



**Department of Development Services**

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## MEMORANDUM

DATE: February 13, 2018  
TO: Butte County Board of Supervisors  
FROM: Tim Snellings, Development Services Director  
RE: **Short-Term Vacation Rentals Preliminary Draft Ordinance Outline**

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**Recommendation:** Review the Preliminary Draft Ordinance Outline for Short-Term Vacation Rentals and provide direction to staff.

The online hospitality marketplace, enabled through Airbnb, VRBO, HomeAway and similar companies, has grown in popularity throughout California and the United States. Short-term rentals provide a way for homeowners to generate additional income, but they can also introduce a new use that can have negative impacts on residential neighborhoods and the health and safety of occupants and owners.

While these companies enable an online transaction to rent rooms and homes between owners and guests, they often do not require the owner to demonstrate compliance with local zoning laws. Airbnb, for instance, discloses on their website that it is important for the owner to understand the local laws and regulations in their own jurisdiction related to zoning, business licenses, building codes, special permits, taxes, and other rules. However, Airbnb and other similar companies do not facilitate or require compliance with local zoning laws and other regulations.

Owners often enter into online agreements for short-term rentals without reviewing or complying with local zoning laws and regulations. This can result in zoning violations, unanticipated impacts to existing residential neighborhoods, health and safety risks to occupants, and a loss of transient occupancy tax (TOT) revenue to the local jurisdiction.

According to a website that monitors these activities, unincorporated Butte County has 135 short-term rentals advertising on a variety of websites (October 2017). A simple review of just one online business shows over 300+ rentals in the Butte County area (including incorporated cities). Based upon County records, these short-term rentals do not have a permit to operate under zoning regulations and existing regulations would not allow them.

The County Zoning Ordinance does not currently allow the use of residences for short-term rentals. Preliminarily, Development Services staff has developed the attached draft outline for a new ordinance addressing short-term vacation rentals, including a permitting process, performance standards, and enforcement procedures.

Under this preliminary draft outline, short-term vacation rentals would be subject to an Administrative Permit in most residential zones. 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 performance standards would ensure that short-term vacation rentals operate in a safe and responsible manner and without being incompatible with residential neighbors and the surrounding community.

The preliminary draft attached to this report is an outline rather than a final product. Development Services staff will build more substance into the draft in consultation with other County departments and jurisdictions, prior to further public hearings. The future ordinance will consider which residential zones are appropriate for short-term rentals, performance standards concerning noise, property management, parking, septic system requirements, general operations, and transient occupancy tax. The standards would also include a "three-strike" provision related to enforcement (similar to a measure included in the attached Sonoma County ordinance).

Currently, the Very Low Density Country Residential (VLDCR) zone does not allow Bed and Breakfasts and staff recommends not allowing short-term vacation rentals in this zone, which is a similar use. Additionally, Section 24-172 of the Zoning Ordinance prohibits the use of second units or accessory dwelling units for the use of short-term rentals and this prohibition would not change under a future ordinance.

**Attachments:**

- A. Butte County Preliminary Draft Ordinance Outline
- B. Sonoma County Short-Term Vacation Rental Ordinance
- C. Public Comment

## Preliminary Draft Outline

### 24-172.2. Short-Term Vacation Rentals Ordinance

- A. **Purpose.** This section establishes a definition, permit process, rental term, site requirements, standards, and permit revocation requirements for short-term vacation rentals.
- B. **Definition.** Vacation Rental: A single-family dwelling that is rented to transient occupants for periods of less than 30 consecutive days. The unit may also include a portion of a dwelling unit where facilities such as bathrooms, kitchens and living areas are shared.
- C. **Permit Process.** Vacation rentals are subject to an Administrative Permit and are allowed as specified under the Use Regulation Tables for each zone.
- D. **Rental Term.** The maximum rental period for each occupancy shall be not more than 30 consecutive days.
- E. **Site Requirements.**
1. The owner of the parcel developed with the vacation unit shall reside in either part of the rented vacation unit or a permitted second unit.
  2. Vacation Rentals shall be permitted only on legally-created parcels.
- F. **Standards.** The following standard apply to all vacation rentals.
1. **Building and Health Standards.** Allowance of a vacation rental is subject to the following standards:
    - a. Meet the Uniform Building Code for the intended occupancy.
    - b. Vacation Rentals shall have adequate sewage disposal facilities and potable water facilities, as determined by the Butte County Environmental Health Division.
    - c. An inspection of the vacation rental shall be required by the Building Division and Environmental Health Division to determine if the facility complies with the standards set forth in this section. Environmental Health Division requirements will require pumping of the septic tank, and may require assessment of the septic system by a Certified Designer to include whether the drain field design and sizing is adequate for the intended use. Proof of compliance is required prior to authorization for use of the dwelling as a vacation rental. Cost of inspections shall be off-set by payment of applicable application fees.
  2. **Occupancy.** The maximum occupancy is limited to the number and size of sleeping rooms available. Each sleeping room shall have not less than 70 square feet of floor area for the first two occupants. The floor area requirement shall increase at a rate of 50 square feet for each occupant in excess of two. In no instance shall the occupancy exceed 10 persons.
  3. **Accessory Uses.** Pools, spas, and saunas, if provided, are considered to be public facilities and shall be subject to Environmental Health and Building Division review for compliance with State and local regulations.
  4. **Parking.** One off-street parking space shall be provided for each guest room.

5. **Noise Standards.** Noise standards shall be regulated pursuant to Butte County Code Chapter 41A. Noise Control, Section 41A-7 Exterior Noise Standards and Section 41A-8 Interior Noise Standards. The County may conduct field testing to verify noise levels, or the County may require the operator to hire an acoustical consultant to conduct field testing. If the operator is required to verify noise levels, a test report showing compliance shall be provided by the operator and submitted to the Director of Development Services at the operator's expense. For the purpose of evaluating conformance with the standards of this section, noise levels shall be measured in accordance with Butte County Code Chapter 41A. Noise Control.

G. **Permit Revocation or Modification.**

DRAFT

Sec. 26-88-120. - Vacation rentals.

- (a) **Purpose.** This section provides requirements and standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.
- (b) **Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established hosted rentals or bed and breakfast inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. Vacation rentals shall also not be permitted within second dwelling units, nor in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under a Williamson Act contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.
- (c) **Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a zoning permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.
- (d) **Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.
- (e) **Permit Requirements.**
1. **Maximum Number of Guestrooms.** Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated, subject to the granting of a use permit. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
  2. **Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.
  3. **Maximum Number of Guests and Daytime Visitors.** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit. Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.
  4. **Limit on Number of Residences or Structures per Parcel.** Only a single family residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: Only one (1) transient rental is allowed per parcel. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed five (5).
  5. **Parking.** Parking shall be provided as follows: a minimum of one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered for up to one (1) of the required parking spaces; otherwise, the number of

vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application materials and the property checklist, but shall not exceed one (1) vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

(f) **Performance Standards.**

1. **Noise Limits.** All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

<b>Hourly Noise Metric<sup>1</sup>, dBA</b>	<b>Activity hours 7:00 a.m. to 10:00 p.m.</b>	<b>Quiet Hours 10:00 p.m. to 7:00 a.m.</b>
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	<u>65</u>	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded fifty percent (50%) of the time or thirty (30) minutes in any hour; this is the median noise level. The L02 is the sound level exceeded one (1) minute in any hour.

If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of five (5) dBA above the standard, provided that no measurable increase (i.e. one and one-half (1.5) dBA or more) shall be allowed.

Reduce the applicable standards above by five (5) dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.

2. **Amplified Sound.** Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
3. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
4. **Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within twenty-four (24) hours of trash pick-up.
5. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.
6. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.
7. **Transient Occupancy Tax.** The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.
- 8.

**Certified Twenty-Four-Hour Property Manager.** All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available twenty-four (24) hours per days, seven (7) days per week during all times that the property is rented or used on a transient basis. Certified property managers may be professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the county and may be revoked by the county. Once certified, a property manager must continue to comply with all provisions set forth in this section, including timely reporting of all complains and their resolutions, in order to remain certified. Certified property managers must be located within a thirty-mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new vacation supplemental application or similar form provided by the department, and shall include the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this section. The name and twenty-four-hour contact information of the certified property manager shall be provided to any interested party upon request.

9. **Emergency Access.** The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.
10. **Posting and Neighbor Notification of Permit and Standards.** Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within six (6) feet of the front door of the vacation rental, and include them as part of all rental agreements. At the permit holder's expense, the County shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard three hundred feet (300') property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.
11. **Requirements for All Internet Advertisements and Listings.** All online advertisements and/or listings for the vacation rental property shall include the following:
  - a. Maximum occupancy, not including children under three (3);
  - b. Maximum number of vehicles;
  - c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
  - d. Notification that no outdoor amplified sound is allowed; and,
  - e. The transient occupancy tax certificate number for that particular property.

**(g) Enforcement Process.**

1. Initial complaints on vacation rentals shall be directed to the certified property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available twenty-four (24) hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within sixty (60) minutes, or within thirty (30) minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to PRMD within twenty-four (24) hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Sheriff reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer or the director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

2. **Enhanced penalty for non-permitted rentals.** A vacation rental that is determined to be operating without the necessary permit required under this section shall be subject to a penalty of ten (10) times the normal application fee.
3. **Three Strikes Penalty.** Upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two-year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within ten (10) days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two (2) years.
4. **Violation of Performance Standards—Administrative Citations.**

In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the county code, this subsection provides for administrative citations.

- a. Use of administrative citations shall be at the sole discretion of the county.
- b. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
- c. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
  1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
  2. Exceeding the maximum permitted occupancy, not including children under three (3) years of age;
  3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;
  4. Violations of quiet hours (10:00 p.m. to 7:00 a.m.);
  5. Exceeding maximum number of vehicles;
  6. Exceeding fire limits, including lighting fires during bans;
  7. Unsecured pets and/or nuisance barking;
  8. Operation of a vacation rental without a certified property manager;
  9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
  10. Failure to include the individual property's transient occupancy tax certificate number in all contracts, advertising and online listings;
  11. Failure of the property owner to maintain current transient occupancy tax status.

(h) **Monitoring and Enforcement Fee.**

1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.

(Ord. No. 6145, § IX(Exh. E), 3-15-2016)

**Editor's note—** Ord. No. 6145, § IX(Exh. E), adopted March 15, 2016, amended § 26-88-120 in its entirety to read as herein set out. Former § 26-88-120 pertained to similar subject matter and derived from Ord. No. 5908, § II, adopted Nov. 9, 2010.

BUTTE  
COUNTY  
SEP 25 2017

DEVELOPMENT  
SERVICES

DATE: September 20, 2017

TO: Tim Snellings, Director, Development Services

Pete Calarco, Assistant Director

Butte County Board of Supervisors

FROM: Dan Raner, Resident of Forest Ranch



RE: Vacation or Short-Term Rentals

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I'm writing on behalf of the seven parcels owners on two private roads in Forest Ranch. We discovered this summer, by chance, that one of our neighbors was renting out his home on the VRBO and Airbnb websites. None of us had been notified and we were being burdened with a variety of problems from the renters.

I began phoning the Development Services Department on July 13<sup>th</sup> to inquire about Butte County Short-Term Rental regulations. After many phone discussions over two months, Assistant Director Pete Calarco recommended I write this letter.

