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Butte County Board of Supervisors

AGENDA REPORT

Short-Term Rental Ordinance

Date: October 23, 2018

To: Butte County Board of Supervisors

From: Tim Snellings, Development Services Director

Subject: **Ordinance Amending Butte County Code Chapter 24, Zoning Ordinance to Incorporate Sections Related to Short-Term Rentals**

I. RECOMMENDATION

1. Adopt an Ordinance amending Chapter 24. Zoning Ordinance, and authorize the Chair to sign.

II. SUMMARY

A short-term rental, as defined under the proposed Short-Term Rental Ordinance (STR Ordinance), is a single-family dwelling, or a portion of a single-family dwelling, rented out to transient guest occupants for periods of 30 days or less. The STR Ordinance establishes an administrative permit process with operational and performance standards for the approval of short-term rentals. The purpose of the STR Ordinance is to ensure that:

1) Short-term rentals are compatible with and do not adversely impact surrounding residential uses,
2) Property owners have the option to utilize their properties for short term rental use,
3) Risks to public safety and health to occupants and owners are minimized,
4) Property values are maintained,

5) Visitation and tourism to Butte County is supported, and,
6) Transient occupancy tax is collected in order to provide fair and equitable tax collection for all lodging providers.

On February 12, 2018, the Board of Supervisors directed Development Services Staff to prepare a STR Ordinance to address short-term rentals in the Zoning Ordinance, and to ensure that short-term rentals would not create nuisances or disturbances in neighborhoods and residential zones. The Planning Commission held two Public Workshops on May 10, 2018 and August 9, 2018 devoted to the STR Ordinance, and held a public hearing on September 27, 2018 voting unanimously to recommend approval of the proposed zoning ordinance amendments. Public comment and direction received from the Planning Commission resulted in updates to the STR Ordinance currently under consideration.

Outreach concerning the STR Ordinance has been provided to the Chico, Gridley, Oroville and Paradise Chambers of Commerce, Explore Butte County, and to the cities of Biggs, Chico, Gridley, Oroville, and Town of Paradise. Additionally, staff sent out email notices through the Development Services Constant Contact lists to a variety of groups and members of the public. The STR Ordinance is available to the public and is posted on the following County webpage (as of September 4, 2018):

http://www.buttecounty.net/dds/Planning/NotableProjects/ShortTermRentals.aspx

III. BACKGROUND

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 may enter into online agreements for short-term rentals without reviewing or complying with local zoning laws and regulations. This can result in unanticipated impacts to existing residential

neighborhoods, health and safety risks to occupants, a loss of transient occupancy tax (TOT) revenue to the local jurisdiction, and zoning violations.

According to a business 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 hospitality 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 the Zoning Ordinance. The County Zoning Ordinance does not currently allow the use of residences for short-term rentals.

The Butte County Department of Development Services has received a few complaints regarding short-term rentals operating in neighborhoods. While there are only a few complaints at this time, these few complaints have been persistent and ongoing issues resulting in disruptions to neighborhood quality of life, and confusion on the part of operators about how to comply. The STR Ordinance will provide clarity to neighbors and operators, resulting in mutually understood regulations and standards.

While outside of the jurisdiction of Butte County, a code enforcement effort in the City of Chico resulted in the City's loss in a court case due to the lack of an appropriate City ordinance to support a citation of a short-term rental. The proposed STR Ordinance will help to support the County's efforts to enforce reasonable regulations that maintain neighborhood compatibility. This, combined with evidence that there are approximately 135 advertised short-term rentals in the unincorporated portion of Butte County, is the reasoning behind the preparation of the STR ordinance.

<u>September 27, 2018 Planning Commission Public Hearing</u>

At a September 27, 2018 Public Hearing, the Planning Commission, on a 5-0 vote, recommended approval to the Board of Supervisors of the STR Ordinance and related amendments. Specifically the Planning Commission recommended the adoption of amendments to Butte County Code Chapter 24, Zoning, including new section 24-172.1, pertaining to Short-Term Rentals; amending Section 24-172, Second Units and Accessory Dwelling Units, Subsection (N), Deed Restrictions; amending all land use regulation tables contained in Zoning Ordinance Part 2, Zoning Districts, Land Uses, and Development Standards to include references to Short-Term Rentals and identifying a corresponding permit process; and, including a new definition for Vacation Home Rental under Zoning Ordinance Part 7, Article 42, Glossary, as set forth in the attached Resolution.

The Planning Commission also recommended amending the STR Ordinance to provide additional notification, upon permit approval, to all property owners using the same access easement. This would be in addition to the notification provided to adjacent property owners within 300 feet of the

property. The Planning Commission further instructed staff to indicate on administrative permit applications the following citation from Section 24-5 (D) Private Agreements:

> **Private Agreements**. The Zoning Ordinance is not intended to interfere with, repeal, abrogate, or annul any easement; covenant; deed restriction; Covenants, Conditions, and Restrictions (CC&Rs); or other agreement between private parties. Where conflict occurs between the Zoning Ordinance and a private agreement, the County shall follow the Zoning Ordinance. Butte County shall not be responsible for monitoring or enforcing private agreements.

Planning Commission Public Workshops

The Planning Commission reviewed the Draft STR Ordinance under two prior public workshops held on May 10, 2018 and August 9, 2018 (Meeting Summaries are provided under **Attachment B**). During these workshops, the Planning Commission made refinements to the Draft STR Ordinance in response to public input and discussion. All of the refinements and direction from the Planning Commission's public workshops has been incorporated into the proposed STR Ordinance. These refinements primarily addressed the following subject areas:

1. Defining Hosted and Un-Hosted Stays, and Primary Residence, and related standards
2. Allowance of Second Dwelling Units for Short-Term rentals
3. Allowance of no more than two STRs on a single parcel
4. Ensuring Right-to-Farm disclosures to STR occupants
5. Disposition of seasonal vacation cabins in certain areas of the County
6. Defining a Vacation Home Rental
7. Clarification concerning the online STR registry and notification to neighbors
8. Procedures for property management, complaints and revocation

California Environmental Quality Act (CEQA) Review

Short-term rentals are determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b) (3) (General Rule) and categorically exempt under Section 15301 "Existing Facilities" (Class 1).

IV. SHORT-TERM RENTAL ORDINANCE OVERVIEW

The STR Ordinance contains the following major sections and subsections. An overview of the STR Ordinance's requirements and standards is provided below.

A. Purpose
B. Definitions
C. Applicability
D. Administrative Permit Process

E. Administrative Permit Renewal Process
F. No Property Rights Conferred
G. Short-Term Rental Restrictions
H. Transient Occupancy Taxes
I. Standards
    1. Second and Accessory Dwelling Units
    2. Appearance, Visibility, and Signage
    3. Commercial Activity Prohibited
    4. Building, Fire, and Health Standards
    5. Trash and Recycling
    6. Noise Standards
    7. Occupancy and Parking
    8. Daytime Visitors
    9. No Overnight Camping
    10. Property Management
J. Enforcement

Administrative Permit Process and Applicability

Permit Process

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

1. Three strikes have not been issued for violations of this section during the last 24- month period;
2. The short-term rental has not been transferred to another person, entity, or landowner;
3. The short-term rental complies with the approved administrative permit and all applicable Butte County Codes and Standards; and,
4. The short-term rental property is current on transient occupancy taxes and has paid all said taxes to the Butte County Treasurer-Tax Collector by the required due date.

Applicable Zoning Districts

Under this action, the Use Tables, as contained in the Zoning Ordinance (Part 2), are amended to show each zone where STR's are permitted with an administrative permit, or where they are not allowed. Under the STR Ordinance, short-term rentals would be permitted, with an administrative permit, in the following zones.

- MHDR (Medium High Density Residential)
- MDR (Medium Density Residential)
- LDR (Low Density Residential)
- VLDR (Very Low Density Residential)
- RR (Rural Residential)
- RCR (Rural Country Residential), FR (Foothill Residential)
- FR (Foothill Residential)
- FCR (Foothill Country Residential)
- MU-1 and MU-2 (Mixed Use)
- AG (Agriculture)
- TM (Timber Mountain)

The VLDCR (Very Low Density Country Residential) zone is not recommended for short-term rentals as this zone does not allow Bed and Breakfasts, a similar use. The VLDCR zone, implemented in several existing neighborhoods in the Chico area, relied upon community input and desires during the General Plan and Zoning Ordinance update process in determining allowed and conditionally allowed uses that were compatible within this zone.

The HDR (High Density Residential) and VHDR (Very High Density Residential) zones would not allow short-term rentals as these zones provide long-term housing that is affordable to low income groups in accordance with the Housing Element of the Butte County General Plan. In these zones, short-term rentals would displace housing for low-income individuals and would be contrary to Housing Element Policy.

Seasonal Vacation Cabins

During the Planning Commission's Public Workshops, several areas in Butte County were pointed out as being primarily devoted to seasonal vacation cabins, many of which are second homes. Applying a primary residence requirement to these cabins would prohibit them from being used as STRs. To address this matter, areas developed with cabins in the Butte Meadows, Jonesville, Lake Madrone, and Philbrook Reservoir communities are not subject to the STR Ordinance's primary

residence requirement. The use of seasonal vacation cabins in these communities will otherwise be subject to the requirements of the STR Ordinance.

TOT (Transient Occupancy Tax) and TBID (Tourism Business Improvement District) Assessment.

