

Butte County Planning Commission

MAY 10, 2018
PUBLIC WORKSHOP

DRAFT SHORT-TERM RENTAL ORDINANCE



Agenda for Public Workshop

1. Development Services Presentation
2. Planning Commission Question and Answer Period
3. Public Comment
4. Planning Commission Discussion and Direction

Project Description: Short-Term Rental Ordinance

A short-term rental as defined under this Draft Ordinance is a single-family dwelling, or a portion of a single-family dwelling, rented out to transient guest occupants for periods of 30 days or less. The purpose of the Draft STR Ordinance is to ensure that:

- 1) Short-term rentals are compatible with and do not adversely impact surrounding residential uses,
- 2) Property owners have the option to utilize their properties for short term rental use,
- 3) Risks to public safety and health to occupants and owners are minimized,
- 4) Property values are maintained,
- 5) Visitation and tourism to Butte County is supported, and,
- 6) Transient occupancy tax is collected in order to provide fair and equitable tax collection for all lodging providers

Recommendation

1. Conduct the public workshop and provide direction to staff regarding the Draft Short-Term Rental Ordinance.

Workshop Resources

A. Draft Short Term Rental Ordinance

Public Outreach

1. Direct email to Development Services Constant Contact list of interested parties and related groups
2. Outreach to all Chambers of Commerce in Butte County
3. Interviews with KPAY, Action News Now, and the Chico Enterprise Record (Biz Bits Column)
4. Dedicated Web Page:
<http://www.buttecounty.net/dds/Planning/NotableProjects/ShortTermRentals.aspx>
5. Notification to City and Town Planning Departments
6. Coordination with all County Departments

Public Workshop Purpose

- The Butte County Planning Commission is holding a Public Workshop for the consideration of the proposed Draft Short-Term Rental Ordinance.
- The purpose of this Public Workshop is to introduce the Draft Ordinance to the Planning Commission and public and to answer questions and receive comment and direction.
- Further direction from the Planning Commission will be incorporated into a final draft ordinance and a Public Hearing will be scheduled at the Planning Commission for further consideration and action, prior to review by the Board of Supervisors.

Public Workshop Overview

- **No ordinance is being approved today.** This workshop has been set aside to hear comment from the public and direction from the Planning Commission
- **This is early in the process** of developing the draft ordinance.
- After the Public Workshop process **additional public hearings will be scheduled** before the Planning Commission and Board, which will be open to the public and where additional comment will be accepted and considered.
- Staff and the Planning Commission desires to have the Draft Short-Term Rental Ordinance serve the best interests of Butte County and its citizens. **All viewpoints are a welcome part of this process.**

Why is Butte County Developing this Ordinance?

- Butte County currently does not have an ordinance that addresses the regulation of Short-Term Rentals
- Without an ordinance, the County cannot permit short-term rental operations, and cannot adequately regulate their operation, or enforce standards
- Complaints have been filed on several short-term rentals operating in the County
- Concerns are generally related to noise, parking, traffic, and general nuisances that have disrupted neighbors
- **In response to these concerns, the Board of Supervisors provided direction to draft this ordinance on February 12, 2018**

Project Description: Short-Term Rental Ordinance

Staff recommends an administrative permit as the appropriate permit process for short-term rentals.

- An administrative permit is required for uses permitted as-of-right yet subject to specific Zoning Ordinance standards.
- The Administrative Permit is a ministerial procedure to verify that a proposed use complies with all applicable standards, and to ensure that the applicant understands and accepts those standards.
- The standards would ensure that short-term rentals operate in a safe and responsible manner and without being incompatible with residential neighbors and the surrounding community.

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Staff recommends an administrative permit as the appropriate permit process for short-term rentals.

- The Butte County Department of Development Services shall provide **a mailed notice at the time of permit issuance to property owners** within 300 feet of the subject parcel.
- **The notice shall include all applicable standards and limitations** placed upon the short-term rental, the Butte County administrative permit number, as well as the name, text-enabled phone number, and email of the property manager.
- **A copy of the short-term rental permit** listing all applicable standards and limits, including the name, text-enabled phone number, and email of the property manager, **shall be posted inside the rental property** in a prominent place within six feet of the front door.

