jurisdictions who've authorized composting toilets through supplemental building code ordinances at a local level but they have to be on a property that has septic or sewer service, so it can't be the only thing you have on your property, it has to be in conjunction with an existing septic or sewer system. **0h52m**

Commissioner Koenigshofer stated the longstanding approach has been to have a septic system except periodically in their own interest have the tank pump. There's been a reluctance to move to systems that require a lot of active participation by the user out of environmental and public health concerns that it might not be done correctly or circumvented with significant issues. His understanding is that's the motivating factor behind not having a high maintenance type of operation like composting toilets which require frequent action. **0h53m**

Staff Orr stated since the focus has been on the hold and haul. Staff has included that as a policy option. Planning Commission could say we like everything else but we're not recommending the board approve pump and haul and that would resolve a lot of these issues if the Commission decides to not go along with the pump and haul. **Commissioner Koenigshofer** responded his issue with that is it's too hard of a line. He's trying to allow it with confidence it's not going to be a problem. **0h54m**

County Counsel read aloud the code provisions the board adopted and read them aloud from chapter 7 section 7.3.8. **0h55m**

Commissioner Koenigshofer stated that refers to a standard septic tank leach field, underground system or other system which is an engineered system still which a tank and leach field. Whether it's above or below ground it still has a septic leach field. He doesn't think that says there's any provision for hold and haul. **0h56m**

Commissioner Carr stated that does address Commissioner Ocaña's concern. It seems that language would allow someone to use a composting toilet theoretically. **County Counsel** responded that was this intent. **0h56m**

Commissioner Carr stated one way to do it is recommend the ordinance the way it's crafted and add a provision on the enforcement for pump and haul people to have to report where it's going to go. **0h57m**

County Counsel stated state law is going to govern where that hazardous waste can go. While you can certainly have reporting you can direct where it goes inconsistent with state law. **Commissioner Carr** asked so we would be requiring something of the contractor he may not able to do? **County Counsel** responded we can't require anything of the contractor but we can of the landowner. She cautions that may not be consistent with State law. 0h57m

Commissioner Carr stated he's ready to make a motion on the ordinance itself but is not sure where we're going with the second part. 0h58m

Commissioner Koenigshofer asked about county landfill and that it's a sewage treatment plant. **County Counsel** responded the State Department of Toxics Control already requires these haulers to be licensed and governs where the waste will go, she doesn't know where that is. So she's hesitant to have a requirement that they have to tell us where it is and we have to evaluate whether that's accurate or not. Certainly you can have reporting. 0h58m

Commissioner Koenigshofer stated if it's getting into a pump trunk that services human waste disposal systems, it's going to a state licensed processing facility, the sewage treatment plant. There's one in Santa Rosa, Petaluma, Forestville etc. So we're not telling you where to go, that's not his issue. We're not telling the contractor to do anything. He's suggesting we want a paper trail that shows it got delivered. There's a possibility the person picking it up could break the rules and never deliver it to the treatment plant. If the person doing that is asked by the person making the contract to send proof it got delivered, that's all he's talking about. 0h59m

Commissioner Koenigshofer stated to him it's far less onerous than telling the board of supervisors they reject the idea altogether. He guarantees the party delivering waste to the treatment plants is getting a receipt for it. 1h00m

Commissioner Carr asked if there's a way to incorporate that into the ordinance. **County Counsel** responded you could require the property owner to provide proof of where their contractor delivered. Whether they'll be able to get it from the contractor is their problem at that point. 1h01m

Commissioner Carr stated maybe asking them to prove it is a little steep because they'll never be able to, but maybe have them report it. **County Counsel** responded she's suggesting to require the property owner to put it, but at that point they may or may not be able to. 1h02m

Commissioner Gilardi stated she doesn't agree with that burden. The guys picking up waste are licensed. The guy who illegally dumped it went to jail. She doesn't know they're going to deliberately dump it somewhere they're not supposed to, that'd be in violation of their license and against the law. That's a burden for the property owner who's trying to get the permit. That's a step too far. She agrees with evidence that they've paid the hauler to come when they reapply. She agrees with monitoring or additional oversight mechanism that it isn't turned into something permanent, but doesn't support beyond that. 1h02m

Commissioner Ocaña stated she agrees with Commissioner Gilardi. As far as paper trail, we could recommend upon the renewal, the property owner provide verification or contract pursuant to the unit type. That could make it more specific depending on if they're getting the permit for a RV versus a tiny home. So in the renewal staff could show the contract they're viewing from the hauling company is relative to that unit type. She agrees requiring property owners to verify the licensed contractors actually fulfilling their duty is too much of a burden. 1h03m