Mr. Calarco confirmed that the Short-Term rental was not legal in our Foothill-Residential zone and that the rental owner did not apply for any permit. Mr. Calarco acknowledged the memo of April 12, 2016 from Tim Snellings to the Butte County Board of Supervisors where the Director provided an update on "VACATION or SHORT-TERM RENTALS".

In the April 12<sup>th</sup> memo, Mr. Snellings wrote about complaints received and the non-compliance with local land use regulations. He wrote...“Short term rentals or vacations rentals (less than 30 day rentals) are not permitted in residential zones. Short-term rentals generate impacts, including traffic, noise, and activities that are more intensive than the single family residential uses supported under Residential zoning.”

He went on to write...“Landowners are therefore advised to not start, or discontinue short-term rentals, and to alternatively consider the option of applying for a minor use permit for a Bed and Breakfast. A minor use permit is subject to a noticed public hearing...including notification of neighbors...Under this process, the use is reviewed for compatibility with surrounding residential uses.”

On July 27<sup>th</sup> Mr. Calarco told me that the Code Enforcement Department would send out a “violation notice” to the rental owner, beginning with “voluntary compliance within 30 days”.

In several follow-up phone calls with Mr. Calarco (August 17<sup>th</sup> and 30<sup>th</sup>) I was told that the violation notice was not sent because of a court case in Chico where a judge ruled against the City’s enforcement of a Short-Term rental. In addition, I was told that the Board of Supervisors took no action on Mr. Snellings April 12<sup>th</sup> recommendations and that the Board had no known plans to address the issue because Chico had chosen not to appeal the judge’s ruling.

I’m sure that the Board of Supervisors and Department administrators understand that Short-Term Rentals are, and will continue, to be a growing problem. There is a well-funded network of consultants and lawyers who are available to help rental owners set up websites, navigate local regulations, and rake in enormous profits. Local business people encourage tourism and, perhaps, some of these profits end up as

campaign contributions. Butte County is an attractive vacation destination and it appears that a number of out-of-county buyers are purchasing homes and property in residential zones for the express purpose of setting up Short-Term Rentals.

On the other hand, local home owners who bought in residential zones are confronted with "motels" popping up in our neighborhoods. We have no funding or consultants to help us.

However, we have started organizing and sharing our complaints. I won't detail all our burdens, but...our private gravel road is being damaged weekly, up to 19 cars have been parked at noisy parties, strangers drive into neighboring parcels, vehicles are speeding, unleashed dogs are roaming on porches and charging at neighbors, trash cans are left out for animals to scatter, trash bags are placed on neighbors' Waste Mgt. barrels prompting an extra surcharge on their garbage bills, and the rental owner is on a shared-well with three other owners. With new strangers coming to party every week, we have deep concerns about fire safety and evacuation plans. I could go on.

We understand that all zoning permits must comply with the General Plan and its concern for the "Quality of Life" and the "Rural Character" of Butte County. And we understand that the judge's ruling in the Chico case simply stated that the local regulations on Short-Term rentals were unclear...and it was up to local government to clarify them.

We believe there's a strong reason for the Board and County to act quickly on this issue. Short-Term rentals are like "Motels" and "Event Rentals" in that their customers are coming to "vacation and celebrate". The VRBO website for our neighbor's rental emphasizes "events, parties, weddings, graduations." After renters arrive, they are followed by invited friends.

Motels and Event Rentals always have on-site supervision, enforced regulations on noise and hours, and, at Events with larger crowds, private security. In Butte County, we are allowing people to advertise on the world-wide web to attract paying customers to come to quiet neighborhoods and hold large celebratory events...all un-supervised and un-regulated. What could go wrong?

We believe it's a reasonable expectation that something will go wrong. If the Board and its Administrators do not create regulations to protect residential homeowners...could that "non-action" be considered a "negligent lack of due diligence" and lead to "legal exposure" for the County?

Finally, we believe there's a solution outlined in Mr. Snellings memo of April 12, 2016. The Board can simply pass an amendment stating:

**"ALL SHORT-TERM RENTALS (UNDER 30 DAYS) WILL COMPLY WITH BED AND BREAKFAST REGULATIONS."**

Our current county Bed and Breakfast regulations include: Permit process with notifications. Owners live on-site in permanent residence. At least one meal prepared and served daily. Up to eight guest rooms. Inspections by Public Health and Fire Department. Not to mention the tax revenue.

Thank you for taking the time to read and consider this growing issue. I can be reached at (530) 345-4763 or PO Box 694, Forest Ranch, 95942.

December 14, 2017

TO: Tim Snellings and Pete Calarco

Board of Supervisors

FROM: Dan Raner, Resident of Forest Ranch



**RE: REQUESTED RESEARCH ON SHORT-TERM RENTAL REGULATIONS**

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I wrote to you on September 20<sup>th</sup> at the request of Pete Calarco regarding numerous concerns about one neighbor (in our ten-parcel neighborhood) operating a Short-Term Rental through Airbnb and VRBO.

After your October Board Meeting I spoke with Maureen Kirk. She confirmed the Enterprise Record reporting that “the county and the city of Chico may draft ordinances regulating Short-Term Rentals”. Supervisor Kirk asked me if I would provide my research on this issue and, also, any outcomes from a planned Neighborhood Meeting on October 22<sup>nd</sup>.

I’m enclosing information on Short-Term Rentals (STR) from seven (7) different California counties/cities. I’m also enclosing a longer article on why the California legislature is having difficulties with this issue. The articles emphasize and reinforce common themes and concerns. Following is a brief outline of the articles and the points raised in our Neighborhood Meeting.

#### 1. ZONING USES:

The elected bodies and administrative staff agree that Short-Term Rentals are a zoning issue. The problems are real and growing rapidly. “The longer we ignore it,” wrote a Northern California State Senator, “the more challenging it will be to resolve.”

Counties and Cities are restricting STR to specific zones and areas. Our meeting recommended that the BOS consider NOT ALLOWING STR in the two FOOTHILL ZONES (FR and FCR) mainly due to fire concerns.

## **2. ENFORCEMENT-STAFFING NEEDS:**

Counties and Cities are finding that Airbnb and VRBO are ignoring regulations, not providing information, and swamping the market with thousands of listings...making the rules difficult or impossible to enforce. In addition, the extra cost of police, fire, inspection, and enforcement staffing are severely impacting budgets. Restricting STR to specific zones and areas would ease this burden.

I've been told that there are approximately 300 STR in Butte County now, but only a handful are in the Foothills. It would be easier to stop the growth now. Also, the advertisements emphasize city attractions (Parks, University, Restaurants, Sierra Nevada Brewing) so the STR customers in Forest Ranch are traveling each day into town. STR should be allowed closer to the businesses and attractions, thus avoiding the extra traffic on our country roads.

## **3. PRIVATE ROAD AND WELL-SHARING AGREEMENTS:**

In our Neighborhood Meeting the strongest and easiest recommendation was to NOT allow STR for any home with a Private Road Agreement or a Well-Sharing Agreement...which is our situation. These Agreements are difficult enough for the owners. When one neighbor is profiting from customers using the roads and well, the problems become severe.

Our neighbors asked me to research STR and hold a meeting. The one neighbor operating the STR did not attend. He has sent four contentious letters to all the parcel owners. Last month, he wrote me and accused me, the messenger, of "slanderous" and "malicious" actions ... and threatened that he may "seek legal counsel".

We feel that STR are clearly a zoning/regulation issue and we should not suffer the burden of lack of Board action and the well-funded opposition of global corporations like Airbnb and VRBO.

Thank you for taking the time to read and consider our concerns. I can be reached at (530) 345-4763 or PO Box 694, Forest Ranch, 95942.

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SHASTA

## County considers regulating illegal vacation rentals

Damon Arthur, Record Searchlight Published 4:54 p.m. PT April 18, 2017 | Updated 9:43 a.m. PT April 19, 2017



(Photo: Damon Arthur/Record Searchlight)

Shasta County officials have been collecting taxes on vacation rentals for many years, but on Tuesday the Board of Supervisors voted to explore making them legal to operate in the county.

Citing problems with trash, parking and conflicts with neighbors, supervisors said they wanted to explore creating a county ordinance to regulate the short-term rentals.

"Because we have zero regulation, it's a free-for-all," said Supervisor Les Baugh.

Two Lakehead residents told the board they live near vacation rentals and have had numerous problems with people staying at the homes, including trash issues, noise and trespassing.

Betty Bryant said many of those who stay at vacation rentals around Lake Shasta are loud until late in the evening, disrupting the quiet of the neighborhood.

"One guy turned to me and says, 'Lady, we pay big money for this. We could care less. We're going to have a good time,'" Bryant said.

While Bryant and fellow Lakehead resident Niki Manning said the vacation renters have been a problem, Richard Simon, the county's Resource Management Division director, told the board there have been nine code enforcement cases involving short-term rentals in the past 15 years.

While vacationers around the lake were described as more rambunctious, the short-term rental visitors near Shingletown seem to come to enjoy the quiet, Supervisor Leonard Moty said. He wondered whether there was a way to fashion an ordinance that could accommodate both types of tenants.

Supervisor Steve Morgan, who represents the district that includes Lake Shasta, said he was against the vacation rentals operating in residential areas.

"If they are not in a zone for commercial, then they should cease and desist," Morgan said.

The county has collected a 10 percent transient occupancy tax for many years on vacation rentals. In 2016, the tax collector took in \$132,938, but it wasn't until recently that code enforcement officials began cracking down on complaints about the rentals. When they did, they discovered the 168 short-term rentals in the county are prohibited.

Baugh said he looked into getting a vacation rental last year around Lake Shasta and was surprised to find out there were so many.

Simon said the rentals are not specifically outlawed. But in the county's list of uses for residences, short-term rentals are not included, making it prohibited, he said.

Simon acknowledged there is a conflict between the county zoning ordinance and the tax collector's requirement that property owners register vacation rentals and pay the tax. Most people who stay at hotels, motels, vacation rentals and campgrounds pay a transient occupancy tax.

In 2016, the county collected \$950,843 in transient taxes, according to the county Tax Collector's Office.

Simon said other cities and counties, including the city of Redding, have zoning laws that address vacation rentals and bed and breakfast homes.

# Grass Valley talks regulation, enforcement for short-term rentals

October 11, 2017

Enforcing regulations on short-term vacation rentals may be a difficult task, Grass Valley's City Councilmembers said Tuesday.

When regulations are put in place, rental hosts will be expected to comply with the city's code "on the honor system," said Vice Mayor Lisa Swarthout at Tuesday's council meeting. Hosts will likely be fined, she said, if the city were to find out they weren't complying with its rules, but "it's not going to be a perfect process."

① "The city doesn't have the staffing to monitor every single one of those places," she said in an interview.

② On websites like AirBnB, exact addresses aren't revealed until a rental is booked by a customer, which makes regulation enforcement even more difficult for the city because many properties in Western Nevada County outside of city limits share Grass Valley's zip code.

Tom Last, the city's community development director, said Grass Valley will likely hire an outside company to keep track of which vacation rentals are within city limits. That company may also assist with enforcement, he said.

Last is working on a draft ordinance for the city's short-term rental regulations, which will need approval from the city's planning commissioners and further approval from city councilmembers before it takes effect.