Butte County Code Chapter 23-A authorizes the levy of a TOT for overnight stays at all lodging facilities. Short-term rental proprietors must complete a Transient Occupancy Tax Questionnaire and submit it to the Central Collections Division of the Treasurer-Tax Collector's Department within ten days of commencing business.

Summary of Permit Standards for Short-Term Rentals

The administrative permit standards as set-forth under the STR Ordinance are intended to ensure that short-term rental operations remain harmonious and compatible with the surrounding neighborhood, that occupancy, parking, and other requirements are adequate for the proposed use, and to uphold the public's health and safety. Further, the intention of the permit standards are to ensure that STR units that abide by the permit standards would present no more of an impact to the surrounding neighborhood than a regular residence.

Primary Residence Requirement

During the public workshop process, members of the public and the Planning Commission voiced concern about having a STR in a dwelling that is not the owner's primary residence. The STR Ordinance does not allow STR's in a dwelling that is not a primary residence, with an exception for seasonal vacation cabins. This avoids the possibility of professional short-term rental companies operating a STR that has no connection to a resident owner (see discussion on Vacation Home Rentals, below) and presenting a compatibility issue with neighboring residences.

Vacation Home Rentals

Rental units that are operated exclusively as STR's with no primary resident owner are sometimes referred to as Vacation Home Rentals. Vacation Home Rentals present issues related to noise, occupancy, and neighborhood compatibility that exceed those presented by a STR operated by a resident owner. Under this action, staff recommends the inclusion of a new definition for Vacation Home Rentals as follows:

> **Vacation Home Rental:** A dwelling unit rented out exclusively as a short-term rental, which is not an owner's primary residence. Vacation Home Rentals are not permitted in Butte County unless they are consistent with a Hotel and Motel use as defined under Butte County Code Section 24-304, and consistent with how Hotels and Motels may be permitted under the Use Regulation Tables under Part 2 of Chapter 24 (Zoning Districts, Land Uses, and Development Standards) for each zone.

Under this new definition, vacation home rentals must be consistent with a hotel and motel use, and only are only allowed or conditionally allowed in commercial zones in accordance with the Zoning Ordinance.

Types of Short-Term Rentals

The following provides a summary of the types of short-term rentals allowed under the STR Ordinance.

Hosted Stay: A primary residence where a resident remains on-site during the short-term rental guest's stay (except during daytime and/or work hours). For a Hosted Stay the resident host shall be the property manager.

Un-Hosted Stay: A primary residence where the resident remains off-site during the short-term rental guest's stay. Un-Hosted Stays shall not exceed 90 nights of occupancy as a STR per calendar year. For un-hosted stays, the property manager may be the owner or a designee of the owner.

Second Dwelling Unit: A second dwelling unit pursuant to Butte County Code Section 24-172. When a second unit is operated as a STR, the primary resident is required to occupy either the primary or second dwelling unit. When both the primary and second units are operated as a STR, one of the STRs must be operated as a Hosted Stay.

Seasonal Vacation Cabin: A second home located in specific communities that may be operated as a hosted or un-hosted stay, but that are not required to be a primary residence (see related discussion above).

Accessory and Second Dwelling Units

The Zoning Ordinance, under Section 24-172, allows Accessory Dwelling Units (units 1,200 sq.ft. or less in size) or Second Dwelling Units (units larger than 1,200 sq.ft. in size) in all residential zones and the Agriculture zone. However, this section indicates that the primary dwelling unit and accessory/second dwelling unit cannot be used for short-term rentals.

The Draft STR Ordinance allows second dwellings to be used as STRs, but does not allow Accessory Dwelling Units to be used as STR's, to ensure these smaller units are utilized for longer-term housing as intended under State law.

An amendment of Section 24-172 of the Zoning Ordinance is included as part of this action to reflect that second units may be used for STRs. The STR Ordinance allows up to two STRs (a primary dwelling and second dwelling) on a single parcel, if one of the STRs is owner-occupied, and operated as a Hosted Stay.

The restriction on the use of accessory dwelling units for STRs is in recognition of their intent to provide affordable housing options for longer-term housing. The use of accessory dwelling units for

short-term rentals would displace the availability of these housing units for affordable and longer-term housing. The California legislature has found and declared that allowing accessory dwelling units in single family and multifamily zones provides additional rental housing and is an essential component in addressing the housing needs of California.

Right-to-Farm Statement of Acknowledgment

The STR Ordinance includes a provision for a statement of acknowledgment of the inconveniences that may be incurred to STR's due to agricultural activities, as per the Planning Commission's recommendation to consult with the Farm Bureau regarding this issue. The Farm Bureau did not provide any official stance concerning STRs, but their staff recommended the use of a disclosure about inconveniences related to agricultural operations in Butte County.

Noise Standards

Noise levels at all short-term rentals shall comply with Butte County Code Section 41A-7 Exterior Noise Standards and Section 41A-8 Interior Noise Standards. The following additional standards shall apply to all STR's:

a. Property managers shall insure that the occupants of the short-term rental understand that loud or unreasonable noise that disturbs others and that is not in keeping with the character of the surrounding neighborhood will result in a violation of this section.
b. Property managers shall immediately respond to all complaints concerning noise levels at all times. Failure to respond to all verifiable complaints will result in the issuance of a strike.
c. Quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays.
d. Outdoor amplified sound is prohibited during quiet hours. Outdoor amplified sound is allowed during non-quiet hours but shall be kept at a volume that complies with the Noise Control Ordinance.
e. All occupants of the short-term rental shall be notified of the noise standards as set forth under this section and said standards shall be a part of any rental or lease agreement.

Occupancy and Parking

Occupancy limitations are based upon whether the STR is served with a public sewer connection or an on-site septic system to ensure that on-site systems do not exceed their capabilities, as well as the approved number of bedrooms. Occupancy standards also ensure that STR units are not overcrowded with renters, which would result in neighborhood disturbances. Parking is also required to be on-site and at a rate that is equal to the number of bedroom provided in the STR unit.

Notification of Administrative Permit Issuance

The permit standards require that the terms of the administrative permit will be located on all Internet postings and other advertising. Further, upon issuance of the administrative permit the same terms will be mailed to property owners within 300 ft. of the property. This mailing will include the name, and reference to the County webpage (STR Registry) where all approved STR units will be posted, including contact information for the property manager of each STR unit. This provides neighbors with contact information in the event of disturbances that may present a violation of the permit.

Enforcement Process

Property Management and Complaints

Standards are set-forth under the Draft STR Ordinance for property management, including a local property manager who will be available to respond to complaints and ensure that renters are abiding by the permit standards. The Department of Development Services does not provide after-hours code enforcement. The provision of a local property manager will ensure the handling of complaints in an efficient and responsive manner.

Complaints about potential violations are directed via text or email to the host/property manager with a copy being provided to the Department of Development Services. If the host/property manager corrects a violation upon request within 30 minutes, the violation shall not be counted as a strike under the three strikes revocation rule. The host/property manager shall document the correction to the complainant, with a text or email copy provided to the Department of Development Services. If the host/property manager is unavailable or fails to correct a potential violation, the violation shall be counted as a strike as discussed in the enforcement section of the Draft STR Ordinance**.**

Three verifiable strikes concerning the permit requirements issued to the owner or occupants at the property within a 24-month period shall result in a notice to cease and desist operations and permit revocation. Revocation is subject to prior notice and to appeal, if requested within ten days. In the event of permit revocation, an application to reestablish a short-term rental after revocation shall not be accepted for a minimum period of 24 months. Prior to revocation under this section, at least two of the verified complaints leading to a citation, violation or hearing officer determination shall be filed with the Department of Development Services from separate households.

Any property that is determined to be advertised for use as a short-term rental without first obtaining the necessary administrative permit required under this section shall be issued a citation and a notice to cease and desist. A permit fee penalty of ten times the regular application fee shall be applied to said property for future short-term rental administrative permit applications.

V. NEXT STEPS

Upon adoption by the Board of Supervisors, the Zoning Ordinance Amendments will become effective in 30 calendar days.

ATTACHMENTS:

A. Ordinance amending Chapter 24. Zoning Ordinance
B. Planning Commission Resolution (September 27, 2018)
C. Planning Commission Public Workshop Summary Notes (May 10, 2018 and August 9, 2018) and Public Comment

Ordinance No. _____

AN ORDINANCE OF THE COUNTY OF BUTTE ADOPTING AMENDMENTS TO BUTTE COUNTY CODE CHAPTER 24, ZONING, INCLUDING: ADOPTING NEW SECTION 24-172.1 PERTAINING TO SHORT-TERM RENTALS; AMENDING SECTION 24-172, SECOND UNITS AND ACCESSORY DWELLING UNITS, SUBSECTION (N), DEED RESTRICTIONS; AMENDING ALL LAND USE REGULATION TABLES CONTAINED IN ZONING ORDINANCE PART 2, ZONING DISTRICTS, LAND USES, AND DEVELOPMENT STANDARDS, TO INCLUDE REFERENCES TO SHORT-TERM RENTALS AND IDENTIFYING A CORRESPONDING PERMIT PROCESS; AND INCLUDING A NEW DEFINITION FOR VACATION HOME RENTAL UNDER ZONING ORDINANCE PART 7, ARTICLE 42, GLOSSARY

The Board of Supervisors of the County of Butte ordains as follows:

Section 1. Chapter 24 of the Butte County Code is amended as provided for under “ATTACHMENT A”, incorporated herein by reference.