Commissioner Ocaña stated requiring a property owner to retain that contract to the county similar to any other auditing process, it's a 1099 you provide to the IRS. She thinks we should move off the requirement to require licensed contractors and just ask staff to look at the contract. **1h05m**

Staff Orr proposed a language change based on the recent recommendations. It may be receipts or monthly invoice, payments or some or form, just something that shows they had that unbroken service for the whole year, even if they changed halfway through. Would that alleviate any of the concern? It would be pretty easy to put in the application. **1h05m**

Commissioner Koenigshofer asked would they be required to inform the county if they change hauler? **Commissioner McCaffery** responded that would be included in the unbroken chain. **Commissioner Koenigshofer** stated that would be if they renew, the question is while they're in effect. Do we want them to show us the hauler they changed to? Do we want confirmation the unit was removed on expiration? **1h06m**

Commissioner Ocaña stated that would be a valid responsibility of the property owner, you're affirming that you've fulfilled your obligation. There's that risk they won't come back in. Could there be a situation where when they apply they show some proof of intent to contract with a firm? If over time, any hauling company would comply with that requirement with the county and their intent to contract with that. **1h08m**

Commissioner Koenigshofer stated it's possible they install a septic system before they finish building the house and one of those temporary units could be hooked up to the septic system. The issue is when the temporary permit expires, do they have to affirmatively tell the county they've removed it? **1h09m**

Staff Orr suggested language saying "30 days prior to permit expiration the property owner shall inform the county if they intend to remove the unit or provide a date the unit will be removed in advance of that expiration. **1h09m**

Commissioner Gilardi asked what are we proposed to remove? **Staff Orr** responded if someone is no longer living in that unit, they're not renewing the one year permit, they need to let us know. **Commissioner Gilardi** asked do they have to remove the unit? She doesn't agree with that. She has a fifth wheel parked on her property for vacation use. She gave a hypothetical example about using the fifth wheel as a temporary caretaking unit. She's not removing the unit when the caretaking is over. **1h10m**

Commissioner Koenigshofer responded you don't have to but you have to terminate the tenancy with the person living there. **Commissioner Gilardi** responded if the unit has to be removed, she doesn't agree with that. If you just have to demonstrate no one is living there she can deal with that. **1h11m**

Commissioner Koenigshofer stated that's where it's a DMV licensed vehicle, if it's a tiny home do you treat it the same way? You can keep the tiny home there and say no one is living there. **County Counsel** responded the DMV is going to govern this in general until they're attached to the land. **1h11m**

Commissioner Carr stated the draft ordinance says the temporary unit must be removed as a condition to receiving final occupancy. So to Commissioner Gilardi's point maybe it's either removed or converted or something along those lines. **1h11m**

Commissioner Koenigshofer stated he doesn't think the DMV regulates tiny homes. State Department of Housing might, but he doesn't think the DMV does. DMV you have to get a trailer license or self-propelled vehicle license, he doesn't think you need that for tiny homes. It goes back to Greg's question of how do we ensure temporary doesn't become permanent. **Commissioner Carr** added how many people are living in their

RV and have no knowledge of this discussion or others. That's a big issue which is one of the reason we're concerned. [1h12m](#)

Staff Condon stated current practice and regulation related to these permits is disconnection from utilities on the project site so we can make sure this stays consistent with that requirement. [1h13m](#)

Commissioner Ocaña asked about the 90-day usage for agricultural workers. What is the renewal like and is there a time limit? **Staff Condon** responded the intent with the 90 days is that they have a seasonal use related to when the agricultural activity requires additional hands on the project, so they don't have a typically renewal period because it's expected to be for that seasonal use with the expiration identified. [1h13m](#)

Commissioner Ocaña stated she could see the only inconsistency is with cannabis cultivation because you can grow cannabis year round. Maybe not in the dead of winter outside but it's not the same as picking apples or harvest time. She asked if there's an exception to that. **Staff Orr** responded unfortunately in this case cannabis is the exception since it's not agriculture under our rules so it would apply to hemp but not cannabis. [1h14m](#)

Commissioner Ocaña asked if cannabis does come under agriculture, would that consist of an amendment or would we have to deal with that when it came back? **Staff Orr** responded for the most part we'd have to deal with that when it came. The change of cannabis to agriculture would have wide-ranging affects in the county. We'd have a lot to look at in both the general plan and other sections of the code. [1h14m](#)

Commissioner Carr stated it sounds like the ordinance as written with two additions. One the suggestion about ensuring consistency of service with the pump and haul. The other some change to recognize Commissioner Gilardi's issue with the removal of the temporary unit. He doesn't know if there's a particular revision for the ordinance today, otherwise he's prepared to make a motion to approve the resolution and ordinance as drafted. [1h15m](#)