Tuesday night, Last asked councilmembers their preferences on a variety of potential regulations.

③ Councilmembers said they were in favor of separating short-term rentals into two categories with slightly different rules. One category would cover rentals of a single room, and hosts would be required to live on-site. The other category would cover whole-house rentals, and a homeowner or property manager would be required to live within a certain distance of the home.

Councilmembers recommended the city allow short-term rentals on single-family zoned parcels rather than in all residential zones. They said the city should collect transient occupancy taxes from the rentals, require one parking space per room rented, and ban any signs posted outside homes.

Michael Colantuono, the city's attorney, clarified that no decisions were made Tuesday night.

"This is the beginning of a process, not the end," he said.

To contact Staff Writer Matthew Pera, email [mpera@theunion.com](mailto:mpera@theunion.com) (<mailto:mpera@theunion.com>) or call 530-477-4231.

## Homeowners critical of county over neighborhood home rentals

BY BRIAN WILKINSON  
 editor@sierrastar.com

AUGUST 16, 2016 2:30 PM

A couple residing in North Fork's Cascadel Heights have retained an attorney in an attempt to get Madera County to enforce zoning ordinances with regards to two absentee homeowners in their neighborhood who are providing short-term vacation rentals via the popular online booking site Airbnb.

Fresno attorney Christopher A. Brown, of Dowling Aaron Inc, has sent a letter to the Madera County Planning Department's Norman Allinder and County Counsel Regina A. Garza on behalf of Rick and Kris Hamilton, in an attempt to avoid legal action because two homeowners in the neighborhood are not adhering to single family zoning restrictions.

In a letter dated July 19, Brown has requested to meet with Allinder and Garza to discuss the granting of businesses licenses to the property owners and what he says are a number of zoning violations.

The Hamiltons, who have filed a complaint with the Madera County Grand Jury over the situation, have also gathered signatures from 18 neighbors supporting their efforts, and feel there has been a lack of response by county officials to their concerns as their neighborhood has been suffering with the zoning violation consequences for well over a year.

Brown said the nonconforming uses could negatively impact the Hamiltons and other neighbors the fundamental right to the quiet enjoyment of their property and could have a detrimental effect on property values in the area.

The Hamiltons feel that granting business licenses for short-term rentals in a residential area clearly violates residential zoning common sense and community norms and the very reason for zoning regulations.

"The Hamiltons have made good faith efforts to resolve these zoning issues without success for three months, and they now are expending considerable time and expenses seeking enforcement of existing zoning ordinances," Brown said in his letter. "They continue to seek an expeditious and amicable resolution in the hope of of avoiding further action."

The supervisors have met in closed session with county counsel to discuss the situation.

Kris Hamilton feels the zoning that overlays Cascadel Heights does not permit people to rent out their homes like a hotel. She, along with neighbors, has concerns over people they do not know in the neighborhood. Residents have no way to check on these unsupervised renters through the Megan's Law database, and they are noisy, have little regard for the potential of wildfires, are constantly smoking outside (USDA Fire Restriction 7/22/16), and using unknown amounts of water during drought conditions.

"Water trucks have made deliveries to one of those houses near us because the house does not have sufficient well capacity," Kris said.

She said she finds it perplexing that one of the homeowners is in real estate and yet violates residential zoning, as brokers are typically very well versed in zoning and residential vs. commercial applications.

Former Madera County Supervisor Gary Gilbert lives in a residential subdivision between Oakhurst and North Fork, on Road 223, and sympathizes with the Hamiltons because there is a similar property owner in his subdivision who recently started doing the same thing.

Like the Hamiltons, Gilbert has filed a complaint with the board of supervisors and has asked the grand jury to investigate the situation.

"My property in Sierra Highlands is zoned residential, which allows me to have a single family dwelling," Gilbert said. "It is not zoned for any commercial endeavor such as an auto body repair shop, or a hotel or motel. If I wanted to create a bed and breakfast at my home, I could request a special use permit from the county, the county would hold a public hearing so all my neighbors could have input. Then the county would look at my home and could require a number of things such as a fire sprinkler system, additional parking, and other improvements."

Gilbert went on to explain that some people have converted their homes into short-term rentals in violation of residential zoning ordinances.

"What we are seeing are people who are absentee landlords renting out their residence for short-term rentals without being in the home like a bed and breakfast," Gilbert said. "The owners are living out of the area and have a representative who will let the renters in and go inspect and clean the home for the next renters. Unlike B&Bs, the homeowners are not on premises to provide oversight while the renters are there."

Gilbert said some homeowners are now going to the county for a business license and the procedures for paying TOT (Transient Occupancy Tax).

"The problem is the county should not have the authority to issue a business license to people to operate a business in an area that is zoned for single family residence," Gilbert said. "The county is collecting a bed tax on what is an illegal activity."

Having said that, Gilbert went on to say he agrees there are certain areas that the zoning should allow such activity, including Bass Lake if that is what the homeowners desire.

"Bass Lake is ideal for this because it is a heavy recreational area," Gilbert said. "But it's wrong to allow these operations in what are predominantly residential areas like Cascadel Heights and other residential subdivisions. The county needs to look at areas where this may be appropriate and areas where it is not appropriate."

There are about 175 short-term (vacation) rental homes in the Bass Lake area zoned for single family residences.

Gilbert said he's aware many communities throughout the state including Ventura, San Luis Obispo, San Diego and Napa are starting to crack down on short-term home rentals. In one case, zoning enforcement and the court found that "when you buy a home in a residential zoned neighborhood, you have a reasonable expectation that your neighbor's house will also remain a single family residence. You also have to assume that the zoning administrator (or Board of Supervisors) will step in and prevent zoning violations."

Earlier this year, Realtor Magazine, the trade magazine of the National Association of Realtors, published a story by broker Barbara Nichols that said short-term rental websites raise risks for homeowners, their neighbors, and communities.

The article pointed out that there's a good reason for zoning laws - they separate various types of buildings and building uses for the mutual benefit of everyone, so people don't have to live next to a factory or a motel. Most cities also have laws related to the minimum rental period for a single family house or a multifamily dwelling. In Los Angeles, for example, a residential rental of less than 30 days - called a "short-term rental" - is currently prohibited.

The article went on to say internet companies such as Airbnb and VRBO pay no mind to such ordinances. They've swamped the market in California and elsewhere with thousands of listings, making the rules difficult or impossible to enforce. These websites claim that homeowners should have the right to do whatever they want with their property - but that's a fallacy, Nichols wrote.

"When someone has purchased in a single family or multifamily zone, they have accepted the rules of that zoning. They do not have the right to turn their home into a motel, a restaurant, or a factory to the detriment of everyone else in that zone," Nichols concluded.

# California lawmakers can't figure out what to do with Airbnb. Here's why



Airbnb hosts in Los Angeles meet last year to consider regulation in the city. (Los Angeles Times)



By Liam Dillon

FEBRUARY 3, 2017, 12:05 AM | REPORTING FROM SACRAMENTO

**I**n San Francisco, tumult at the ballot box, with the Board of Supervisors and in the courtroom has defined the city's relationship with Airbnb and other short-term rental sites. In Los Angeles, regulating Airbnb is a top issue at City Hall. In New York last fall, Gov. Andrew Cuomo signed one of the nation's most restrictive laws penalizing Airbnb hosts who do not abide by limits on how frequently they can rent out their properties.

Yet in California, state lawmakers have done nothing major either to crack down on Airbnb or make it easier for short-term rentals to operate. The lack of action is in sharp contrast to the scores of regulations passed in cities and states across the country, but also to the way California legislators have responded with fervor in tackling other issues surrounding the so-called sharing economy, including Uber and Lyft and the booming ride-hailing industry.

The question of regulating short-term rentals "is not going away," said Sen. Mike McGuire (D-Healdsburg), who wrote multiple bills over the last two years to deal with the issue. "And in fact the longer we ignore it, the more challenging it will be to resolve."

Short-term rental legislation has failed in Sacramento for multiple reasons, those on all sides of the issue said, including cities' reluctance to let the state involve itself in local tax collection and the relative political strengths of both Airbnb and labor unions, which are typically the industry's most powerful adversaries. Hotel-worker unions in particular are troubled by the effects short-term rentals could have on the hotel business and the livelihoods of workers.

The fight between the company and labor played out during debate over McGuire's 2015 legislation. His bill would have required short-term rental companies to essentially police properties listed on their platforms, telling the companies to report addresses, usage and prices to cities, and also allowing cities to go after companies if hosts violated local rules. The hotel-workers union, Unite Here, led a group of labor, tourism, police and local government organizations to push the legislation.

“

## **Individual members did not want to be seen as bucking the sharing economy.**

— Sen. Mike McGuire (D-Healdsburg)

But even though a large coalition was behind it, the bill died in a legislative committee. Airbnb worked hard to defeat it, sending their hosts in California an email with a button to click that would automatically generate a letter of opposition to legislators. Nearly 20,000 emails were sent to every state senator as a result, according to the company. The tactic is the same as one employed by Uber. Last year, when state officials tried to roll out a regulation the company didn't like, Uber emailed their drivers and customers telling them to oppose it. The response flooded regulators' inboxes and the state backed down.

Uber, Lyft and other ride-hailing companies have been successful in expanding their operations in the state while also defeating bills that would have led to deeper background checks or stricter work rules for their drivers. Lawmakers have said they've supported pro-ride-hailing legislation because they want to back the tech industry, and McGuire said his 2015 short-term rental bill failed for the same reason.

“Candidly, individual members did not want to be seen as bucking the sharing economy,” McGuire said.

The next year, McGuire returned with more limited legislation, which was supported by Airbnb. The bill would have ensured local governments could collect hotel-room taxes from short-term rental hosts, and allowed state officials to audit the money. Airbnb liked the idea of having a statewide tax deal instead of working city by city. But cities balked at the state involving itself in collecting hotel-room taxes, which are solely local dollars. As in 2015, that measure also didn't make it out of a committee.

State legislators in New York acted last year in part because of existing laws. New York already had rules on the books designed to block short-term apartment rentals in an effort to prevent flophouses and other illegal hotels. The legislation signed by Cuomo simply revised that law to impose steep fines for those who violated the rules.

In California, the major fights have been local battles. Airbnb has gone to court over strict rules regulating the industry passed in Anaheim and Santa Monica. Last year, San Diego's then-City Council president proposed banning short-term rentals entirely, an effort that was voted down in favor of working on less-stringent regulations. Los Angeles city officials are expected to take up a proposal later this year that would limit how frequently hosts could make rooms available and force them to register with the city.

Nowhere in the state is the battle more pitched than in San Francisco, Airbnb's hometown. Voters in the city rejected a ballot measure in 2015 that would have made it a misdemeanor for Airbnb and other platforms to list rentals the city had deemed unlawful. Airbnb sued San Francisco over regulations passed last summer, which the company claims unfairly punish them if their hosts violate rules.

Even though major short-term rental legislation hasn't passed at the Capitol, Airbnb still has a large presence in state politics. Its global head of policy, Chris Lehane, a long-time Democratic strategist in California, joined the company in 2015 after running political operations for billionaire investor and environmental advocate Tom Steyer. Lehane is scheduled to speak on the 2016 election results at the Senate Democratic Caucus' policy retreat next week. Airbnb spent nearly \$250,000 on lobbying efforts in Sacramento during the last two years, and company executives, including Chief Executive Brian Chesky, have given more than \$225,000 to Lt. Gov. Gavin Newsom's 2018 gubernatorial bid, according to state records.