Section 2. Effective Date and Publication. The Clerk of the Board will publish the Ordinance codified in this Chapter as required by law. The Ordinance codified in this Chapter shall take effect thirty (30) days after final passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the 23rd day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

_____
STEVE LAMBERT, Chair
Butte County Board of Supervisors

ATTEST:
SHARI MCCRACKEN, Chief Administrative Officer
and Clerk of the Board

By: _____
Deputy

BUTTE COUNTY SHORT-TERM RENTAL ORDINANCE - NEW SECTION 24-172.1

A. Purpose. This section establishes a definition, permit process, rental term, site requirements, standards, and permit revocation requirements for short-term rentals to ensure that, 1) short-term rentals are compatible with and do not adversely impact surrounding residential uses, 2) property owners have the option to utilize their properties for short-term rental use, 3) risks to public safety and health to occupants and owners are minimized, 4) property values are maintained; 5) visitation and tourism to Butte County is supported, and, 6) transient occupancy tax is collected in order to provide fair and equitable tax collection for all lodging providers.

B. Definitions.

1. **Short-Term Rental.** A single-family dwelling, or a portion of a single-family dwelling, that is rented to transient guest occupants typically for periods of 30 days or less, with weekend or weekly rental periods being the most common. Short-term rentals are routinely booked for numerous periods throughout the year, with a property manager providing oversight and services for guest customers.
2. **Primary Residence.** An owner's permanent residence or usual place of return for housing as documented by at least two forms of identification.
3. **Host.** A person who rents their primary residence for short-term rentals under this section.
4. **Hosted Stay.** A primary residence where a resident remains on-site during the short-term rental guest's stay (except during daytime and/or work hours).
5. **Un-Hosted Stay.** A primary residence where the resident remains off-site during the short-term rental guest's stay.

C. Applicability.

1. This section applies to short-term rentals in a single-family dwelling that is a primary residence or second unit on the same parcel. This section does not allow short-term rentals in a single-family residence that is not the owner's permanent residence.
2. This section does not apply to the use of single-family dwellings when not occupied as a short-term rental.
3. Development Services shall rely upon occupancy records and other sources of information for the short-term rental in determining all potential code enforcement violations.
4. Short-term rentals located in the following communities and associated zones are not subject to the primary residency requirement under C. 1 above. These communities include seasonal vacation cabins that are not primary residences. The use of seasonal vacation cabins in these communities as short-term rentals are otherwise subject to the requirements of this chapter.

   Butte Meadows
   FR-5 (Foothill Residential, 5-acre minimum)
   FR-1 (Foothill Residential, 1-acre minimum)
   PUD (Planned Unit Development)

   Jonesville
   REC (Recreation Commercial)

Lake Madrone
MDR (Medium Density Residential)
LDR (Low Density Residential)
VLDR (Very Low Density Residential)

Philbrook Reservoir
TM (Timber Mountain)

D. Administrative Permit Process. Short-term rentals are subject to an administrative permit, pursuant to Butte County Code Chapter 24, Article 29, and shall be allowed as provided by the applicable zone (refer to the Use Regulation Tables for each zone to determine if short-term rentals are allowed), subject to the requirements of this section. The administrative permit application shall include all information necessary to determine compliance with this section. The application process shall be subject to a fee in accordance with the latest fee schedule approved by the Board of Supervisors.

E. Administrative Permit Renewal Process. The administrative permit shall be renewed annually, based upon the anniversary date of permit issuance. The renewal process shall be subject to a fee in accordance with the latest fee schedule approved by the Board of Supervisors. The Department of Development Services shall issue a renewed administrative permit upon making the following findings:

1. No more than two strikes have been issued for violations of this section during the last 24-month period;
2. The short-term rental has not been transferred to another person, entity, or landowner;
3. The short-term rental complies with the approved administrative permit and all applicable Butte County Codes and Standards; and,
4. The short-term rental property is current on transient occupancy taxes and has paid all said taxes to the Butte County Treasurer-Tax Collector by the required due date.

F. No property rights conferred. Short-term rental administrative permits do not provide a vested interest, or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land notwithstanding Butte County Code Section 24-250. Property owners must notify the Butte County Department of Development Services and the Central Collections Division of the Treasurer-Tax Collector's Department upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this section.

G. Short-Term Rental Restrictions.

1. Short-term rentals are only allowed in a single-family dwelling that is a primary residence. Short-term rentals are also allowed in approved second units on the same property, as defined and permitted under Butte County Code Section 24-172, provided the owner of a parcel developed with the second unit resides in either the primary dwelling or second unit.
2. Short-term rentals are not allowed in a single-family dwelling that is not a primary residence or approved second unit, structures not intended for residential occupancy under the

current California Building Code Standards, in farmworker housing, or on property subject to a Williamson Act contract.

3. No more than two short-term rentals may be permitted on the same parcel (e.g. a primary residence and an approved second unit), and one of the short-term rentals must be operated as a hosted stay.

H. Transient Occupancy Taxes. Butte County Code Chapter 23-A authorizes the levy of a Transient Occupancy Tax for overnight stays at all lodging facilities. Short-term rental proprietors must complete a Transient Occupancy Tax Questionnaire and submit it to the Central Collections Division of the Treasurer-Tax Collector's Department within ten days of commencing business.

I. Standards. Short-term rentals are subject to the following operation and development standards at all times. On-site inspections by Butte County or a verifiable self-certification process shall be required to ensure compliance with all permit standards. By accepting an administrative permit, the owner agrees to allow on-site inspections by the County at reasonable times.

1. **Second and Accessory Dwelling Units.** Both a single-family dwelling that is a primary residence and a second unit on the same parcel may be permitted as a short-term rental. Accessory Dwelling Units as defined and permitted under Butte County Code Section 24-172 shall not be permitted for use as short-term rentals. The administrative permit shall identify each of the units permitted as short-term rentals.

2. **Appearance, Visibility, and Signage.** No alteration shall be made that would identify a dwelling as a short-term rental, and that would not preserve and protect the residential character of the dwelling or existing neighborhood. No signage pertaining to a short-term rental is allowed excepting as required below under Sub-Section I (10) (b) - Posting of Permit Standards.

3. **Commercial Activity Prohibited.** Commercial activities and special events, including but not limited to, weddings, receptions, and parties are prohibited. All occupants of the short-term rental shall be notified of the prohibition against commercial activities prior to the reservation, rental, or lease, and said prohibition shall be a part of any rental or lease agreement.

4. **Building, Fire, and Health Standards.** Short-term rentals are subject to the following development standards:
   a. Meet the current California Building Code Standards for the intended occupancy to the satisfaction of the Butte County Department of Development Services.
   b. Provision of potable domestic water supply, including bacteriological test results and verification of availability of adequate quantity of potable water, if an onsite well provides the domestic water supply.
   c. On-site septic system or sewer connection necessary to accommodate the short-term rental to the satisfaction of the Butte County Public Health Department.
   d. Fire extinguishers, smoke detectors, and carbon monoxide detectors shall be maintained in working order, and information related to all emergency exits shall be provided inside of the short-term rental.

5. **Trash and Recycling.** Trash and recycling receptacles shall be stored out of public view and serviced on a weekly basis. After pick-up, receptacles shall be returned to storage areas within 8 hours.

6. **Noise Standards.** It is the goal of this section to preserve the quality of life and character of existing residential neighborhoods in Butte County. In accordance with the Noise Control Ordinance, Butte County Code Chapter 41A, excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, welfare, and peace and quiet of the inhabitants of the County and therefore is considered a nuisance. Accordingly, noise levels at all short-term rentals shall comply with Butte County Code Section 41A-7 Exterior Noise Standards and Section 41A-8 Interior Noise Standards. In addition to compliance with the Noise Control Ordinance, all short-term rentals shall comply with the following requirements:
   a. Property managers shall insure that the occupants of the short-term rental understand that loud or unreasonable noise that disturbs others and that is not in keeping with the character of the surrounding neighborhood will result in a violation of this section.
   b. Property managers shall immediately respond to all complaints concerning noise levels at all times. Failure to respond to all verifiable complaints will result in the issuance of a strike.
   c. Quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays.
   d. Outdoor amplified sound is prohibited during quiet hours. Outdoor amplified sound is allowed during non-quiet hours but shall be kept at a volume that complies with the Noise Control Ordinance.
   e. All occupants of the short-term rental shall be notified of the noise standards as set forth under this section and said standards shall be a part of any rental or lease agreement.