Project Description: Short-Term Rental Ordinance

- A. Purpose
- B. Definitions
- C. Administrative Permit Process
- D. Administrative Renewal Process
- E. No Property Rights Conferred
- F. Short-Term Rental Restrictions
- G. Transient Occupancy Tax

Project Description: Short-Term Rental Ordinance

H. Standards

1. Parcel
2. Appearance, Visibility, and Signage
3. Commercial Activity Prohibited
4. Building, Fire, and Health Standards
5. Trash and Recycling
6. Noise Standards
7. Occupancy and Parking
8. Daytime Visitors
9. No Overnight Camping
10. Property Management

I. Enforcement Process

Project Description: Short-Term Rental Ordinance

Enforcement Process

- The Draft STR Ordinance includes a subsection concerning enforcement. The intent of this section is to ensure that STRs abide by the ordinance's standards under an Administrative Permit
- Three verifiable administrative citations, violations, or hearing officer determinations concerning the permit requirements issued to the owner or occupants at the property within a 24-month period will result in permit revocation (reapplication is delayed for 24-months).
- Any property determined to be advertised for use as a short-term rental without the administrative permit would be subject to a permit fee penalty of ten times the regular application fee.

Noise Standards

- Property Manager oversight and response to complaints
- Quiet Hours observed between 10:00 pm and 7:00 am (9:00 am on sat, sun and holidays)
- No outdoor amplified sound
- Occupants/renters notified of noise standards and that loud or unreasonable noise will result in a violation

Occupancy and Parking Standards

**Table 1. Maximum Occupancy and Parking Requirements
Rentals with Public Sewer**

Number of Bedrooms	Maximum Occupancy	Off-Street Parking
1	4	1
2	8	2
3	10	3
4	12	4
5 or more	14	5

**Table 2. Maximum Occupancy and Parking Requirements
Rentals with On-Site Septic Systems**

Number of Bedrooms	Maximum Occupancy	Off-Street Parking
1	2	1
2	4	1
3	6	2
4	8	2
5 or more	10	3

Planning Commission Guidance

Consider whether the AG (Agriculture) and TM (Timber Mountain) zones would be appropriate for Short-Term Rentals

- Short-term rentals would be allowed, with an administrative permit, in the MHDR (Medium High Density Residential), MDR (Medium Density Residential), LDR (Low Density Residential), VLDR (Very Low Density Residential), RR (Rural Residential), RCR (Rural Country Residential), FR (Foothill Residential), FCR (Foothill Country Residential) and MU-1 and MU-1 (Mixed Use) zones.
- The AG and TM zones are not necessarily suitable for short-term rental use based upon intensive allowed land uses, which may not be compatible with visitors occupying a short-term rental.

Planning Commission Guidance

Consider whether accessory/second dwelling units are appropriate for use as short-term rentals, and the potential impact on affordable and long-term housing in Butte County.

- State law indicates that local governments can restrict accessory/second dwelling units from being used as short-term rentals, but are not required to do so.
- The use of accessory/second dwelling units for short-term rentals would displace the availability of these housing units for affordable and long-term housing.
- The California legislature has found that allowing accessory/second dwelling units provides additional rental housing supports the housing needs of California.
- If accessory/second units are allowed to be used for short-term rentals, Section 24-172 of the zoning ordinance would have to be amended to reflect this allowance.

Planning Commission Guidance

Consider whether it is appropriate under the Draft Ordinance to limit the number of allowed STRs on a single parcel.

- Property owner may wish to have two (or more) short-term rentals on the same property, whereby a primary residence or a portion of a primary residence (e.g. bedroom) is used, and an Accessory Dwelling Unit/Second Dwelling Unit or other home is also used as a STR
- Many jurisdictions have found that this practice leads to an overconcentration of STR units on one parcel, which can lead to an increase in neighborhood impacts.

Planning Commission Guidance

Consider whether it is appropriate to limit the number of days/year or frequency that a short-term rental can be occupied.

- Infrequent home-sharing (owner present)
- Rental of owner's home (owner absent)
- Full-time STRs, investment properties (owner never lives there)

A CAP could be included on number of tenancies/year or a limit on number of days/year the unit is rented.

- Pasadena distinguishes between “hosted” and “unhosted stays”.
Hosted stays allow for no limit in number of days; unhosted stays are limited to 90 days per year.

Draft Short-Term Rental Ordinance

PLANNING COMMISSION
QUESTIONS AND COMMENTS



Draft Short-Term Rental Ordinance

PUBLIC COMMENT



Draft Short-Term Rental Ordinance

PLANNING COMMISSION
DIRECTION



Next Steps

After the completion of the Public Workshop staff will review comments and direction provided by the Planning Commission and update the Draft Short-Term Rental Ordinance. Public hearings will be scheduled for further consideration of the Draft Short-Term Rental Ordinance by the Planning Commission and Board of Supervisors.