



MINUTES

I. CALL TO ORDER

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Attendee Name	Title	Status
Andrew Ziemer	Chairman	Present
Bea Lint	Vice Chair	Present
Marilyn Dyer Kruse	Commissioner	Present
Elbert Muncy III	Commissioner	Present

II. AGENDA ITEMS

1. Public Hearing - Financial Assurance Documentation Approval for Mine ID#91-36-0038

Applicant: Robertson's (Owner / Applicant)

Location: 2700 East Main Street (APN: 0424-141-13, 0424-141-14, 0424-141-16)

Request: The applicant is seeking approval of the Financial Assurance Documents for the Barstow Rock Plant Mine ID #91-36-0038 located at 2700 East Main Street within the I (Industrial) zoning district.

Recommended Action:

Approve Financial Assurance Documents for Barstow Rock Plant Mine ID #91-36-0038

Adam Orta presented the staff report.

Commissioner Dyer-Kruse stated there was not a copy of the reclamation bond. She said the bond amount increased from last year and asked if the City had a current one on file.

Mike Massimini responded that he would have to get back to the Commission and stated that it would have to be a supplemental bond.

Commissioner Dyer-Kruse stated that in looking at the tasks for the equipment removal, it only went up a couple of thousand dollars and asked if that was normal. She was curious on that especially because of the hourly rate of some of the equipment. She wondered why some of them had costs that would be less. She wanted to be sure that the [City] was covered enough.

Mark Rowan stated that some of the rates fluctuate according to Cal Trans.

Vice Chair Lint asked if some of the reclamation has been jump-started.

Mark Rowan stated that the plant will go idle and the City is reviewing some of the documentation at this time. At five years they can kick it back up or keep it idle.

Vice Chair Lint felt that some of the hourly rates for certain positions seemed low. She felt that the cost estimates were lower than she anticipated.

Mark Rowan explained that it is based on existing rate schedules from the State. He added that this information was from Robertson's and it was compared to what was done in the past using their methodology.

Vice Chair Lint was concerned that any overage would be the City's responsibility.

Mark Rowan stated that the bond is there if they do not reclaim it. He stated that [Robertson's] is responsible for reclaiming it.

Commissioner Dyer-Kruse asked if this puts the City at any financial obligation.

Vice Chair Lint stated that if they walked away the City would only have \$400K.

Mike Massimini stated the bond is for the expansions that have been done since then.

Vice Chair Lint asked if a vote should be held off until the bond is received.

Mike Massimini stated that the City has some follow-up action with Robertson. The additional work is to go from an active mine to an idle mine.

Mark Rowan stated that is a separate item but the city could hold them up to switching on an idle status.

Vice Chair Lint was concerned that should Robertson's close up tomorrow, the City may be liable.

Commissioner Dyer-Kruse asked if the approval could be conditioned.

Mike Massimini stated that it could be conditioned that the document not be sent to the State until the bond is received.

Commissioner Muncy asked staff if they were comfortable with the bond.

Mark Rowan stated that the bond amount was good.

Vice Chair Lint suggested tabling the item.

Chairman Ziemer said the document would not go to the State without the bond.

Commissioner Dyer-Kruse reiterated her concern about not having a copy of the bond on record.

Vice Chair Lint made a motion to table the item until the bond the packet was complete and included the bond. Commissioner Dyer-Kruse seconded the motion:

VOTE:

Chairman Ziemer – No

Vice Chair Lint – Yes

Commissioner Dyer Kruse – No

Commissioner Muncy – No

The vote was split so there began discussion about how to proceed.

Adam Orta was curious whether this comment was open for public comment. Mike said the item is a public hearing so it should be opened.

The hearing opened at 7:47 p.m.

There were no speakers in favor or against the item.

The hearing closed at 7:48 p.m.

Commissioner Dyer-Kruse made a motion to approve the financial assurance document with a condition that the current reclamation performance bond be submitted to the city, then brought back to the next Planning Commission meeting. Vice Chair Lint seconded the motion and the vote was unanimous.

RESULT: APPROVED AS PER COMMENTS
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2. To Amend Title 19 (Zoning) of the Barstow Municipal Code to Address Extended Stay Hotels, Airbnb, Bed and Breakfast, and Associated Parking

Applicant: City of Barstow

Location: Citywide

Request: Adopt Resolution #553-2018 recommending the City Council introduce an amendment to Title 19 (Zoning) of the Barstow Municipal Code by adding amending Section 19.06.050 (Off-Street Parking) and adding Section 19.10.100 (Employee/Farmworker Housing).

Recommended Action:

Staff recommends that the Planning Commission adopt Resolution #552-2018 recommending the City Council adopt Ordinance Amendment PORA-18-0001, thereby amending, in part, Chapter 19.02 (Definitions), Section 19.05.050 (Off-Street Parking), Chapter 19.10 (Residential Districts and Chapter 19.16 (Commercial District) of the Barstow Municipal Code.

Mike Massimini presented the staff report.