7. **Occupancy and Parking.** Occupancy and parking requirements shall be specified on the administrative permit application. Table 1 and Table 2 below provide maximum occupancy and parking requirements depending upon whether the rental is served with public sewer or an on-site septic system. Additional standards for occupancy and parking are provided as follows:
   a. **Size.** Depending on the configuration of the building and the adequacy of the potable water and on-site septic systems, short-term rentals are limited to a maximum of five rented bedrooms. Each bedroom shall provide not less than 70 square feet of floor area for the first two occupants. The total floor area requirements per bedroom shall increase at a rate of 50 square feet for each occupant in excess of two.
   b. **Maximum Annual Nights for Un-Hosted Stays.** Un-hosted short-term rental stays shall not exceed 90 nights per calendar year.
   c. **On-Site Residents.** The number of on-site residents shall be subtracted from the allowed maximum occupancies shown under Table 1 and Table 2.
   d. **Septic Systems.** The number of overnight guests for rentals served by on-site septic systems shall be based on two guests per approved bedroom, whether or not the guests sleep in a bedroom, or if more than two guests sleep in a bedroom. An approved

bedroom is one recognized as such by the Butte County Public Health Department at the time the on-site septic system was legally constructed.

e. **Maximum Occupancy**.
   1. **Public Sewer.** Short-term rentals served with public sewer shall not exceed 14 overnight guests, excluding children under 3-years of age, provided the rental meets the bedroom number standards as per Table 1 below.
   2. **On-Site Septic System.** Short-term rentals served by an on-site septic system shall not exceed 10 overnight guests, excluding children under 3-years of age, provided the rental meets the bedroom number standards as per Table 2 below.

f. **Parking.** On-site tandem parking may be permitted if parallel parking cannot be accommodated on-site. Dimensions for parking stalls shall be in accordance with Section 24-295, Parking Design Standards. Parking spaces shall be clearly delineated on the site plan accompanying the application.

g. **Notification.** The property owner shall ensure that all contracts, online listings, and advertisements clearly set forth the maximum number of overnight guests permitted at the property, and the maximum number on-site parking spaces. All occupants of the short-term rental shall be notified of these occupancy and parking standards and said standards shall be a part of any rental or lease agreement.

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

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

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

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

8. **Daytime Visitors.** For each allowed overnight occupant permitted under this section, one daytime visitor is allowed, up to a maximum of ten daytime visitors. Additional on-site parking for all daytime visitors' vehicles, in addition to overnight occupants, must be provided at a rate of one on-site parking space per two daytime visitors.

9. **No Overnight Camping.** A short-term rental administrative permit does not authorize any overnight camping, sleeping in tents, travel trailers, campers, or recreational vehicles. Recreational vehicles are permitted if they are the primary transportation for the renter or visitor, but they may not be used for overnight accommodations during the stay.

10. **Property Management.** The short-term rental shall be managed and supervised in accordance with the following requirements and responsibilities:

    a. **Property Manager.** Short-term rentals must have a local property manager who is available 24-hours per day, seven days per week during all times that the property is rented. For hosted stays, the resident host shall be the property manager. For un-hosted stays, the property manager may be the owner or a designee of the owner. The property manager must ensure compliance with all requirements set forth in this section, including the timely response (within 30 minutes) to all complaints and their resolution. The name and contact information (address, text-enabled phone number, and email) of the property manager shall be provided on the permit application, posted inside the short-term rental and be available to any interested party upon request. Property managers shall provide Development Services with current contact information for identification on the Department of Development Services Short-Term Rentals registry website.

    b. **Posting of Permit Standards.** A copy of the short-term rental permit listing all applicable standards and limits, including the name, text-enabled phone number, and email of the property manager, shall be posted inside the rental property in a prominent interior location within six feet of the front door. The applicable prohibitions, standards, and limits on occupancy shall be included.

    c. **Disaster Preparedness**. Property managers shall make community evacuation information and maps for the community where the short-term rental is located as provided by the Butte County Office of Emergency Management available to all guest customers. Applicable community evacuation information and maps shall be posted in a prominent interior location within six feet of the front door.

    d. **Right to Farm**. Pursuant to Butte County Code Chapter 35. Right to Farm Ordinance, the County of Butte permits the operation of properly conducted agricultural operations on agricultural land within the unincorporated area of Butte County and residents or users of property located near an agricultural operation on agricultural land may at times be subject to inconvenience or discomfort arising from that operation. The County of Butte has determined in the Butte County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Butte County Code or County regulations, and that residents or users of nearby property should be prepared to accept

such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Disclosure concerning the allowance of agricultural uses and operations, and the potential for short-term renters to experience inconveniences, shall be a part of all rental agreements and posted along with the permit standards in a prominent interior location within six feet of the front door. This disclosure shall be approved in accordance with Butte County Code Section 35-8 at the time of Administrative Permit application.

e. **Neighbor Notification of Administrative Permit Standards.** At the permit holder's expense, the Butte County Department of Development Services shall provide a mailed notice at the time of permit issuance to property owners within 300 feet of the subject parcel, and all property owners located on any non-county maintained private road serving the short-term rental. The notice shall include all applicable standards and limitations placed upon the short-term rental, the Butte County administrative permit number, and the County website that contains the official registry of each approved Short-Term Rental. The official registry will include the property manager's name, text-enabled phone number, and email.

f. **Internet Posting and other Listings.** All advertising, marketing, online hospitality services, or other types of listing for the short-term rental shall include the following information in accordance with the approved Administrative Permit:
   1. Maximum occupancy of rental, not including children under 3 years of age;
   2. Maximum number of off-street vehicle parking spaces located on the property;
   3. Notification that quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays;
   4. Notification that outdoor amplified sound is only allowed during specified non-quiet hours, and is subject to the Butte County Noise Control Ordinance;
   5. Notification that commercial activities and special events, including but not limited to weddings, receptions, and parties, are prohibited; and,
   6. The issued Butte County administrative permit number and the transient occupancy tax certificate number.

J. Enforcement Process. This section contains its own enforcement process as set forth below. However, this process does not preclude other means of enforcement. Enforcement of this section may be in accordance with Butte County Code Section 24-5 (F), Enforcement, which may include, but not be limited to, the procedures as established in Butte County Code Section 1-7 (General Penalty, Continuing Violations), Chapter 32A (Abatement of Public Nuisances) and 41 (Code Enforcement Policies and Procedures), as well as any other procedures available in State or federal law. In no case shall the issuance of a courtesy notice or a warning notice pursuant to Section 41-2 be required for a code enforcement officer to issue a citation pursuant to this Section.

1. **Three Strikes Revocation Rule.** Three verifiable administrative citations, violations, or hearing officer determinations concerning the permit requirements issued to the owner or occupants at the property within a 24-month period shall result in a notice to cease and desist operations and permit revocation. Revocation is subject to prior notice and to appeal, if requested within ten days. In the event of permit revocation, an application to reestablish a short-term rental after revocation shall not be accepted for a minimum period of 24 months.
   a. Prior to revocation under this section, at least two of the verified complaints leading to a citation, violation or hearing officer determination shall be filed from separate households.

2. **Complaints.** Complaints shall be sent by text message and/or email. Complaints about potential violations shall be directed to the host/property manager with a copy to the Department of Development Services. If the host/property manager corrects a violation upon request within 30 minutes, the violation shall not be counted as a strike under the three strikes revocation rule under this section. The host/property manager shall document the correction to the complainant, with a text or email copy provided to the Department of Development Services. If the host/property manager is unavailable or fails to correct a potential violation, the violation shall be counted as a strike. The Department of Development Services shall send notice of the strike to the host/property manager and give the host/property manager the opportunity to respond. The Department of Development Services shall evaluate any response and communicate its determination to the host/property manager. When three strikes have been documented, the Department of Development Services shall schedule a revocation hearing to be heard by the Zoning Administrator.

3. **Increased Permit Fee Penalty for Non-Compliance.** Any property that is determined to be advertised for use as a short-term rental without first obtaining the necessary administrative permit required under this section shall be issued a citation and a notice to cease and desist. A permit fee penalty of ten times the regular application fee shall be applied to said property for future short-term rental administrative permit applications.

TABLE 24-13-1 PERMITTED LAND USES IN THE AGRICULTURE ZONES [1] [2]

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **M** Minor Use Permit required **C** Conditional Use Permit required **–** Use not allowed	**Zone**		**Applicable Regulations**
	AG	**AS**	
Agricultural Uses			
Agricultural Processing	P	P	
Animal Grazing	P	P	
Animal Processing	C	C	
Animal Processing, Custom	P	P	
Crop Cultivation	P	P	
Feed Store	C	P	
Intensive Animal Operations	C	C	
Stables, Commercial	C	C	
Stables, Private	P [3]	P [3]	
Stables, Semiprivate	P [3]	P [3]	
Natural Resource Uses			
Forestry and Logging	P	-	
Mining and Surface Mining Operations	C	C	Chapter 13 Butte County Code
Oil and Gas Extraction, including reinjection wells for natural gas	C	C	
Oil and Gas Extraction, storage or disposal of Well Stimulation Byproducts	-	-	Section 24-167.1
Timber Processing	-	-	
Residential Uses			
Agricultural Worker Housing Center	C[3]	-	Section 24-14 (G)
Caretaker Quarters	-	A [3]	
Duplex Home	-	-	
Home Occupations - Major	M	-	Section 24-162
Home Occupations - Minor	A	-	Section 24-162
Live/Work Unit	-	-	
Mobile Home Park	-	-	
Multiple-Family Dwelling	-	-	
Residential Care Homes, Large	-	-	
Residential Care Homes, Small	P	-	
Second Units and Accessory Dwelling Units	P [4]	-	Section 24-172
Single-Family Home	P [4]	-	

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **M** Minor Use Permit required **C** Conditional Use Permit required **–** Use not allowed	**Zone**		**Applicable Regulations**
	AG	**AS**	
Short-Term Rental	A	-	Section 24-172.1
Community Uses			
Cemeteries, Private	-	-	
Cemeteries, Public	-	-	
Child Care Center	-	-	
Child Day Care, Large	-	-	
Child Day Care, Small	P [3]	-	Section 24-159
Clubs, Lodges and Private Meeting Halls	M [5]	M [5]	
Community Centers	-	-	
Correctional Institutions and Facilities	-	-	
Cultural Institutions	C	-	
Emergency Shelter	-	-	
Golf Courses and Country Clubs	-	-	
Hospital	-	-	
Office, Governmental	-	-	
Outdoor Education	P	-	
Parks and Recreational Facilities	C	C	
Public Safety Facilities	C	C	
Religious Facilities	C	C	
Schools, Public and Private	-	-	
Water Ski Lakes	-	-	
Commercial Uses			
Adult Businesses	-	-	
Agricultural Product Sales, Off-Site	M	M	
Agricultural Product Sales, On-Site	P	P	
Agricultural Support Services, General	-	C	
Agricultural Support Services, Light	-	P	
Animal Services	C [7]	C	Section 24-158
Animal Processing, Limited	-	-	
Bars, Nightclubs and Lounges	-	-	
Bed and Breakfast	M	-	
Commercial Recreation, Indoor	-	-	

uses that do not detract from the area's value for habitat, open space, or research. The minimum permitted parcel size in the RC zone is 40 acres. The RC zone allows for one single-family home per parcel. The RC zone implements the Resource Conservation land use designation in the General Plan. Mining may be considered by a Mining Permit in this zone when it will result in an improvement or no degradation of the habitat area as the end use pursuant to the Surface Mining and Reclamation Act.