Scott Orr suggested the following language as a modification in response to Commissioner Gilardi's request: "30 days prior to expiration the property owner shall inform the County whether they intend to renew the permit for temporary housing or disconnect service in advance of expiration. **Commissioner Gilardi** responded that's fine. [1h16m](#)

Staff Orr stated so that in addition to "the application is required to provide proof of uninterrupted service for the prior year and the contract for the new year for renewal. **Commissioner Carr** responded he's okay with that and asked before making the motion, if we're going to follow this action on the ordinance up with some discussion on improving administrative enforcement, should that be in the resolution? Or is that something we can just ask you to informally do? [1h16m](#)

Staff Orr stated it's our goal in our board summary to carry forth a summary of the discussion that the Commission had. So even without it being in the resolution, in our narrative of the events that happened today yet we'll carry forth the recommendation but we'll also include a discussion of the discussion. **Commissioner Carr** responded okay that's enough for him. [1h17m](#)

Commissioner Carr made the motion. **Commissioner Gilardi** made the second. [1h17m](#)

Commissioner Koenigshofer asked about the language "these provisions to not apply to unoccupied recreational vehicles owned by the occupant of the property, would that work to clarify we're really trying to prevent temporary becoming permanent. What Commissioner Gilardi described is people who own a property and have an RV they want to keep there. In his mind that's completely distinct from an RV being occupied as a residence. Can we make that distinction? [1h17m](#)

County Counsel responded she would offer that the proposed amendments do achieve that with the proposed amendments by disconnecting from utility service the implication is that it's not habitable or occupied.

Commissioner Koenigshofer responded so how it's written it doesn't trigger the problem Commissioner Gilardi was talking about? **County Counsel** responded correct and this is typical for substandard, even brick and mortar buildings which requires them to disconnect from utilities to ensure they're not occupied. 1h19m

Commissioner Carr asked so accept it as a friendly amendment to the motion? **County Counsel** responded is there an amendment? **Commissioner Koenigshofer** responded he's just trying to make sure he understands. He doesn't think what Commissioner Gilardi was talking about is caught up in this. 1h19m

Staff Lyons stated the conversion of accessory structure for temporary use will be under the future update, not this one. 1h20m

Commissioner Gilardi stated but travel trailers were included in this. 1h20m

Commissioner Koenigshofer asked if procedurally, if there's going to be so much follow up on this why are we doing it now instead of doing it all at once? **County Counsel** responded the Board direction was to come back as soon as possible so the things that could be done quickly are all that will be brought back, everything else will be optional for the board to give further direction on. That additional is not for sure going to happen unless the board gives additional direction. 1h20m

Commissioner Carr stated thought Commissioner Koenigshofer's issue, the staff response was there could be a potential change in the ordinance to clarify Commissioner Gilardi's concern is no longer a problem. **Staff Orr** responded and recommending to say disconnect utility services in advance of expiration. 1h21m

Staff Condon stated there will also be amendments to section P where it references removal at the end of the term and to disconnection of utilities. **Commissioner Koenigshofer** asked for clarification and Staff Condon clarified. 1h22m

Commissioner Koenigshofer stated if we don't have permanent occupancy of tiny homes, you're going to have to remove them. They're going to be used and lived in. This is what he sees we're dealing with and cumulatively it winds up being a big deal on the rural landscape if you've got ADUs which are automatic and the potential for another pirated unit. He's concerned about it and wants to be cautious and wants to meet the need for a temporary aspect. Especially given our tracking compliance enforcement passivity, he guarantees there's going to be opportunistic folks that are going to make it permanent, and we don't have any way to prevent that. 1h23m

Commissioner Carr stated looking at ordinance section 7-2, that provision says temporary units must be removed as a condition to receiving final occupancy, the only thing that misses is if it's an RV they have to remove it. **Commissioner Koenigshofer** responded he understands he's not concerned about the RV being removed but he doesn't think disconnection for the tiny home is enough, he wants to distinguish it between the two. 1h25m

Commissioner Carr stated this makes it clear all of these units need to be removed when done. **Commissioner Koenigshofer** stated but not the RV. **Commissioner Carr** responded the way it's written it includes the RV and that was a way to make sure the RV could stay on. 1h25m

Commissioner Koenigshofer stated he thought Cecily just said we're changing from removal to disconnection. If we're changing from removal to disconnection for the RV but retaining removal for the other categories then that he agrees with. **1h26m**

Commissioner McCaffery asked doesn't a tiny home have axels and wheels as well? **Commissioner Koenigshofer** responded to what conclusion that you treat it like an RV? **1h26m**