Commissioner Dyer Kruse asked about the covered parking and about the efficiency living units, specifically whether that type of unit is like a studio.

Mike Massimini said an efficiency unit could be a studio but could also have a separate bedroom. He pointed out that the covered parking was once a requirement due to the weather, but the State sees it as a burden.

Vice Chair Lint spoke about Conditional Use Permits (CUP) being required for bed and breakfast and AirBNB facilities.

Mike Massimini clarified that they would not necessarily need a CUP. The code section referenced pertains to the site plan review. He explained the levels of site plan reviews and noted it is a mechanism that allows staff to review a project, see what effects it may have on a neighborhood and place conditions on it.

Vice Chair Lint asked when a conditional use permit would be needed.

Mike Massimini said a CUP would not be required for AirBNBs operated under the code. A CUP would be required for a hotel/motel type of use and those are not permitted in a residential district.

Vice Chair Lint stated there have been issues with AirBNBs in residential areas as they were causing drug problems, parties and it was quite a nuisance in numerous Southern California cities. She asked if the neighbors have a say in the operation. The answer was yes, if it goes to public hearing. There was still some concern that residents do not know that properties are turned into an AirBNB

Mike Massimini stated that proposed AirBNBs would have to turn in a detailed description of the intended use and the building official determines if further review is required. He further explained that

the code could be changed and most of the items under title 19 come before the Planning Commission for a public hearing. If the property became an issue, the site plan approval could be revoked.

Mike Massimini explained that the city has no knowledge of existing AirBNBs.

Chairman Ziemer spoke about perhaps modifying language in this item to include Air BNB and “the like” in the event other businesses start offering the service.

Mike Massimini stated that on page 2 of 16 under definitions, he could add after AirBNB “and similar services”. The Commission concurred with the change.

Chairman Ziemer asked how the City is notified of AirBNBs.

Mike Massimini stated that the City would notify AirBNB of the City's regulations.

Chairman Ziemer asked if they could rent the place without notifying the City.

Mike Massimini responded not by law. He said staff would have to look these up routinely.

Chairman Ziemer asked if it would have to come to the Planning Commission if they increase the number of rooms.

Mike Massimini stated not necessarily, as it is still considered a residence.

Chairman Ziemer asked about the existing hotels that rent their rooms on a monthly basis. Those will need to have kitchens? Yes if want to be extended stay. How do we police that.

Mike Massimini stated the city is considering doing audits. He stated that the easier thing is to not rent them for more than 30 days. The 30-day cutoff is a state law.

Vice Chair Lint asked if those hotels that are already doing this are being notified.

Mike Massimini stated that he would begin work on notification.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marilyn Dyer Kruse, Commissioner
SECONDER:	Elbert Muncy III, Commissioner
AYES:	Ziemer, Lint, Kruse, Muncy III

3. Election of Officers

Election of Officers/Staff to Notify Mayor and City Council

Recommendation:

- A. Nominate and elect Chair and Vice-Chair/Staff to notify Mayor and City Council

This item was taken as Item #1.

Mike Massimini stated there are four officers: Chair, Vice-Chair, Chairperson Pro-Tempore and the Secretary, which is himself.

It was noted this is an annual occurrence, done in February after January 31st of each year. It requires 2 separate actions, one for the Chair and one for the Vice-Chairperson. Nominations will be for the Chair and for the Vice Chair.

Bea Lint made a motion to elect Andrew Ziemer as Chair. Elbert Muncy III seconded the motion, and the vote was unanimous to elect Andrew Ziemer as Chair.

Andrew Ziemer made a motion to elect Bea Lint as Vice Chair. Elbert Muncy III seconded the motion, and the vote was unanimous to elect Bea Lint as Vice Chair.

III. MISCELLANEOUS

A. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3 and Planning Commission By-laws, this is the time and place for members of the public to address the Planning Commission on matters within its subject matter jurisdiction that are not on the agenda. State law prohibits the Planning Commission from addressing any issue not on the agenda, but may set the matter for a subsequent meeting. Speakers are requested to limit their comments to three minutes.

None.

B. TRAFFIC AND SAFETY UPDATE

None.

C. PLANNING COMMISSIONER COMMENTS

Commissioner Dyer Kruse stated that the property by the CNG plant, Mr. Ellis' property, is moving dirt. There was discussion about the local heating and cooling center.

Vice Chair Lint asked if it will still be operated under an emergency act and for how long.

Mike Massimini stated it would be up to the City Council and may roll from summer into next winter.

D. CITY STAFF COMMENTS

Mike Massimini provided a status of the recruitment for a new Planning Commissioner. He noted that applications were being accepted until April 8, 2019 at 4:30 p.m.

IV. ADJOURNMENT

By consensus of the members, the meeting adjourned at 8:24 p.m.

Respectfully Submitted:

Approved:



Jessica Reed, Recording Secretary

Michael Massimini, Ex-Officio Secretary/City



Andrew Ziemer, Chairman