24-16 Land Use Regulations for Natural Resource Zones

A. Permitted Uses. Table 24-16-1 (Permitted Land Uses in the Natural Resource Zones) identifies land uses permitted in the natural resource zones.

TABLE 24-16-1 PERMITTED LAND USES IN THE NATURAL RESOURCE ZONES [1] [2]

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **M** Minor Use Permit required **C** Conditional Use Permit required **–** Use not allowed	**Zone**			**Applicable Regulations**
	TM	**TPZ**	**RC**	
Agricultural Uses				
Agricultural Processing	P	M	-	
Animal Grazing	P	P	P	
Animal Processing	-	-	-	
Animal Processing, Custom	P	P	-	
Crop Cultivation	P	P	-	
Feed Store	-	-	-	
Intensive Animal Operations	-	-	-	
Stables, Commercial	C	-	-	
Stables, Private	P	P	P	
Stables, Semiprivate	P	M [4]	-	
Natural Resource Uses				
Forestry and Logging	P	P	-	
Mining and Surface Mining Operations	C	C [4]	C	
Oil and Gas Extraction, including reinjection wells for natural gas	C	C [4]	-	
Oil and Gas Extraction, storage or disposal of Well Stimulation Byproducts	-	-	-	Section 24-167.1
Timber Processing	P	P	-	
Residential Uses				
Agricultural Worker Housing Center	-	-	-	
Caretaker Quarters	-	-	-	
Duplex Home	-	-	-	
Home Occupations - Major	M	M [4]	M	Section 24-162

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **M** Minor Use Permit required **C** Conditional Use Permit required **–** Use not allowed	Zone			Applicable Regulations
	TM	**TPZ**	**RC**	
Home Occupations - Minor	A	A [4]	A	Section 24-162
Live/Work Unit	-	-	-	
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	-	
Residential Care, Large	-	-	-	
Residential Care Homes, Small	P	P	P	
Second Units and Accessory Dwelling Units	-	-	-	
Single-Family Home	P	P	P	
Short-Term Rental	A	-	-	Section 24-172.1
Community Uses				
Cemeteries, Private	C	C [4] [5]	-	
Cemeteries, Public	M	M [4] [5]	-	
Child Care Center	-	-	-	
Child Day Care, Large	-	-	-	
Child Day Care, Small	P	P	P	
Clubs, Lodges and Private Meeting Halls	-	P [5]	-	
Community Centers	-	-	-	
Correctional Institutions and Facilities	-	-	-	
Cultural Institutions	-	-	-	
Emergency Shelter	-	-	-	
Golf Courses and Country Clubs	-	-	-	
Hospital	-	-	-	
Medical Office and Clinic	-	-	-	
Office, Governmental	-	-	-	
Outdoor Education	P	P	P	
Parks and Recreational Facilities	C	C [4]	C [3]	
Public Safety Facilities	C	C [4][5]	-	
Religious Facilities	C	-	-	
Schools, Public and Private	C	-	-	
Water Ski Lakes	-	-	-	
Commercial Uses				
Adult Businesses	-	-	-	
Agricultural Product Sales, On-Site	-	-	-	
Agricultural Product Sales, Off-Site	-	-	-	

TABLE 24-19-1 PERMITTED LAND USES IN THE RESIDENTIAL ZONES [1] [2]

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **M** Minor Use Permit required **C** Conditional Use Permit required **–** Use not allowed	Zone											Applicable Regulations
	FR	**FCR**	**RR**	**RCR**	**VLDR**	**VLDCR**	**LDR**	**MDR**	**MHDR**	**HDR**	**VHDR**	
Agriculture Uses												
Agricultural Processing	-	-	-	-	-	-	-	-	-	-	-	
Animal Grazing	P	P	P	P	P [15]	P [15]	P [15]	P [15]	P [15]	P [15]	P [15]	Section 24-158
Animal Processing	-	-	-	-	-	-	-	-	-	-	-	
Animal Processing, Custom	P	P	P	P	-	-	-	-	-	-	-	
Feed Store	-	-	-	-	-	-	-	-	-	-	-	
Crop Cultivation	P	P	P	P	P [15]	P [15]	P [15]	P [15]	P [15]	P [15]	P [15]	
Intensive Animal Operations	-	-	-	-	-	-	-	-	-	-	-	
Stables, Commercial	C [3]	C [3]	C [3]	C [3]	-	-	-	-	-	-	-	
Stables, Private	P	P	P	P	P	P	M [14]	M [14]	M [14]	M [14]	M [14]	
Stables, Semiprivate	P [3]	P [3]	P [3]	P [3]	M [3]	M	-	-	-	-	-	
Natural Resource Uses												
Forestry and Logging	P	P	-	-	-	-	-	-	-	-	-	
Mining and Surface Mining Operations	C [4]	C [4]	-	-	-	-	-	-	-	-	-	
Oil and Gas Extraction, including reinjection wells for natural gas	-	-	-	-	-	-	-	-	-	-	-	
Oil and Gas Extraction, storage or disposal of Well Stimulation Byproducts	-	-	-	-	-	-	-	-	-	-	-	Section 24-167.1
Timber Processing	-	-	-	-	-	-	-	-	-	-	-	
Residential Uses												
Agricultural Worker Housing Center	-	-	-	-	-	-	-	-	-	-	-	
Caretaker Quarters	-	-	-	-	-	-	-	-	-	-	-	
Duplex Homes	-		-	-	-	-	-	-	P	P	P	
Home Occupations - Major	M	M	M	M	M	M	M	M	M	M	M	Section 24-162
Home Occupations - Minor	A	A	A	A	A	A	A	A	A	A	A	Section 24-162
Live/Work Unit	-	-	-	-	-	-	-	-	-	-	-	

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **M** Minor Use Permit required **C** Conditional Use Permit required **–** Use not allowed	Zone											Applicable Regulations
	FR	**FCR**	**RR**	**RCR**	**VLDR**	**VLDCR**	**LDR**	**MDR**	**MHDR**	**HDR**	**VHDR**	
Mobile Home Park	-	-	-	-	-	-	-	-	C	C	C	Section 24-167
Multiple-Family Dwelling	-	-	-	-	-	-	-	-	P	P	P	
Residential Care Homes, Large	-	-	-	-	M	-	M	M	M	M	M	
Residential Care Homes, Small	P	P	P	P	P	P	P	P	P	P	P	
Second Units and Accessory Dwelling Units	P	P	P	P	P	P	P	P	P	P	P	Section 24-172
Single-Family Home	P [6]	P [6]	P [6]	P [6]	P [6]	P [6]	P	P	P	P	P	
Short-Term Rental	A	A	A	A	A	-	A	A	A	-	-	Section 24-172.1
Community Uses												
Cemeteries, Private	-	-	-	-	-	-	-	-	-	-	-	
Cemeteries, Public	-	-	-	-	-	-	-	-	-	-	-	
Child Care Center	-	-	-	-	C	-	C	C	C	C	C	Section 24-159
Child Day Care, Large	M	M	M	M	M	-	M	M	M	M	M	Section 24-159
Child Day Care, Small	P	P	P	P	P	P	P	P	P	P	P	Section 24-159
Clubs, Lodges and Private Meeting Halls	C	C	C	C	C	-	C	C	C	C	C	
Community Centers	C	C	C	C	C	-	C	C	C	C	C	
Correctional Institutions and Facilities	-	-	-	-	-	-	-	-	-	-	-	
Cultural Institutions	-	-	-	-	-	-	-	-	-	-	-	
Emergency Shelter	-	-	-	-	-	-	-	-	-	-	-	
Golf Courses and Country Clubs	C	C	C	C	C	-	-	-	-	-	-	
Hospital	-	-	-	-	-	-	-	-	-	-	-	
Medical Office and Clinic	C [11]	C [11]	C [11]	C [11]	C	-	C	C	C	C	C	
Office, Governmental	-	-	-	-	-	-	-	-	-	-	-	
Outdoor Education	-	-	-	-	-	-	-	-	-	-	-	
Parks and Recreational Facilities	C	C	C	C	C	-	C	C	C	C	C	
Public Safety Facilities	C	C	C	C	C	-	C	C	C	C	C	

E. Sports and Entertainment (SE). The purpose of the SE zone is to allow for sports and entertainment uses, including sports facilities, golf courses, theaters, and amphitheaters, as well as a range of related commercial uses that are compatible with the Sports and Entertainment zone. The related uses may include localized retail, commercial retail, and service establishments. The maximum permitted floor area ratio in the SE zone is 0.4. The SE zone implements the Sports and Entertainment land use designation in the General Plan. The Sports and Entertainment designation was enacted under Butte County Ordinance 3570, where additional information concerning this designation may be found. This designation is unique to several parcels of approximately 100 acres located in Butte Valley near the intersections of Highway 70 and Highway 191 (Clark Road).

