

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

JULY 11, 2019

Commission Members

P John Hess, District I
P Bob Malley, District II
A Batsulwin Brown, District III
P Dan Camacho, District IV
P Daniel Suenram, District V

Staff Members

P Michalyn DelValle, Director
P Byron Turner, Principal Planner
P Nicole Johnson, Deputy Cty Counsel
P Danae Bowen, Office Assistant III

9:33 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-18) and Categorical Exemption (CE 19-44). The project applicant is DAN KELLY proposing to reestablish a Use Permit on an existing RV Park whose state and county licenses had expired. The project is located at 3297 Ease Highway 20, Nice and further described as APN 032-123-02. Environmental Evaluation: Categorical Exemption. (Eric Porter)

Eric Porter, Associate Planner, provided background information and a power point presentation.

Comm. Hess asked about safety access from Highway 20 into the RV Park.

Dan Kelly, the applicant, said there is a huge area where people can pull off with their RVs to access the site.

Comm. Suenram referenced Article 43G, which limits number of days an RV can stay, other than special circumstances and making exceptions here and there. He said he did not want to see this turn into one of those RV Parks that have permanent residences.

Mr. Kelly spoke to permanent RV residences and Article 43. He said he has applied to the State of California for his permits and they do the inspections. He said Article 25 and California Civil Code Article 79920-98, addresses Mobile Home Park owners, RV Parks residency laws and how evictions are processed. He said there are four types of tenants in RV Parks; occupants, guests, tenants and residents. He noted that takes 90 days to evict people causing problems.

Michalyn DeValle, Community Development Director, said the County has land use authority over the permitting process for RV Park and HCD is involved with RV and Mobile Home Parks.

Comm. Suenram asked if the County's Ordinance needed to be addressed to bring them into compliance. He said if our ordinance is outdated compared to what the state has is that something that would need to be updated.

Ms. DeValle said it would be need to be looked at in comparison to the state.

Nicole Johnson, Deputy County Counsel, said there are two issues here. One is a land use issue and a landlord tenant issue. She said this Commission does not handle the landlord tenant issues, so we do not want to cloud the land use issue with that.

Comm. Suenram read from the staff report that a condition of approval has been added, which limits RV stays to 30 days per RV.

Ms. Johnson explained what happens when they overstay, would be an eviction, which is not the County's issue. She said there are rules that govern conflicts in laws versus the State and versus local. She said even if there was a conflict, there are legal concepts in place that handle that, and in that case the State rule would govern.

Mr. Kelly said Article 43 addresses those issues and there is a certain percentage of park spaces that can be rented monthly and a certain percentage have to be rented on a daily basis.

9:54 a.m. Opened Public Hearing

No one present wished to speak.

9:54 a.m. Closed Public Hearing

Comm. Camacho moved, 2nd by Comm. Malley that the Planning Commission find that the Use Permit, UP 19-18 as applied for by Dan Kelly on property located at 3297 East State Highway 20, Nice, CA, further described as APN: 032-123-02 is exempt from CEQA because it falls within Categorical Exemption Class 4 set forth with the findings in the staff report dated July 1, 2019.

Categorical Exemption 4 Ayes 0 Noes 1 Absent (Comm. Brown)

Comm. Camacho moved, 2nd by Comm. Malley that the Planning Commission find that the Use Permit, UP 19-18 applied by Dan Kelly on property located at 3297 East State Highway 20, Nice, CA, further described as APN: 032-123-02 does meet the requirements of Article 43 and Section 51.4 of the Lake County Zoning Ordinance and grant the Major

Use Permit subject to the conditions and with the findings listed in the staff report dated July 1, 2019.

Major Use Permit 4 Ayes 0 Noes 1 Absent (Comm. Brown)

Comm. Hess noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

For further details, discussion and public comments on the above items from the above Planning Commission Hearing, please go to the following link:
<https://countyoflake.com/calendar.aspx>