Commissioner Ocaña stated she's not in agreement we require everyone else to remove the units and allow RV's to stay, there's units in west county especially that are very much like tiny homes stored on people's property and sometimes people live in them and sometimes they don't. That's very onerous to require property owner to remove a tiny home if it's very clearly not being occupied and require them to pay storage somewhere else. **Commissioner McCaffery** responded he agrees with that. **1h26m**

Commissioner Carr asked for clarification about the proposed language. **Commissioner McCaffery** responded we're talking about not using that and making it disconnected from utilities. **Commissioner Carr** responded that would take a change in the way the ordinance is written to say that it either has to be removed or found to be an illegal use on the property. That opens the door to the RV staying as an RV, not as a unit. That just recognizes that the RV is on people's yard but not used for a home legally. **1h27m**

Commissioner Koenigshofer stated the primary purpose to own one is to drive it somewhere and he distinguishes that with all due respect to others' interpretation of what happens in the rural areas of west county that you put a tiny home on there temporarily and then the temporary use is expired and you leave the tiny home there. There's no chance at all it's going to remain unoccupied. **Commissioner Carr** stated that's why he thinks the ordinance covers that best it can. **Commissioner Koenigshofer** responded he agrees with that. **1h28m**

Commissioner Ocaña asked Counsel it's a grammatical change taking out the word removal and putting in disconnect. **County Counsel** responds correct but Commissioner Carr's suggestion enhances her and staff's suggestion which is disconnect from utility service and only remain on the property if consistent with the zoning code. **1h28m**

Commissioner Ocaña stated she's comfortable with that if someone is storing something on the property they shouldn't be storing then it wouldn't conform. **1h29m**

Commissioner McCaffery stated if you have a tiny home on wheels sitting on the property that's not being occupied it's not a problem. **County Counsel** responded the a scenario would be if it's sitting in a setback but that could be addressed under the existing code. **1h29m**

Commissioner Carr stated if you have a tiny home on the property, unless you can find a way to make that legal under the zoning code you have to remove it, that's the exception part of it. An RV is just a more common unit to be parked on a property. **1h30m**

Commissioner Koenigshofer stated an RV has an engine and license plate. **Commissioner Ocaña** asked about a teardrop trailer. **Commissioner Gilardi** stated a fifth wheel doesn't have an engine. **1h30m**

Commissioner Ocaña stated there are people who have little houses that look like tiny homes that don't have engines on trailers and they take them to burning man and want to leave them on her property. It's burdensome to ask someone to pay storage when they have room on their property and aren't using it illegally. **Commissioner Koenigshofer** stated well then they never got permission to make it a permanent residence temporarily. **1h30m**

Commissioner Ocaña stated but if they do and then inform the county it's no longer a residence, she believes they should be allowed to keep it on the property. **1h31m**

Commissioner Carr asked if the case is that staff who wanted to store a home on their property not used as a residence would be accepted as a lawful use? **County Counsel** responded it depends on the zoning and location and how they're storing it, what else is stored on the property. It's something that would be difficult to deal with in this ordinance and it's already dealt with in the code which is why Commissioner Carr's suggestion of disconnect from utility services and only remain on the property if otherwise consistent with the code could address all the variety of circumstances. **1h31m**

Commissioner Carr stated it seems like we've gone as far we've can. **Commissioner Koenigshofer** agreed. **1h32m**

Commissioner Carr asked Gilardi for a second. **Commissioner Gilardi** seconded. **1h32**

Commissioner Carr stated he wants to make sure staff passes on their recommendation to examine the administrative process for enforcing the tiny homes and temporary units with some sort of proactive process that doesn't depend on the applicant or permittee to initiate. **Staff Orr** responded and stated he has some ideas of how we might be able to minimize impacts to staff while also using our permit system. There's nothing he can say today but the general approach would be assessing our existing permitting system and ability to create flags at future dates, track it for a year in terms of how burdensome it is. If it is resulting in a large amount of staff time, we would address it for next years fee updates and recommendations. **1h33m**

Action: **Commissioner Carr** motioned to recommended approval with modification to the ordinance. Seconded by **Commissioner Gilardi** and approved with a 5-0-0 vote. **1h35m**

Appeal Deadline: 11
Resolution No.: 23-08

Vote:

Commissioner Carr	Aye
Commissioner Gilardi	Aye
Commissioner Ocaña	Aye
Commissioner Koenigshofer	Aye
Commissioner McCaffrey	Aye

Ayes: 5
Noes: 0
Absent:0
Abstain: 0

Hearing Closed: 2:41 PM