McGuire said he's holding off on introducing new legislation this year while Airbnb and the League of California Cities discuss potential resolutions to the tax issue. No other lawmaker has sponsored a bill on the issue yet this year. The company remains interested in state action.

"We certainly are still eager to figure out a statewide solution on the tax piece to simplify and streamline the process to make things easier for our host community," Airbnb spokesman Christopher Nulty said.

Still, legislators have not ruled out new rules that would go beyond taxation. A persistent argument used against short-term rentals is that they can take homes off the market, which opponents say could add to a housing shortage that has plunged the state into an affordability crisis. Recent academic research has showed that short-term rentals can have a modest effect on housing supply in Los Angeles, San Francisco and other popular cities, though the effects might be greater in desirable neighborhoods.

Sen. Jim Beall (D-San Jose), chairman of the Senate Transportation and Housing Committee, said he wanted to see more research on short-term rentals' influence on the housing market in San Francisco, but would consider taking action if he was convinced they displaced existing residents.

"I'd be concerned about that," Beall said. "I'd want some limits on dealing with that particular problem."

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[@dillonliam](https://twitter.com/dillonliam)

**ALSO**

**L.A. takes step toward new rules on short-term rentals**

**Airbnb sues San Francisco — its hometown — to block new rental law**

**Uber and Lyft are winning at the state Capitol — here's why**

**Updates on California politics**

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Healdsburg

# Vacation Rentals

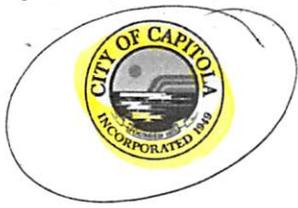
## Overview

There are a series of restrictions in place to ensure that the residential character of our neighborhoods is protected. The popularity of private vacation rental activity has increased over the years. There are strict limitations in place that property owners or prospective property owners should consider before making this business decision. The most important call you can make is to the Zoning Department at 707-431-3348 to see if your particular property, will qualify for this status. Most will not qualify due to zoning restrictions. A vacation rental is not the same as a Bed and Breakfast Inn. The majority of complaints that our department receives is from neighbors who object to a property owner running a motel business in a residential neighborhood.

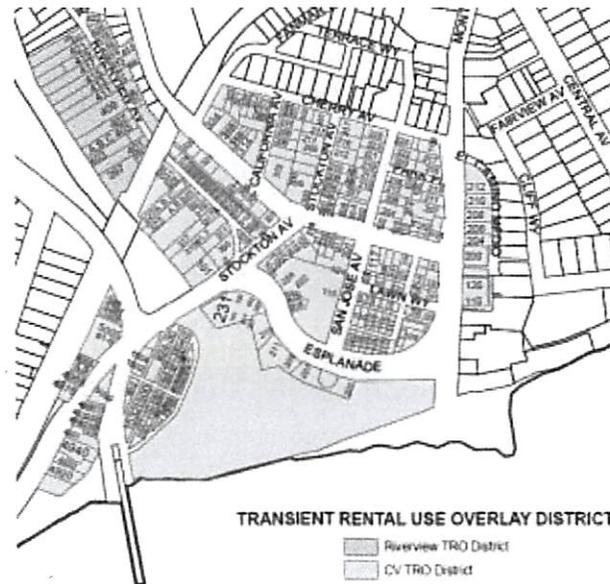
If you are a prospective customer for a vacation rental, ask the owner if they have a "Conditional Use Permit" issued by the city and if the property has passed the annual fire/safety inspection. The investigation and elimination of non-permitted vacation rentals is a priority. Verified violations result in the issuance of fines and may lead to criminal prosecution. If you are a property owner and have a tenant conducting illegal vacation rentals, you are responsible for stopping the activity.

## Warning Signs for Illegal Vacation Rentals

- Owner does not have a "Conditional Use Permit" or other permit issued by the City of Healdsburg.
- No city business license
- No transient occupancy tax charged
- Rental periods are accepted for less than 30 days.
- The property owner disguises the location of the property.
- The owner cannot produce paperwork to show that an annual fire/safety inspection has taken place.
- The owner attempts to negotiate a 30 day contract, but only charges for the 3 days you need to use the property.



# Vacation Rental Rules and Regulations



## What is a Vacation Rental?

A vacation rental is a residential home or portion of a home which is rented for less than 30 days (Section 17.03.686 ). They are also referred to as "short-term rentals" or "transient rental uses".

## Can My Home be a Vacation Rental?

- The answer to this question all depends on location. The City of Capitola has established an area (the TRO or transient rental use overlay district) where vacation rentals may be operated. If your home is located within this area your property may be operated as a vacation rental. This area consists of the Capitola Village, Riverview Avenue as far north as city hall, as far west as El Camino Medio, as far east as Cliff Drive and as far south as Capitola Beach, as shown in the image above.

## SUBMITTAL REQUIREMENTS

- 1) Complete Transient Rental Permit Application (see fee schedule for updated fees).
- 2) Complete a Business License Application.

\* these documents are located at the bottom of this page

## PROCESS

Submit Transient Rental Permit Application and Business License Application to the City of Capitola.

Your application will be circulated through the following departments:

- a) Planning Staff will review application for completeness and compliance with zoning and parking.
- b) The Finance Department will issue a Transient Rental Occupancy Certification upon approval by Planning. Once approved, your business license will be processed and issued.

### ONGOING DOCUMENTATION

A Transient Rental Occupancy Certification will remain valid if the following documentation is kept up to date:

- 1) Business License must remain active and renewed annually.
- 2) Transient Occupancy Tax Monthly Report must be submitted monthly, including months with no occupancy.

### What If My Home Is Not Located In The Vacation Rental Area (TRO)?

- **Homes located outside this area may NOT be rented as vacation rentals.** Homes outside the TRO may only be operated as "Long-term Rentals". Long-term Rentals must be rented for **30 nights** or more.

### What Can I Do If I Notice A Non Compliant Rental?

Permit violations or illegal operation of short-term rentals are typically enforced by neighbor complaints. If you notice a neighbor is operating a non compliant vacation rental please fill out the Code Complaint Form. The City of Capitola will not disclose the identity of complainants; however, the City does not accept anonymous complaints.

You may submit code complaint forms to City Hall or email it to Katie Herlihy: [kerlihy@ci.capitola.ca.us](mailto:kerlihy@ci.capitola.ca.us). Once a complaint is received and non compliance is verified, a notice will be sent to the rental operator.

### Non compliant Vacation Rentals: Violation Notifications

The City of Capitola has been taking inventory of non compliant vacation rentals using online hosting platforms since June 2015. Notifications of non compliance were sent out in February of 2016. If you received this notice and are NOT operating a non compliant rental please contact Ryan Safty immediately to take you off our inventory.

**Property owners who rent vacation rentals outside the TRO zone or without proper permits will be ordered to cease their vacation rental operation and may be subject to daily fines if the use continues.**

### CONTACT

Please contact our Community Development Department if you have further questions. Call (831) 475-7300 and ask for Katie Herlihy  
Email Katie Herlihy at [kherlihy@ci.capitola.ca.us](mailto:kherlihy@ci.capitola.ca.us)

### Supporting Documents

- Transient Occupancy Tax Monthly Report (32 KB)

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## Short-Term Rentals

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### Overview

In the City of Santa Barbara, short-term residential rentals, including vacation rentals and home sharing, are regulated as "Hotels," pursuant to that definition in the [Zoning Ordinance \(http://civicaweb.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=12171\)](http://civicaweb.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=12171):

"A building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses."

In June 2015, City Council directed staff to continue enforcement of the City's existing zoning regulations prohibiting all short-term residential rentals, unless properly permitted.

Between June and December 2015, staff and decision-makers explored options to allow and regulate home sharing operations in areas where residential uses are allowed. On December 8, 2015, City Council voted to forego further development of such an ordinance. As a result, **all short-term residential rentals remain prohibited in the City, unless they receive proper land use approvals and permits, as necessary.**

### Regulation of Legally Permitted Short-term Rentals

Short-term rentals and home sharing operations are "hotels" and considered a non-residential use for zoning purposes. As such, if all required approvals are obtained, they may only legally operate in zones that allow hotels. The map below depicts the zones in which short-term rentals and home sharing operations may be allowed, subject to compliance with all applicable regulations.

- **Map showing zones where short-term rentals may be allowed (<http://civicaweb.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=168026>)**

Due to many unique factors and site-specific limitations involved in converting existing residential units to short-term rentals, a [Planner Consultation \(http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17540\)](http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17540) is highly recommended to obtain detailed procedural information for a site, after you have confirmed that the use is allowed in the zone. To view information that generally describes the steps required to legally permit and operate a short-term rental, [please click here \(http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=159090\)](http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=159090).

### Enforcement

Enforcement efforts will focus on achieving long-term compliance with the Zoning Ordinance and recovery of unpaid Business License and Transient Occupancy Tax (TOT). Concerns regarding potentially unlawful short-term rentals or home sharing operations should be directed to the City's code enforcement staff by either visiting the [Building and Zoning Code Violations \(http://www.santabarbaraca.gov/services/construction/code\\_violations.asp?utm\\_source=Report&utm\\_medium=BuildingAndZoningCodeViolation&utm\\_campaign=HowDoI\)](http://www.santabarbaraca.gov/services/construction/code_violations.asp?utm_source=Report&utm_medium=BuildingAndZoningCodeViolation&utm_campaign=HowDoI) web page or calling the "Request for Investigation" hotline at (805) 897-2676.

### Upcoming Meetings

In August 2015, City Council directed staff to return in six months with an update on enforcement efforts. Two updates have since been provided on March 1, 2016 and October 11, 2016. Ongoing updates will be in the form of memorandums, found on the [Reference Documents \(http://civicaweb.santabarbaraca.gov/services/planning/mpe/stvr/vrdocuments.asp\)](http://civicaweb.santabarbaraca.gov/services/planning/mpe/stvr/vrdocuments.asp) page.

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## GET INVOLVED

**To receive updates and notices, click here (<https://www.santabarbaraca.gov/portal/mysubs.asp>)** to create a MySB Quick Subscriptions Account. Scroll down to the Newsletters & Bulletins section and select **Vacation Rentals** from the "Newsletters & Bulletins" dropdown.

Owners: Please post in a conspicuous place in the Short-Term Vacation Dwelling



## WELCOME SHORT-TERM VACATION GUESTS GOOD NEIGHBOR GUIDELINES

The City of Ventura is pleased to welcome you as a short-term vacation guest in our beautiful city. We hope you enjoy your stay here and take advantage of all that Ventura has to offer.

As a short-term guest in this neighborhood, we ask that you be respectful of the long-term residents that live here. Ventura's Ordinance entitled "Short-Term Vacation Rentals" has been adopted to ensure that our short-term vacation renters do not negatively impact the peace of those who make this neighborhood their year-round home.

You and your visitors must comply with the following conditions:

- ❑ Park only in space assigned to your unit and obey posted parking signs.
- ❑ PLEASE OBEY SPEED LIMITS AND WATCH OUT FOR CHILDREN. The streets in this area are narrow and may or may not have sidewalks.
- ❑ Trash/litter must be placed in appropriate containers. Avoid overfilling.
- ❑ Comply with Ventura's Noise Ordinance: It is unlawful to make continued loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood.