F. Mixed Use (MU). The purpose of the MU zone is to allow for a mixture of residential and commercial land uses located close to one another, either within a single building, on the same parcel, or on adjacent parcels. Standards in the MU zone are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live. Permitted commercial uses include general retail, personal services, restaurants, professional offices, and other similar uses. Permitted residential density in the MU zone ranges from a minimum of 6 dwelling units per acre to a maximum of 20 dwelling units per acre. The maximum permitted floor area ratio in the MU zone ranges from 0.3 to 0.5. The MU zone implements the Mixed Use land use designation in the General Plan.

24-22 Land Use Regulations for Commercial and Mixed Use Zones

A. Permitted Uses. Table 24-22-1 (Permitted Land Uses in the Commercial and Mixed Use Zones) identifies land uses permitted in the commercial and mixed use zones.

TABLE 24-22-1 PERMITTED LAND USES IN THE COMMERCIAL AND MIXED USE ZONES [1] [2]

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **C** Conditional Use Permit required **M** Minor Use Permit required **—** Use not allowed	**Zone**						**Applicable Regulations**
	GC	**NC**	**CC**	**REC**	**SE**	**MU**	
Agriculture Uses							
Agricultural Processing	-	-	-	-	-	-	
Animal Grazing	P [4]	P [4]	P [4]	P [4]	P [4]	P [4]	Section 24-158
Animal Processing	-	-	-	-	-	-	
Animal Processing, Custom	-	-	-	-	-	-	
Crop Cultivation	P [4]	P [4]	P [4]	P [4]	P [4]	P [4]	
Feed Store	P	P	P	-	-	-	
Intensive Animal Operations	-	-	-	-	-	-	
Stables, Commercial	-	-	P	C	-	C [4]	
Stables, Private	-	-	-	-	-	A [4]	
Stables, Semiprivate	-	-	-	M	-	A [4]	

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **C** Conditional Use Permit required **M** Minor Use Permit required **—** Use not allowed	Zone						Applicable Regulations
	GC	**NC**	**CC**	**REC**	**SE**	**MU**	
Natural Resource Uses							
Forestry and Logging	-	-	-	-	-	-	
Mining and Surface Mining Operations	-	-	-	-	-	-	
Oil and Gas Extraction, including reinjection wells for natural gas	-	-	-	-	-	-	
Oil and Gas Extraction, storage or disposal of Well Stimulation Byproducts	-	-	-	-	-	-	Section 24-167.1
Timber Processing	-	-	-	-	-	-	
Residential Uses							
Agricultural Worker Housing Center	-	-	-	-	-	-	
Caretaker Quarters	M [3]	-	-	P [3]	-	-	
Duplex Home	-	-	-	-	-	P	
Home Occupations - Major	M	M	M	-	-	M	Section 24-162
Home Occupations - Minor	A	A	A	-	-	M	Section 24-162
Live/Work Unit	C	C	C	-	-	P	Section 24-164
Mobile Home Park	-	-	-	-	-	-	
Multiple-Family Dwelling	C	C	-	-	-	P	
Residential Care Home, Large	M	-	-	-	-	C	
Residential Care Home, Small	M	M	P [3]	-	-	P	
Second Units and Accessory Dwelling Units	-	-	-	-	-	-	
Single-Family Home	-	-	P	-	-	P	
Short-Term Rental	-	-	-	-	-	A	Section 24-172.1
Community Uses							
Cemeteries, Private	-	-	-	-	-	-	
Cemeteries, Public	-	-	-	-	-	-	
Child Care Center	M	M	M	M	-	M	Section 24-159
Child Day Care, Large	M	M	M	-	-	M	Section 24-159
Child Day Care, Small	P	P	P	-	-	P	Section 24-159
Clubs, Lodges and Private Meeting Halls	P	P	P	C	P	P	
Community Centers	C	C	C	C	P	C	
Correctional Institutions and Facilities	-	-	-	-	-	-	
Cultural Institutions	C	C	C	C	P	C	
Emergency Shelter	C	C	C	-	-	C	

TABLE 24-26-1 PERMITTED LAND USES IN THE INDUSTRIAL ZONES [1] [2]

Key **P** Permitted use, subject to Zoning Clearance A Administrative Permit required **C** Conditional Use Permit required **M** Minor Use Permit required **—** Use not allowed	**Zone**			**Applicable Regulations**
	LI	**GI**	**HI**	
Agricultural Uses				
Agricultural Processing	-	C	P	
Animal Grazing	P [4]	P [4]	P [4]	Section 24-158
Animal Processing	-	-	C	
Animal Processing, Custom	-	-	-	
Crop Cultivation	P [4]	P [4]	P [4]	
Feed Store	-	-	-	
Intensive Animal Operations	-	-	-	
Stables, Commercial	-	-	-	
Stables, Private	-	-	-	
Stables, Semiprivate	-	-	-	
Natural Resource Uses				
Forestry and Logging	-	-	-	
Mining and Surface Mining Operations	-	-	C	
Oil and Gas Extraction, including reinjection wells for natural gas	-	-	-	
Oil and Gas Extraction, Storage or disposal of Well Stimulation Byproducts	-	-	-	Section 24-167.1
Timber Processing	-	C	P	
Residential Uses				
Agricultural Worker Housing Center	-	-	-	
Caretaker Quarters	A	A	A	
Duplex Home	-	-	-	
Home Occupations – Major	-	-	-	
Home Occupations – Minor	-	-	-	
Live/Work Unit	M	M	-	Section 24-164
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	-	
Residential Care Homes, Large	-	-	-	
Residential Care Homes, Small	-	-	-	
Second Units and Accessory Dwelling Units	-	-	-	
Single-Family Home	-	-	-	
Short-Term Rental	-	-	-	

Key **P** Permitted use, subject to Zoning Clearance A Administrative Permit required **C** Conditional Use Permit required **M** Minor Use Permit required **—** Use not allowed	Zone			Applicable Regulations
	LI	**GI**	**HI**	
Commercial Recreation, Indoor	M	M	-	
Commercial Recreation, Outdoor	-	-	-	
Construction, Maintenance and Repair Services	P	P	P	
Drive-Through Facility	A	A	A	Section 24-160
Equipment Sales and Rentals	P	P	P	
Firewood Storage, Processing and Off-Site Sales, Small	-	P	P	
Firewood Storage, Processing and Off-Site Sales, Medium	-	M	P	
Firewood Storage, Processing and Off-Site/On-Site Sales, Large	-	M	P	
Gas and Service Stations	-	-	-	
Heavy Equipment Storage	P	P	P	Section 24-173
Hotel and Motel	-	-	-	
Hunting and Fishing Clubs	-	-	-	
Offices, Professional	-	-	-	
Nursery, Retail	-	-	-	
Nursery, Wholesale				
Personal Services	A	A	-	
Personal Services, Restricted	-	-	-	
Public/Mini Storage	P	P	-	Section 24-169
Recreational Vehicle Parks	-	-	-	
Restaurant	A	A	-	
Retail, General	A	A	-	
Retail, Large Projects	-	-	-	
Retail, Restricted	-	-	-	
Vehicle Repair	P	P	P	
Vehicle Sales and Rental	M	M	M	
Vehicle Service and Maintenance	P	P	P	
Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities	-	-	-	

Industrial Uses				
Composting Facilities	-	C	P	
Manufacturing, General	C	P	P	
Manufacturing, Heavy	-	C	C	

is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD zone is also intended to ensure project consistency with the General Plan, sensitivity to surrounding land uses, and the protection of sensitive natural resources. The PD zone provides land owners with enhanced flexibility to take advantage of unique site characteristics to develop projects that will provide public benefits for residents, employees, and visitors to Butte County. This zone is not identified in Table 24-29-1 (Permitted Land Uses in Special Purpose Zones) as it is intended to allow for a variety of uses and development, refer to Section 24-32 (Planned Development Zone Requirements) for further discussion.

24-29 Land Use Regulations for Special Purpose Zones

A. Permitted Uses in the PB, AIR and RBP Zones. Table 24-29-1 (Permitted Land Uses in Special Purpose Zones) identifies land uses permitted in the PB, AIR, and RBP zones.

B. Permitted Uses in the PD Zone. Permitted land uses shall conform to the land uses allowed by the applicable General Plan land use designation. Planned Development zoning is allowed in the Residential, Commercial and Industrial zones.