Your landlord has provided a Nuisance Response Plan accessible to all neighbors within a 300-foot radius. Any nuisance activities, such as loud after-hours parties or noise, disruptive behavior, illegal parking, excessive and/or overflowing trash, or any activity that disrupts the neighborhood peace can and will be reported. If unacceptable conditions are not remedied immediately, Ventura Police Department and/or Code Enforcement will respond. Continued unacceptable behavior is subject to citation and fines.

*Enjoy your vacation and please be a good neighbor.*

January 5, 2018

RE: Response to Dan Raner letter, dated September 20<sup>th</sup>, 2017

Dear Butte County Supervisors:

It is deeply troubling to us, where in his letter dated September 20<sup>th</sup>, 2017 to the Board of Supervisors, Mr. Raner not only implies elected officials are being bought and paid for (“...perhaps some of these profits end up as campaign contributions.”) but knowingly chooses to spin a false negative narrative about us and, more importantly, the short-term rental (STR) business. It should be noted, in a November 6<sup>th</sup> letter to Mr. Raner, we gave him the option to correct the narrative, but he declined.

1. “None of us had been notified.” False!
  - a) Neighbors to the north and south of us have a direct line-of-sight to our front door and parking lot, making it impossible for us to run a STR without them knowing. Early on, we had several conversations with these two neighbors about us running the STR. Furthermore, we’ve had a long-standing gentlemen’s agreement to keep a watchful eye on each other’s homes for the past ten-years.
  - b) North neighbor hired our managers to caretake their dog, 2<sup>nd</sup> month of STR.
  - c) Hired South neighbor’s friend as manager. To date, South neighbor okay with our STR.
  - d) Within a month after triggering our rental, we notified local real estate broker (Jim Crane) we were operating a STR and would send clients his way. (Exhibit 1)
  - e) We didn’t feel it was necessary to notify neighbors who live more than a ¼ mile down the road from us.
2. “our private road is being damaged weekly” (presumably by our STR guests) False!
  - a) Mr. Raner, in the Minutes of Meeting, October 22, 2017, quotes his road expert: “the road is in reasonably good condition.”
  - b) To our knowledge (and by his own admission – “I’ve sprayed poison oak” “I pull weeds.”) Mr. Raner, in the 14 years he’s owned his 2 parcels, has yet to significantly contribute to the maintenance of AJ Stohr (2 equal shares) or Stag Lane, (1 equal share) despite contractual obligations. This is in stark contrast to the efforts made by his fellow stakeholders, who have participated alone and in work parties, performing preventive maintenance and paying for rock. An attempt by Mr. Raner to terminate the road contract and write new language designed to give his **vacant** land a free pass and reduce his contractual obligations by 2/3rds was thwarted. (Exhibit 2)
  - c) Suggestion(s) to switch from totes to a single dumpster to keep the massive WM garbage trucks – which *are* damaging our roads – for isn’t this the very reason the BOS curtailed their mileage on county roads? – off our private roads was greeted with, “Not everyone has a truck to haul their garbage,” by Mr. Raner, yet this is exactly what other residents in Forest Ranch do to address the bear problem and reduce wear and tear on their private roads. (Exhibit 3)
3. (STR) “unleashed dogs are roaming on porches and charging neighbors” False!
  - a) Our STR House Rules and reviews confirm our guests’ dogs are NOT allowed to roam off-leash. Failure to do so results in the loss of our guest’s security deposit. (less than 1% of our guests bring dogs) “plenty of room for the two dogs to run around on the patio (deck) and in the dog pen”, “the back deck was a great place to hang out with my dogs.” Note: our 1000 sq ft deck is 5 feet off the ground and completely fenced in.
  - b) Neighborhood dogs (including ours) have historically been allowed to roam off-leash.
  - c) Not a single photo of our guests’ dogs has been captured by our wildlife-monitoring camera; however, dozens of pictures/videos have captured neighborhood dogs roaming.

- We've lost count as to how many times over the years we've had neighbors' dogs "charge" us. (Exhibit 4)
4. *"noisy parties."* False!
    - a) We've drawn guests from as far away as Europe and Asia and from all around the United States. Hard to imagine they'd spend time and money to come here just to party.
    - b) Our reviews detail the various reasons people are drawn, not only to Butte County, but to our unique setting and structure. (Log home) Many are family gatherings, some of which include grandparents and babies. *"serene"*, *"peaceful"*, *"star-gazing"*, *"relaxing"*, *"breathtaking"*, *"great for kids"*, *"amazing"*, *"exquisite"*, are just some of the adjectives describing our guests' stay with us. (See reviews below)
    - c) Two neighbors adjacent to our property have complained of "loud music" prior to our starting the STR (originating from other neighbors) but we never received a single complaint regarding *"noisy parties"* at our house.
    - d) Neighbor below us is within earshot, and, as late as Oct. 2017, he said he doesn't have a problem with us running a STR, because it has had no impact him.
  5. *"Trash cans are left out for animals to scatter."* False! Not by us.
    - a) An audacious charge, given Mr. Raner has not only walked pass our bear cage many times, but even brought *"strangers"* to view our bear photos. (Exhibit 4)
    - b) We have, however, cleaned up our neighbors' spilled trash from time to time, as we are the only stakeholders in our neighborhood who own a bear cage.
  6. *"trash bags are placed on neighbors' Waste Mgt. barrels"* Ludicrous!
    - a) It's absurd to believe our guests would hang around waiting for our neighbors to roll out their garbage bins sometime Thursday morning in lieu of dropping their garbage into our 24/7 available bins.
  7. *"strangers drive into neighboring parcels."*
    - a) We, too, over the years have had strangers motor up our driveway. Not uncommon in this neck-of-the woods, nor are we familiar with any of our neighbor's extended families, friends, acquaintances, service techs, etc...so they're all strangers to us, just as we recognize our guests may be to them. The difference is *our* guests have been vetted and are insured through the STR companies for a million dollars.
    - b) We were, from the very beginning, sensitive to NOT disturbing the neighbors by having cars motor up their driveways. To this end, we supplied detail mapping to our place, erected signage pointing the way, and contacted Google maps to correct an error in their mapping.
  8. *"up to (STR) 19 cars have been parked."* False!
    - a) Regarding our STR, we've never had anything close to that many cars parked in our off-street, out-of-sight private parking lot.
  9. *"we have deep concerns about fire safety and evacuation plans"* Unjustified.
    - a) STRs require hosts to post a Safety Card with emergency contact numbers.
    - b) Our house, built in 2009, meets and exceeds all codes related to life and safety, which includes an indoor fire suppression system and superior electrical system.
    - c) Detectors and fire extinguishers are prevalent throughout the house.
    - d) We consistently achieve high marks from Cal-fire for keeping our *entire* 5-acre parcel clear of undergrowth and debris, which is in stark contrast to Raner's heavily debris and brush-laden 13 acres, which has never been – in the 14 years he's owned it – cleared.
    - e) We annually clear the overhang and groom the roads, maintaining it as a viable escape route, should a fire occur/other. (Exhibit 4a)
  10. *"emphasizes "events, parties, weddings, graduations."* False!

- a) We've turned away a half-dozen offers to hold (large) weddings at our site, accepting only 2 offers for weddings – one had a party of 6, the other was a small, intimate wedding with less than a dozen attendees. (They were from England)
  - b) We have accepted – from parents – offers to hold graduation celebrations at our place, while facilitating and supervising the event ourselves.
11. “*Un-supervised*” False!
- a) During our two long-term absences (May/June, 2016 and June/July, 2017) we hired managers to oversee our STR. North neighbor hired our first managers in June of 2016 to caretake their dog/South neighbor’s friend was hired during our absence in 2017.
  - b) In addition, we placed a facilities master mechanic on call, should there be problems.
  - c) During our absences, we had text conversations with our North neighbors – unrelated to the STR – without ever receiving a complaint from them.
12. “*the rental owner is on a shared-well with three owners.*” True, but apparently a non-issue with the well stakeholders for the following reasons.
- a) Long before we started our STR, we deployed water saving measures, including capturing rain water for fire suppression, irrigation, and dust control in our 10,000 gallon tanks multiple times per year.
  - b) None of the other 3 stakeholders have taken advantage of our standing offer to pay a larger share due to 2 of the stakeholders being largely absentee owners. (Exhibit 5&6)
  - c) In 2016, while we were operating our STR, we paid an equal share despite a dramatic increase in cost due to a 2-month leak in two of the stakeholders’ water line, without complaint. (Exhibit 6)
  - d) We’ve performed 90% of the maintenance on the stakeholders’ well in the past ten years, mostly without compensation for labor and parts. (Exhibit 7)
  - e) Going forward, we installed a water meter and recommend payment by usage, not equal shares, primarily because 2 stakeholders are largely absentee owners.
13. “*...we were being burdened with a variety of problems from the renters*”
- a) Raner’s words, “*We discovered this summer, **by chance**, that one of our neighbors was renting out his home...*” strongly suggests our renters had little to no impact on the neighborhood. Why else would it take him **15 months** to discover, *by chance*, we were operating an STR?

As documented above, the problems Raner says he (and he claims others) “*were being burdened with*”, were fabricated, or is simply the lifestyle of living in the foothills where inhabitants tend to favor freedom over restriction. Due to the novelty and, yes, bad apples in the business, we understood the concern(s) involved with STRs even before we started, so we took every precaution to limit the impact on our neighbors. And for 15 months we operated without complaint.

Had Mr. Raner chose to have a friendly neighborly chat with us instead of pursuing a near 3-month covert course of action, misunderstandings, shaped by misinformation, would have been avoided, and erroneous statements like these (“*short-term rental was not legal in our Foothill-Residential zone*” “*the rental owner did not file for any permit,*” “*motels popping up in neighborhoods*”, “*rake in enormous profits*”, “*un-supervised and un-regulated*”) would never have been conceived.

We feel it’s more constructive to ask, “What could and did go **right** during the 20 months we operated a STR than to speculate as to “*What could go wrong?*”

A shared economy reduces the human impact on our finite resources. Build more motels? Deploy yet more fleets of taxis? Why? When the resources are already available. When the alternative is not sustainable, and when it does not reflect well on us as stewards of our finite resources.

STRs do not “*rake in enormous profits*” as Mr. Raner would have us believe. These are, largely, **part-time** mom and pop operations, simply folks who need or want to **supplement** their income. Which they pay income taxes on. As with any business there is overhead. In our case, the moneys garnered from our STR paid for maintenance, (including the road and well), utilities, custodial, and local, state, and federal taxes. Our net profits (most of it) stayed here, where we shop locally, instead of lining some far-flung corporation’s pockets, as is the case with the net profits from chain motels. Even though a STR ordinance and permit process does not yet exist in Butte County, (Whigham court case) we paid the sales tax (6%), because we feel it’s good business practice to support, not only our local community through their numerous charities, (Charter School, Fire Station 24, the Lions Club, FRCA, and Caring Veteran’s), but the county we live in, too.