TABLE 24-29-1 PERMITTED LAND USES IN SPECIAL PURPOSE ZONES [1] [2]

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **C** Conditional Use Permit required **M** Minor Use Permit required **—** Use not allowed	**Zone**			**Applicable Regulations**
	PB	**AIR**	**RBP**	
Agriculture Uses				
Agricultural Processing	-	-	C	
Animal Grazing	-	-	-	
Animal Processing	-	-	-	
Animal Processing, Custom	-	-	-	
Crop Cultivation	-	-	See Section 24-31.A.5.a	
Feed Store	-	-	-	
Intensive Animal Operations	-	-	-	
Stables, Commercial	-	-	-	
Stables, Private	-	-	-	
Stables, Semiprivate	-	-	-	
Natural Resource Uses				
Forestry and Logging	-	-	-	
Mining and Surface Mining Operations	-	-	-	
Oil and Gas Extraction, including reinjection wells for natural gas	-	-	-	
Oil and Gas Extraction, storage or disposal of Well Stimulation Byproducts	-	-	-	Section 24-167.1

Key **P** Permitted use, subject to Zoning Clearance **A** Administrative Permit required **C** Conditional Use Permit required **M** Minor Use Permit required **—** Use not allowed	Zone			Applicable Regulations
	PB	**AIR**	**RBP**	
Timber Processing	-	-	-	
Residential Uses				
Agricultural Worker Housing Center	-	-	-	
Caretaker Quarters	-	P [3]	C [3]	
Duplex Home	-	-	-	
Home Occupations - Major	-	-	M	Section 24-162
Home Occupations - Minor	-	-	A	Section 24-162
Live/Work Unit	-	-	C [3]	Section 24-164
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	C [3]	
Residential Care Homes, Large	-	-	C [3]	
Residential Care Homes, Small	-	-	C [3]	
Second Units and Accessory Dwelling Units	-	-	-	
Single-Family Home	-	-	C [3]	
Short-Term Rental	-	-	-	
Community Uses				
Cemeteries, Private	C	-	-	
Cemeteries, Public	P	-	-	
Child Care Center	C	-	P [4]	Section 24-159
Child Day Care, Large	-	-	-	
Child Day Care, Small	-	-	-	
Clubs, Lodges and Private Meeting Halls	C	-	P [4]	
Community Centers	P	-	P [4]	
Correctional Institutions and Facilities	C	-	-	
Cultural Institutions	M	-	M [4]	
Golf Courses and Country Clubs	-	-	-	
Emergency Shelters	C	-	-	
Hospital	C	-		
Medical Office and Clinic	C [5]	C	P [4]	
Office, Governmental	P	C	-	
Outdoor Education	-	-	-	
Parks and Recreational Facilities	P [5]	-	P	

C. Standards.

1. **Noise Levels.** Noise shall be regulated pursuant to Butte County Code Chapter 41A. Noise Control.

2. **Installation.** Permanent generators shall be permanently secured on a minimum 3½ -inch thick concrete slab extending a minimum of 2 feet beyond the generator on all sides, or shall be anchored as required in the manufacturer's installation instructions to prevent vibration.

3. **Compliance with Noise Standard.** Residential generators not meeting the standards set forth under Chapter 41A. Noise Control shall be brought into compliance in any of the following ways:
   a. Cessation of operation;
   b. Retrofitting of the generator with a manufacturer-approved muffler or exhaust silencer;
   c. Repair of the generator;
   d. Replacement of the generator with a conforming generator; or
   e. Enclosure of the generator in conformance with Subsection (D) of this section.

D. Enclosure. If needed to comply with the maximum or hourly decibel level, generators shall be enclosed in a sound reduction enclosure approved by the Building Official. This enclosure shall be constructed consistent with published County guidelines for generator noise reduction, or may be a commercially manufactured enclosure. Generator enclosures shall reduce noise to the level required by this section. Enclosures shall be constructed to meet current California Building Code standards, shall provide a minimum of 30 inches of interior structural clearance to allow access on all sides of the generator, and shall be adequately ventilated and vented. The Department of Development Services shall publish and maintain guidelines for the construction of effective generator noise reduction enclosures.

E. Exceptions. The standards of this section are not applicable to generator noise from the following sources:

1. The use of any generator related to or connected with an emergency, in order to protect life or property; or during a temporary power outage; and

2. The operation of any generator for commercial agricultural use.

24-172 Second Units and Accessory Dwelling Units

A. Purpose. This section establishes standards for the location and construction of second units, and accessory dwelling units in conformance with Section 65852.2 of the California Government Code. These standards are intended to allow for second units and accessory dwelling units as an important form of affordable housing while preserving the character and integrity of residential areas within the county.

B. Location. Accessory dwelling units shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). Accessory dwelling units are not allowed in the North Chico Specific Plan area, Timber Mountain (TM), Timber Production (TPZ), Resource Conservation (RC) zones, or on Williamson Act contracted property. Accessory dwelling units proposed within the Airport Compatibility (-AC) overlay zone must comply with the allowed residential dwelling units/acre specified by the Butte County Airport Land Use Compatibility Plan.

C. Second Units. An attached or detached second unit is permitted in place of an accessory dwelling unit and is subject to all standards and requirements pertaining to accessory dwelling units as described under this chapter except as otherwise noted under Subsection (F), Size.

D. Site Requirements.

1. Accessory Dwelling units shall be permitted only on legally-created parcels. Accessory dwelling units cannot be sold separately from the primary residence.
2. In Agriculture Zones, Accessory dwelling units shall be located in close proximity to the primary dwelling unit.

E. Guest Houses.

1. Guest houses shall be excluded from the requirements of this section and shall be regulated pursuant to Section 24-156(g) (Accessory Uses and Structures).
2. Accessory dwelling units that comply with all requirements of this section are permitted on a parcel containing a guest house.

F. Size.

1. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living areas, with a maximum increase in floor area of 1,200 square feet.
2. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
3. Any accessory dwelling unit shall comply with all applicable County regulations, including height and setback standards, Building Code regulations, and water supply, sewage disposal, and driveway/road access requirements; provided that accessory dwelling units that are attached to the primary residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
4. Second units, whether attached or detached, are not subject to the 1,200-square-foot maximum size, and may be larger than 1,200 square feet.

G. Maximum Number Permitted.

1. Only one (1) accessory dwelling unit shall be allowed on a parcel.
2. An accessory dwelling unit is not permitted on parcels already containing two (2) or more dwelling units. Agricultural Worker Housing approved by the State of California and Butte County shall not be counted as a dwelling unit pursuant to this section.

H. Relationship to Primary Dwelling.

1. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.
2. An accessory dwelling unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.

3. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

I. Occupancy. The owner of a parcel developed with an accessory dwelling unit shall reside in either the primary dwelling or the accessory dwelling unit.

J. Parking. Parking requirements for detached accessory dwelling units shall not exceed one parking space per unit. These spaces may be provided as tandem parking on an existing driveway.

K. Development Standards. An accessory dwelling second unit shall comply with all development and design standards of the Zoning Ordinance that are applicable to the primary dwelling, including, but not limited to, building setbacks, parcel coverage, and building height, however, no setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

L. Utilities. Accessory dwelling units shall have adequate sewage disposal facilities and potable water facilities, as determined by the Butte County Environmental Health Division.

M. Site Improvements.

1. As a condition for the issuance of a building permit for an accessory dwelling unit, the existing driveway or road serving the parcel shall be improved, if necessary, to meet Public Resources Code Section 4290 (Fire Safe Regulations).

2. Construction of the accessory dwelling unit may require drainage improvements that are customary for a building permit. The extent and timing of the improvements shall be determined by the Department of Public Works and shall conform to the technical standards and specifications for drainage improvements as adopted by the Board of Supervisors.

N. Deed Restrictions. Prior to the issuance of a building permit for an accessory dwelling unit, a covenant of restriction to run with the land shall be recorded which specifies that the accessory dwelling unit cannot be sold separately, that the property owner shall reside in either the primary or accessory dwelling unit, and that the primary dwelling unit and accessory dwelling unit cannot be used for short-term rentals (terms of ~~less than~~ 30 days or less); ~~,~~ however, an approved second unit (over 1,200 square feet in size) may be used for a short-term rental pursuant to Butte County Code Section 24-172.1, and either the primary dwelling or second dwelling, or both may be used as a short-term rental, provided that the owner resides in the primary or second unit. ~~and that t~~These restrictions shall be binding on successors in ownership.

24-173.1 Heavy Equipment Storage in the VLDR (Very Low Density Residential) Zone

A. Purpose. This section establishes minimum standards and permit requirements for the storage of heavy equipment used by individual contractors/drivers for off-site commercial jobs.

B. Location/Applicability. This section applies to the Very Low Density Residential Zones as shown under Part 2 (Zoning Districts, Land Uses, and Development Standards). The allowance of Heavy Equipment Storage for all other zones is set forth under Section 24-156 (Accessory Uses and Structures)

Article 42. GLOSSARY

Sections:
24-303 – Purpose
24-304 – Definitions

24-303 Purpose

This article defines terms and phrases used in the Zoning Ordinance that are technical or specialized, or which may not reflect common usage. If any of the definitions in this article conflict with others in the Butte County Code, these definitions shall control only for the provisions of the Zoning Ordinance. If a word is not defined in this article or in other provisions of the Zoning Ordinance, the Zoning Administrator shall determine the appropriate definition.

24-304 Definitions

200 Year Floodplain. Areas that have a 1-in-200 chance of flooding in any given year using criteria consistent with, or developed by, the Department of Water Resources. As used in this chapter, the term shall be ascribed to all areas labeled as such on Health and Safety Element Figure HS-2.