Mr. Raner’s statement, “*that a number of out-of-county buyers are purchasing homes and property in residential zones for the express purpose of setting up short-term-rentals,*” does not pass fact checking, especially in our neighborhood. One could make more money renting long-term with less overhead and effort, than operating a STR. Within view from our property lines, are 3 substantial (2000+ sq ft) houses, which sit vacant 80 – 90 percent of the time. The owners could rent them out, short or long term. They could register them as relief shelters with Airbnb’s Open Home program during crises. They choose not to. It’s there prerogative. Their right. Even though, in our view, it’s a wasted resource. Especially during critical need.

We choose to share our resource, and to make it available during crises to those displaced who need time to rebuild their lives and to support relief workers. Airbnb’s Open Home program has helped thousands in need, free of charge, including during the Oroville Dam evacuation. (Exhibit 8)

Our 3000 square-foot log home sits in the middle of a heavily-forested 5-acre parcel. It borders a 14-acre parcel (west – house located on far end), a 10-acre parcel (south – vacant 100% of the time), a 6.53 acre **vacant** parcel adjoined by another 6.53 acre (east – house located on far end) and a 5-acre parcel (north – vacant 50%+ of the time), which is bordered by another 5 acre parcel (vacant 100% of the time) Our property includes a long driveway with a large, private gravel parking lot, a 2500 square foot fenced in dog pen, a 1000 square-foot fenced in deck, and a mud room, which doubles as a dog room. (we don’t allow dogs in the house) Our House Rules are strictly enforced, which, if not adhered to, subjects the guest(s) to loss of their security deposit and/or removal from the STRs’ communities. Our guests are vetted (3 forms of ID) and are backed by a one-million-dollar insurance policy. (Airbnb and Homeaway) If our property cannot qualify as a STR, we can’t fathom how the 300 or more current STRs in Butte County would qualify, given the characteristic of our space and facilities.

Does the BOS want to attract overnight guests? Tourists, from around the world, who visit the jewels of Butte County? Do you want net profits to be spent locally? Or line the pockets of far-flung corporations? Are you in favor of driving the local economy without accelerated expansion into greenbelts? Do you want to swell TOT? Do you favor utilization of existing properties rather than chipping away at our finite resources? Do you want emergency shelters – on a minute’s notice – available and ready to cater to those who have not only been displaced, but to those who are also deployed to assist? Do you want to bring the World’s communities together? (Airbnb views itself as a community, governed by peer pressure.)

If you answered yes to any of these questions, then please consider embracing, rather than hindering, STRs. Please don’t let ill-informed, non-participants sway your judgement. Give STR owners direction with a clearly-defined ordinance and a minimalistic permit process, which will grease the wheels of what is inevitable: The transformation of the lodging industry.

So why do Butte County visitors choose STRs over downtown motels? More space, more privacy, no compromises? We think it’s best to let our guests tell you. Common theme? Family.

*“Enjoying time with family and friends. Absorbing the pure beauty surrounding us. Thank-you for allowing us to have a special Christmas in your beautiful house. It was wonderful to relax and forget about the real world.”* Dena Palmer, Oakly, CA, and local Chico relatives.

*“Thanksgiving family gathering – our second in this lovely spot! Played outside with our 2+ year old grandson, cooked as a family for our Thanksgiving feast, enjoyed the warm atmosphere and beautiful views. On top of our list of things to be thankful for was the joy in our 97 yr. old father’s eyes as he presided over our Thanksgiving-day. He was so pleased to be here again this year and to enjoy a day with his family in this beautiful spot. Thank you! God willing, we will be back again next year.”* Jane and Rob Malcolm. Austin, TX, Chicago, and local Chico relatives.

*“Our purpose for our stay was to attend a family members graduation from the fish and game academy and celebrate with friends and family. This is the first time we have ever rented a vacation home. We were wanting something to accommodate a good sized group and a dog. We were beyond pleased with the set up of this home. The mud room for the dog was awesome!!!! It was completely furnished with dog crate, dog bed, food & water bowl, toys....what more could you ask for. The home itself is amazing!!! Very spacious, unique in it's architecture and you feel like you're in your own home. Plenty of parking, loved the two person hammock for an afternoon nap and the Cornhole game. The 7 & 9 year olds enjoyed the kiddie pool on the side deck. It has been a truly relaxing time with friends and family. We’ve all decided we need to do a get together like this once a year. The views and quietness of your home’s location is perfect. Nothing better than enjoying God’s country. God bless. Hope to visit again sometime in the future.”* The Eye Family, Bankson and Marsh. Chowchilla, Caruthers, & Tulare, CA.

*“Thank you so much for opening your home to us. Needless to say it is gorgeous here – and it was the perfect retreat for us as we welcomed our new baby girl into our family. Thank you again!”* The Davidson/Chang Family, Bangkok, Thailand.

*“Graduation retreat/family weekend. Barbequed! Relaxed. Walked Butte Meadows & jumped in the creek to cool off. Host’s John & Nancy are awesome!! Great space. The deck (especially in the early morning) copper tub & stone shower. Just a wonderful space & the hosts are really lovely & an inspiration!! Very fortunate that they have shared their special home. Thanks!!”* Worthington family, Albany CA.

*“Enjoyed each other’s company. Celebrated our brother’s birthday, went to Lavender Ranch, ate at Sierra Nevada Brewery, went antiquing, hiking @ Butte Meadows. The pictures did not do his home justice!!! From the moment we drove up the driveway this magnificent home emerged from the forest and welcomed us in. This house is tastefully appointed, and the views are breathtaking. The beds are comfortable, the directory extensive and very helpful. The couches are extremely comfortable – this whole house is just set up to be relaxing and comfortable! You guys have thought of everything! We thoroughly enjoyed our stay – I am sure we will be back! Thank you for sharing your magnificent home. God Bless.”* Gina & Charlie Farinha, Florida.

*“Sibling reunion. Fellowship w/each other. A bit of sight-seeing in the gorgeous country side around here. Just spending time with family. (we live too far apart) Your home/property is gorgeous. Thank you for this opportunity. I would definitely rent again. Gorgeous! God Bless!”* Lisa Erdmann, Southeast Michigan.

*“Wildflower Century. We loved your comfortable house!! Special place for sure. The hummingbirds on the deck are constant entertainment. So comfortable here. Perfect for pets! Everything here is first class! The views after a long bike ride are the best. Special day for sure!! Thank you!!!”* Cliff & Laura Ward/Mark & Stacy Tedson, Tahoe, CA

*“Family reunion for my mom to celebrate her 70<sup>th</sup> birthday. Caught up with distant relatives. Also had carrot cake to celebrate Mom’s birthday. We also celebrated Easter Sunday. Favorite moment: The kids building a fort in the loft wing with the build a fort set.”* Paula. Washington State.

*“Beth’s surprise 50<sup>th</sup> B-day weekend. RELAXED, ate, drank good wine & champagne. Played party games and celebrated our friendships. The whole weekend was magical, fun and so relaxing! We all loved being in this beautiful, cozy home!!! Thank you!”* Beth & John Howard, Chico, CA

*“Christmas weekend with family and friends residing in Chico & Sac. Breakfast at (?) Cottage, tour CSUC. Xmas dinner here, relaxing day. Incredible place. World class view. Amazing construction and amenities. Thank you for letting us visit your lovely home. What a delight!”* The Akerbloms, Stockholm, Sweden.

*“First family vacation in 15 years and first family trip with the new twins! We enjoyed the comfortable cabin with spectacular views, relaxed, and even made it out to Lassen National Park where we had a chance to bike a bit and play in the snow. (in July, no less!) Thank you to John and Nancy for opening your lovely home to our family! It was the perfect place for our family vacation – everyone loved it and had a chance to relax. It was perfect and comfortable for the babies and dogs too! The house had everything we needed (& more) & truly exceeded our expectations😊”* The Kwoks, San Francisco/Fresno/Los Angeles

*“Grandparents visiting from Florida, so we came to visit grandson who is at Chico (CSU). 3 generations. We stayed in the cabin and spent time together, relaxing, reading, playing cards & board games, and drinking wine by the fire. The cabin is spectacular, and John & Nancy have thought of everything to ensure guests are comfortable and have anything they could possibly need. Thank you!!!”* The Nunez Family, Foster City, Ca and Florida.

*“Dear John & Nancy: Wow! My wife, Terri and I had the pleasure to spend almost 4 days with our son, Brett, daughter-in-law, Emily, and our two grandsons. What a wonderful and delightful residence you have here – right out of the movies. We saw 4 deer in back yard, 12 turkeys, and enjoyed the hummingbirds. Your surroundings are fantastic. As my son said, “Lake Tahoe without the lake.” Your interior finishing is beyond description. Thank you for a once in a lifetime experience.”*  
Howard & Terri Hill, Boise, Idaho.

*“This is an amazing property with very nice view on top of the hill. The house is way clean and John gave a lot of help before and during the stay. A lot of toys for the kids and they love them and they enjoy so much with the deer and turkeys running around. Star viewing is also a good option in this property since it’s a bit away from the city light.”* Hong, Milbrae, CA

*“Our family had an incredible weekend at John and Nancy’s home in Forest Ranch! Words cannot describe the beauty and comfort of this home. Plenty of space, breath taking views and a bath tub fit for a queen! Our son attends Chico State, our house is about an 8 hour drive. It’s easy to see why John and Nancy are super hosts. Our family would like nothing more than to return and spend another weekend in this serenity.”* Rebecca, Fontana, CA

*“The location of this cabin is spectacular...we enjoyed sitting on the back deck every night watching the sun go down. We love to cook and the kitchen was superb for this purpose. It was a wonderful and relaxing time and we wish we could've stayed longer.”*  
Candice, Atlanta, Georgia.

*“We had such a great weekend here. The house is amazing, it has everything you need, its clean and the view is so relaxing and beautiful. Our boys had fun on the trampoline and loved the outdoors. The highchair helped a lot with the 1 year old. We took a daytrip to Lassen park, and it was so nice to have the house to get back to after a hike and the drive. Can definitely recommend this stay!”* Sandra, Stockholm, Sweden

*“My now-husband and I hosted a very intimate wedding at the cabin. We wanted something secluded and beautiful, just for our close family and friends. The event turned out lovely and I could go on and on about this cabin! All the little details and craftsmanship, even the lovely pictures don't do it justice. Plus, John and Nancy are interesting, nice, and communicative. Five stars for the cabin and the hosts!”* Meagan, England.

*“The Lavender Log Home was beautiful! We had an intimate family occasion at the home and it couldn't have been more special. The scenery was breathtaking and the everything about the home was modern and well cared for and we all felt pampered and rejuvenated at the end of our stay. Everyone wants to go back! Thank you John and Nancy.”* Jennie, Provo, Utah.

*“Fantastic log house, perfect for family gatherings. Just 20 minutes from Chico in the pine forest with fantastic view that makes you want to sing halalujah. Our hosts were generous to stock the kitchen with anything we could have possibly needed. We enjoyed*

*the log burning fireplace. Our puppy had his own spacious mudroom so no worries about his security and comfort while we were at an event in town.” Linda, San Juan Capistrano, CA*

*“It was such a wonderful experience staying at John & Nancy's. Everything was well prepared and John & Nancy were very considerate. Me and my associates spent two nights there and explored Lassen Volcanic National Park.” Zhe, San Jose, CA*

*“Thanks John and Nancy! You have a great home. We arrived friday afternoon, settled in and spent the rest of the afternoon enjoying the sunshine and playing some cornhole on the huge back deck. There are a few hummingbird feeders and the hummingbirds were very entertaining. A few deer fed their way through the back yard around dusk. We BBQed dinner and relaxed. There were plenty of beds and rooms to go around. The loft was a great place to hang out and watch a bit of TV. We headed into chico (a \$20 uber ride) the next afternoon to hit the brewery and a few local hangouts. All in all it was a great trip thanks largely in part to John and Nancy! The cabin is beautiful, everything is well organized, the house was kid friendly, the kitchen is very functional and the shower is amazing but our favorite part was the back deck!” Vincent V., Ripon, CA*

*“Breathe taking! This home is everything described and more. We had an amazing time relaxing and enjoying the view. The home is comfortable and equipped with all necessary amenities. My family and friends loved waking up to the rising sun over the mountains. We left feeling rejuvenated and great-full for the time we spent together in the serene setting. Thank you for sharing the wonderful home you have created.” Jessica B., Anderson, CA*

*“Wow! We had such an incredible stay! We pulled up to the home right at sunset and OH MY GOSH, the view does NOT disappoint. Perfect sunset views from in the house, deck, back yard or choice of hammocks. We were greeted by a sweet hand written note and home made spice bread (carbs always win over my heart). The home is absolutely gorgeous and even more spectacular in person. We spent a week and weren't even ready to leave when it was time to do so. The home is close enough to Chico (20 min) that you don't feel out in the middle of nowhere but far enough and in such an incredible location you feel removed from the world and relaxed. I mean, a shower with a view of the woods...unreal! It was incredibly peaceful and a true vacation. Their home has anything you could possibly need for your stay. My children quickly found all the toys as well! John and Nancy had a well detailed binder at their home that answered all of the questions one would have but also resounded quickly when contacted. They were the absolute perfect hosts! One day we did the drive up to Chester and it was absolutely gorgeous and the fall colors were showing off (a must see). I also recommend getting pizza at the only restaurant in town-- it was so yummy! We absolutely recommend this gorgeous log home. You will be blown away! We loved how peaceful it was there and enjoying seeing different wildlife each day: wild turkeys, jackrabbits, squirrels, a family of deer (all seen while laying in the cozy bed!!!) It was an absolute dream! All of our friends who saw photos and videos of our stay were enamored! We can't wait to go back! Thank you John and Nancy for sharing your gorgeous home with us!” Emily H., Southern California.*

*“Dear both, Just a thank you for the very nice words you wrote about us as guests! We miss Forest Canyon and your amazing hideaway already. All the best to you both! Megan & Reto” Mannedorf, Switzerland.*

Thank you for your time and consideration.

John J Blenkush

Nancy H Jessup

Cc: Tim Snellings, Director, Development Services ([tsnellings@buttecounty.net](mailto:tsnellings@buttecounty.net))

I would start with Jim Crane. He brokered our land deal and has been in the business for over 35 years.

May 16, 2016 via Airbnb SMS



Hi John and Nancy,



Ahead of our trip, I was wondering if you could recommend a good local realtor. We'd like to be shown around the area and check out the hood and what kind of houses are on the market. Would you happen to know someone who could help us out? The area we're interested in is Chico/Paradise or the vicinity.

Another favor: would you happen to know of any good job sites for this area? When we move back we might need to do some light work for a couple of years. I am in Corporate Communications and Reto has experience in hotel/restaurant.

Hugely appreciate any tips you might have! Thanks so much.

Kind regards from Switzerland.

Megan

May 16, 2016

## EXHIBIT 1



John Blenkush <jblen538@gmail.com>  
to b8oddy, jssheffir, Eric, Blackcat5179, Dan

Nov 9

### Road

#### Fellow Stakeholders:

- There is NO provision in the current agreement that allows for changes/modifications.
- Provision #9 allows TERMINATION of the current agreement. **Caution is advised, as once the agreement has been terminated, ALL stakeholders are released from contractual obligation to maintain the road!** If this statement, "To make any changes to the Agreement, seven (7) parcel owners would have to agree as per section 9", is acted upon, it will result in termination of the existing agreement. The same applies if the actions of the parties suggest termination.
- There are 9 "benefited" parcels, not 10, or even eleven. (Unless you want to take someone (Mikel/Juhl) to task for a road that doesn't benefit their parcels) ("Whereas, each of the parties hereto owns land that will be BENEFITED by said works." - ie: Emergency vehicle access, utility easement, property valuation) (See attached parcel map)
- One stakeholder owns 2 parcels – one at the beginning of AJ Stohr, and a VACANT parcel at the end of Stag Lane. (both bought in '03) Per contract, this owner can cast 2 votes and is contractually required to pay 2 equal shares for any maintenance on AJ Stohr. He has one vote and is contractually obligated to pay one equal share for the maintenance on Stag Lane. All other parties have one vote and are contractually required to pay an equal share on the road(s) their parcels benefit from.
- Red flag questions: Who has the most to gain by terminating the existing contract and writing a new one? Why is it being proposed to give vacant land (changing language to "a driveway and a livable dwelling, including trailers") a free ride? (Butte County ordinance prohibits living in a trailer) Can we get a 100% buy in on a new contract?

We asked a (paid) lawyer the following questions:

1Q. Is a signed, notarized agreement equivalent to a contract?

1A. Yes. An agreement that is signed by both parties is the same as a contract, regardless of whether it's notarized.

2Q. Can two conflicting agreements/contracts exist at the same time for the same thing?

1A. No. One of those agreements is going to be overriding. It'll be up to one or both parties to prove which one is the valid and enforceable one.

3Q. Must the original agreement be terminated **prior** to the replacement agreement becoming obligatory?

3A. The original agreement does not have to be terminated, **but if the actions** of the parties suggest that it is terminated, then a court will be inclined to agree that it has been terminated.

4Q. Can one be forced to sign an agreement/contract?

4A. No, under general contract law they cannot force you to sign a renewal or second contract, unless it clearly states that you are required to enter into another contract if the current contract terminates. However, keep in mind that if you sign it you would be bound by the new contract and its terms. (JB – Our contract doesn't have this provision)

All we're asking – as fellow stakeholders – is that you do your own due diligence and react accordingly.

Sincerely, John and Nancy



John Blenkush <jblen538@gmail.com>  
to b8oddy, jssheffir, Eric, Blackcat5179, Dan

Nov 13

#### Fellow Road Stakeholders:

Jim Crane was instrumental in the creation of both the 1981 and 1985 road agreements. Per him, the 1985 road agreement you received from DR is for Stag Lane, and not AJ Stohr. If you want the road agreement for AJ Stohr, please see Jim Crane.

Thanks.

...

## Exhibit 2

EXHIBIT 3

The three major causes of damage to our gravel roads:

1. Massive Waste Management trucks, which are responsible for pulverizing transitions, wash-boarding on hills, trenching, and flattening the crown. Our roads weren't built to withstand this weight. (no base)
2. Watershed (record rainfall last year!)
3. Neglect (ie: lack of preventive maintenance.)



WM truck on Stag Lane



Transition at Forest Ranch RD

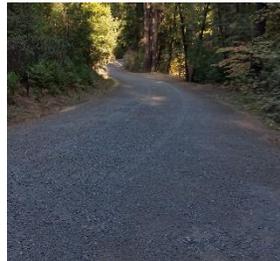


WM rut

Road is in "reasonably good condition." We believe the "good condition" has a lot to do with our (and other stakeholder's) PM over the past ten years.



Removal of overhanging brush



Raking gravel



Unplugging culverts

Alternatives used by other FR residents to keep WM off their private drives and roads.



WILDLIFE CAMERA IMAGES – Exhibit 4



Neighbor's dog- our frt lawn



Neighbor's dog – Kato - roaming



Neighbor's dog with ours- roaming.

Our cage (the only one in our neighborhood) has held up against numerous attacks by bears.



78°F MOULTRIECAM 19 AUG 2017

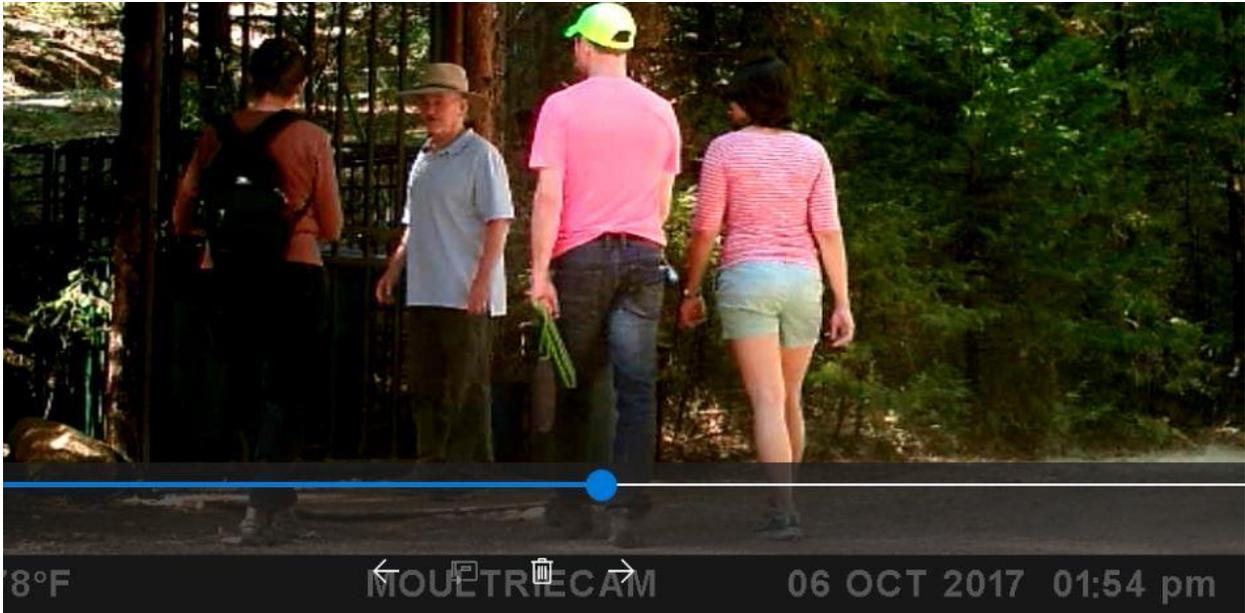


30 SEP 2017 08:00 pm 55°F



51°F MOULTRIECAM 09 OCT 2017

Mr. Raner has walked by our cage many times and even brought “strangers” at one point to look at our bear picture posted on the gate.



8°F MOULTRIECAM 06 OCT 2017 01:54 pm

Exhibit 4a

10/18/2017

Dear Neighbor:

Since our motive for working the road independently has been called into question (*“With potentially hundreds of your customers using our roads annually, it appears you understand that you should be contributing a larger share for road and drainage maintenance and repair”* – Dan Raner letter- Oct 11, 2017) we feel we owe you an explanation as to why I/we take on this task each year.

I was born and raised on a dairy farm in the Midwest. My father wasted no time in putting me to work, operating and maintaining equipment at an early age. I went on from there to maintain and repair aircraft (military), refinery equipment (Chevron) and facilities (Chico State). All in all, I have more than 50 years of experience in the construction and maintenance fields. If I see something that is broken or is malfunctioning, I have the need to fix it. It’s just the way I’m built. James and Richard can attest to this, as I’ve done most of the maintenance on our pump house over the years. (replaced clogged piping, pressure switch, controller, eradicated and sealed off mud bees, sterilized tank, annually trim back brush and rake a fire break around building, among others)

The driving force behind my need to keep the road in shape stems from an incident that happened in September of 2001, the same week 911 took place. I was working at Chico State and when I spotted smoke in the foothills, I hurried to the roof of Whitney Hall (9 story building) to get a better view. The huge plume of smoke was coming from the Yankee Hill area, where I, my wife, and 2 sons lived. I raced up highway 70 only to be blocked at the Hardware store where Cal Fire had set up their command post.

Two weeks earlier, my son was involved in a vehicle accident that broke his humerus. He was home recuperating and now was trapped behind the fire line. I told the incident commander of the situation and he replied that no one, not even the fire crews, were being allowed on Big Bend road, as the fire had engulfed both sides. I happened across a captain who knew me from when I was a volunteer fire fighter. He knew I was experienced in fighting wildland fires, so he went and had a word with the incident commander, who allowed the captain to lead me in. Once we hit the wall of flames on Big Bend Road, the captain turned his car around and told me, “You’re on your own. Good luck.”

Driving into the firestorm not knowing whether my son was still alive or if I would be able to get both him and I out alive is a feeling of helplessness I will never forget. Nor have I forgotten how overgrown and in ill repair our roads were. I and our neighbors had gotten apathetic about road maintenance.

One of the things I learned over the years I spent serving as a volunteer fire fighter is that no fire captain will allow his engine crew to drive down a rutted, overgrown road, simply because it’s a death trap. That’s exactly why some of the victims in the Napa/Sonoma fires could not get out. Nancy and I’ve ridden bikes up on Vedder mountain and Skyline Park in Napa. The roads are narrow, winding, and (were) wall-to-wall brush.

I did rescue my son, but I’ll never forget how I almost lost him in a firestorm due to not maintaining a viable escape route.

Over 8000 acres, 47 homes, and 155 vehicles were destroyed in the Poe Fire. (which was started by a downed PG&E power line) Miraculously, no lives were lost. You can still watch the videos of the inferno on utube, one in which the incident commander stated, “This was not so much a fire as it was a firestorm.” For a time, we thought our house – a log home we had constructed ourselves – was gone. But we were one of the lucky ones. Where a neighbor’s house lay in ash, ours still stood.

So, if you see me (and/or Nancy) out working the road, we’re not doing it out of any sense of obligation, but simply because we feel the need. We don’t expect anything in return.

John and Nancy

## Exhibit 5 – water issue.

### Water issues



John Blenkush <jblen538@gmail.com>

to Eric, b8oddy, jsheffir

Nov 5

Hi all:

- Long before our venture into the short-term rental business, we adopted water conservation by installing enough tanks to collect and hold 10000 gallons of water along with a pressurized pump system. We collect both rain water AND gray water with this system and use it for irrigation, pressure washing, and dust control, among other things, thus diminishing our usage of the joint well water. Since everything from the house flows into these tanks (except the toilets) the impact of our short-term business on the joint well water was, in our opinion, miniscule, as this water was reused, saving us from drawing additional waters off the joint system for irrigation/other. It should be noted, we're able to fill and utilize the water from the tanks multiple times during the year. For instance, the tanks filled almost to capacity with this year's first rain, which we then used to irrigate our lawns prior to this week's rainstorm.
- Ten years ago, after we purchased our property, I took over the maintenance of the joint pump facilities. Since that time, I've troubleshooted, repaired and/or replaced the pressure gage, pressure switch, rusted/plugged piping, the electronic float, the controller, other, all without compensation for my time or reimbursement for the parts. (Richard did pay me for his part of the controller) I've also eradicated mud bees from the holding tank and sealed off the lid, so they couldn't return, sterilized the tank several times, and annually cleared back the brush and raked around the pump house to prevent it from burning down in case of a wildland fire. I've monitored and worked the system during cold snaps to prevent freezing of the components, all of which, by my estimation, has saved us hundreds, if not thousands of dollars in labor and component costs.
- When the system went down – several times – due to the neighbor's broken pipes, it was us who responded, troubleshooting and isolating the system and in the process saving the stakeholders money by not allowing the pump to burn up. And, yes, during one of those incidents, it was one of our Airbnb guests who alerted the caretakers in our absence (my niece and her husband) that we had lost water pressure. They called me (neither James or Eric were home) and I walked them through troubleshooting and isolation of the leak, which, in my opinion, saved us (again) from at the very least having the expense of rebuilding the pump or replacing it. And when James needed days (?) to effect repairs, we did the neighborly thing and ran him a water hose.
- If you have not read my letter explaining the motive for our dedication to maintaining the pump house equipment (and the road) please see the attached.
- Previously and again recently, (see attached) I've asked Eric to send us half the bill and for the other three stakeholders to split the other half. I can only assume Eric has not acted on my requests because the contract doesn't legally allow him to do so. (It requires us to pay equal shares regardless of usage) We understand that Eric and Pat are absentee, James and Sandy are here only half the time, and that we may use more water than Richard and Barbara, because we do – at times during the summer when our tanks run dry – pull off the joint system for irrigation. I've had this conversation (about us paying more) with James and Richard several times, even long before Airbnb.
- We have no problem with installing meters on the water lines and paying accordingly.

If any of you feel we should have paid more in the last two cycles, please send us a number and, if we agree with the figure, we'll happily write you a check.

Your neighbors,

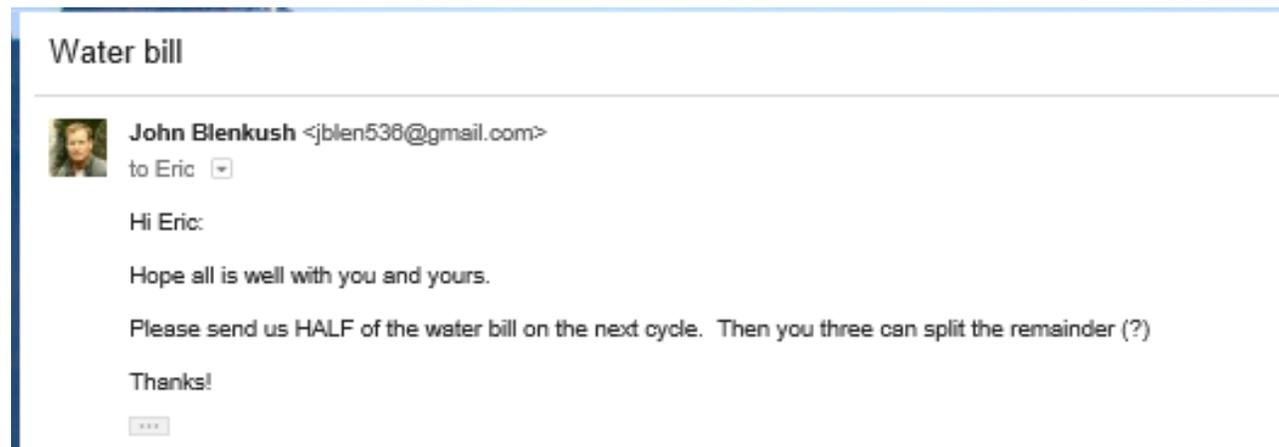
John and Nancy

## Exhibit 6

I've finally gotten around to calculating the electric bill for the well pump. This covers the period from June, 2014 through September, 2016. There was a problem for the months of May and June of this year when it was discovered that the feed line to the Sheffields and us had cracked and so there was a significant leak and thus a significant increase in the electric bill. Since this was and "Act of God" I have gone ahead and divided these months equally among the four families. If this does not seem fair to you, please let me know. Everyone's share of the bill is therefore \$311.

Eric

10/10/2016



September 20, 2017. Another request was sent much earlier, perhaps in 2016, but I have no documentation.

Exhibit 7

1/17/2017

Hi Eric:

Just wanted to keep you in the loop on the well. This past week the tank went dry because the submersible pump did not start. I tracked the problem back to the controller. The overloads are not resetting - either fried during our last storm (electrical surges were abundant) or just plain wore out. As of now I've run a jumper across the overloads and we're (James and I) filling the tank using the submersible's circuit breaker as an on/off switch.

I've ordered a new control box (recommended to change it rather than piecemeal components). It should arrive Monday and midweek I'll have it changed out.

John

**Your Order #121109869** (placed on January 14, 2017 4:01:16 PM EST)

<b>Billing Information:</b> John J Blenkush 15933 Stag Lane, PO Box 531 Forest Ranch, California, 95942 United States T: <a href="tel:5305702313">5305702313</a> F: <a href="tel:5305702313">5305702313</a>	<b>Payment Method:</b>  <b>Credit Card (Visa, Mastercard, Discover, American Express)</b>  Credit Card Type: ██████████ Credit Card Number: ██████████ Processed Amount: \$185.34																				
<b>Shipping Information:</b> John J Blenkush 15933 Stag Lane, PO Box 531 Forest Ranch, California, 95942 United States T: <a href="tel:5305702313">5305702313</a> F: <a href="tel:5305702313">5305702313</a>	<b>Shipping Method:</b>  FedEx - Home Delivery																				
<table border="1"><thead><tr><th>Item</th><th>Sku</th><th>Qty</th><th>Subtotal</th></tr></thead><tbody><tr><td><b>Franklin Electric 2823028110 - 3 HP - Standard Control Box - 230 Volt (Typically In Stock (Ships in 1 to 2 Business Days))</b></td><td>2823028110</td><td>1</td><td>\$159.99</td></tr><tr><td></td><td></td><td>Subtotal</td><td>\$159.99</td></tr><tr><td></td><td></td><td>Shipping &amp; Handling</td><td>\$25.35</td></tr><tr><td></td><td></td><td><b>Grand Total</b></td><td><b>\$185.34</b></td></tr></tbody></table>		Item	Sku	Qty	Subtotal	<b>Franklin Electric 2823028110 - 3 HP - Standard Control Box - 230 Volt (Typically In Stock (Ships in 1 to 2 Business Days))</b>	2823028110	1	\$159.99			Subtotal	\$159.99			Shipping & Handling	\$25.35			<b>Grand Total</b>	<b>\$185.34</b>
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## Exhibit 8

The image shows two browser tabs from Airbnb. The left tab is titled "Hurricane Harvey - Airb" and the right tab is titled "airbnb.com/welcome/evacuees/orovilledam".

**Hurricane Harvey**  
Texas and Louisiana

If you have available housing in the area indicated on the map, please consider making your home available.

f t e ...

Hosts in the regions marked on the map are opening their homes for free from **August 23, 2017** to **October 9, 2017** for the following groups:

- Displaced neighbors
- Relief workers deployed to help

**Join the community of 700+ hosts who have opened their homes to evacuees for free.**

 + 736 other local hosts

**Oroville Dam Evacuation**

If you have available housing in the area indicated on the map, please consider making your home available.

f t e ...

Hosts in the regions marked on the map are opening their homes for free from **February 12, 2017** to **February 15, 2017** for the following groups:

- Displaced neighbors
- Relief workers deployed to help

**Join the community of 2 hosts who have opened their homes to evacuees for free.**