Accessory Kitchen. A second kitchen that is either attached to or detached from the primary dwelling, not associated with a second dwelling unit, and is used for entertaining, hobby, or used for commercial purposes related to a Home Occupation.

Accessory Structure. A structure that is subordinate to a primary structure such as a single-family dwelling or an allowed use within a zone. The use of an accessory structure is incidental to that of the primary structure or a use allowed by a zone. Excluded from this definition are trash enclosures, planter boxes with a maximum height of 42 inches, small-animal pet shelters, playground equipment, small sheds not subject to a building permit, and similar structures.

Accessory Use. A use that is incidental, related, appropriate, and clearly subordinate to the primary use of the parcel, building, or zone, which does not alter the primary use of such parcel, building, or zone, nor serve property other than the parcel of land on which the primary use is located.

Acidizing. Any well stimulation treatment that uses, in whole or in part, the application of one or more acids, at any pressure, into a well or an underground geologic formation in order to cause or enhance, or with the intent to cause or enhance, the production of oil, gas or other hydrocarbon substances from a well. Acidizing may include, but is not limited to, processes known as acid fracturing and acid matrix stimulation. Acidizing does not include routine well cleanout work, routine well maintenance, routine activities that do not affect the integrity of a well or an underground geologic formation, or treatments that do not penetrate into an underground geologic formation more than 36 inches from the wellbore.

Vacation Home Rental. A dwelling rented out as a short-term rental, as defined in 24-172.1 (B) (1), which is not an owner's primary residence, as defined in 24-172.1 (B) (2). Vacation Home Rentals are not permitted in Butte County except in zones that permit a Hotel and Motel use as defined under Butte County Code Section 24-304, consistent with how Hotels and Motels may be permitted under the Use Regulation Tables under Part 2 of Chapter 24 (Zoning Districts, Land Uses, and Development Standards) for each zone.

Variance Major. A discretionary permit approved by the Planning Commission that allows for deviation from development standards contained in the Zoning Ordinance by more than 10 percent.

Variance, Minor. A discretionary permit approved by the Zoning Administrator that allows for deviation from development standards contained in the Zoning Ordinance by 10 percent or less.

Vegetation, Native. Any plant species with a geographic distribution indigenous to all or part of Butte County. Plant species that have been introduced by humans are not native vegetation.

Vegetative Buffer. An area adjacent to a sensitive natural feature within which development restrictions apply.

Vehicle. A device by which any person or property may be propelled, moved or drawn, except a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Repair and Maintenance. An establishment for the repair, alteration, restoration or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, and towing. Repair shops that are part of a vehicle sales or rental establishment on the same site are excluded from this definition.

Vehicle Sales and Rental. An establishment for the retail sales or rental of new or used vehicles. May include parts sales and vehicle repair, provided that these activities are incidental to the sale of vehicles.

Vehicle Service and Maintenance. An establishment providing limited vehicle repair and maintenance services. Examples of Vehicle service and maintenance uses include self-service car washes, detailing services, quick-lube services, tire and battery sales and installation (not including recapping), vehicle repossession and towing services. Major vehicle repair such as painting and body work and vehicle impound yards are excluded from this definition.

Warehousing, Wholesaling, and Distribution. An establishment used primarily for the storage, selling or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Examples of Warehousing, Wholesaling, and Distribution uses includes vehicle storage, moving services, general delivery services, minor waste tire storage facilities, fuel yards and house boat storage yards where no maintenance of house boats occurs. The storage of flammables, explosives, or materials that create dust, odors, or fumes is excluded from this definition.

Watershed. The entire region drained by a waterway or watercourse that drains into a lake or reservoir.

Resolution No. PC

A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AMENDMENTS TO BUTTE COUNTY CODE CHAPTER 24, ZONING, INCLUDING: ADOPTING NEW SECTION 24-172.1 PERTAINING TO SHORT-TERM RENTALS; AMENDING SECTION 24-172, SECOND UNITS AND ACCESSORY DWELLING UNITS, SUBSECTION (N), DEED RESTRICTIONS; AMENDING ALL LAND USE REGULATION TABLES CONTAINED IN ZONING ORDINANCE PART 2, ZONING DISTRICTS, LAND USES, AND DEVELOPMENT STANDARDS TO INCLUDE REFERENCES TO SHORT-TERM RENTALS AND IDENTIFYING A CORRESPONDING PERMIT PROCESS; AND, INCLUDING A NEW DEFINITION FOR VACATION HOME RENTAL UNDER ZONING ORDINANCE PART 7, ARTICLE 42, GLOSSARY

WHEREAS, the online hospitality marketplace, enabled through Airbnb, VRBO, HomeAway and similar companies, has grown in popularity throughout California and the United States, with 2017 estimates of 135 short-term rentals advertising on a variety of websites and operating in various locations throughout Butte County; and,

WHEREAS, prior to this point in time the County's Zoning Ordinance provided no mechanism to allow or regulate short-term rentals located in the unincorporated portion of Butte County; and,

WHEREAS, the appropriate regulation of short-term rentals ensures that short-term rentals are compatible with and do not adversely impact surrounding residential uses, that risks to public safety and health to occupants and owners are minimized, and that property values are maintained within residential areas; and,

WHEREAS, the short-term rental ordinance provides an option for property owners to utilize their residences for short-term rental use, supports visitation and tourism to Butte County, and supports the collection of transient occupancy taxes in order to provide fair and equitable tax collection for all lodging providers; and,

WHEREAS, on February 13, 2018 the Butte County Board of Supervisors directed that staff prepare a draft short-term rental ordinance for future consideration at public hearings before the Planning Commission and Board; and,

WHEREAS, related sections of the Zoning Ordinance have been amended to address the allowance of second dwelling units for short-term rental use, to ensure that all Use Regulation Tables address short-term rentals and their related permit process, and to define Vacation Home Rental as a use separately from a short-term rental; and,

WHEREAS, the Planning Commission held two public workshops (on May 10, 2019 and August 9, 2018) devoted to receiving public input, reviewing the Draft Short-Term Rental Ordinance, and providing direction to staff; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on September 27, 2018; and,

WHEREAS, the Planning Commission reviewed and considered the information in the Staff Report, Resolution, and all oral and written testimony presented to the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends to the Board of Supervisors the following findings:

1. Notice of the Planning Commission hearing was given as required by law.
2. Short-term rentals are determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b) (3) (General Rule) and categorically exempt under Section 15301 "Existing Facilities" (Class 1).
3. The Planning Commission was presented with all of the information described in the recitals and has considered this information in adopting this resolution.
4. The proposed adoption of this ordinance is consistent and compatible with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.
5. The proposed adoption of the Ordinance is internally consistent with other applicable provisions of the Zoning Ordinance.
6. The proposed adoption of the Ordinance is in the public interest, and protects the health, safety, and welfare of the County.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends to the Butte County Board of Supervisors the adoption of the Short-Term Rental Ordinance and related amendments as set-forth under **Exhibit A.**

DULY PASSED AND ADOPTED this 27th day of September 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Larry Grundmann, Chair
Planning Commission
County of Butte, State of California

ATTEST:

_____
Tim Snellings, Secretary
Planning Commission
County of Butte, State of California

C. Planning Commission Public Workshop Summary Notes and Public Comment

(May 10, 2018 and August 9, 2018)

PLANNING COMMISSION SUMMARY NOTES

Draft Short-Term Rental Ordinance Public Workshop

May 10, 2018

On May 10, 2018, the Butte County Planning Commission held a Public Workshop concerning the Draft Short-Term Rental Ordinance. Previously on February 12, 2018, the Board of Supervisors had directed Development Services Staff to prepare a Draft Short-Term Rental Ordinance to allow this use, and to ensure that short-term rentals would not create nuisances or disturbances in neighborhoods and residential zones. The purpose of the Planning Commission's May 10, 2018 Public Workshop was to provide an opportunity to receive questions and comment from Planning Commissioners and the public. Direction received from the Planning Commission during this meeting will be incorporated into the Draft Short-Term Rental Ordinance for consideration at a future public hearing.

Principal Planner Dan Breedon provided a PowerPoint presentation concerning the Draft Short-Term Rental Ordinance. At the conclusion of the presentation, there was an opportunity for the Planning Commission to provide comment and answer questions. There was also an opportunity for members of the public to submit written comments and to address comments directly to the Planning Commission. After the conclusion of public comment, the Planning Commission discussed the proposed ordinance and provided direction to staff. A summary of the Planning Commission's discussions and direction, as well as public comment, is provided below.

<u>Questions and Comments from the Planning Commission</u>

COMMISSIONER JOHN: Concerning the limitation on no outdoor amplified sound, can we use the same limitations as special events?

Staff: Noise Studies are completed in the course of receiving a permit for a special event facility. Homeowner may not have the ability to provide a noise study and detailed noise level information at this scale. It is more appropriate to limit outdoor amplified music. The transient nature of each guest makes it difficult to assess individual noise concerns.

COMMISSIONER JOHN: Concerning AG (Agriculture) and TM (Timber Mountain) zones. What amount of properties would this limit? He is concerned about Agricultural lands not being able to have short-term rentals.

Staff: The AG and TM zones occupy a large area of the County. The concern being addressed is dust, noise and other impacts on the occupants of short-term rentals.

COMMISSIONER CHASE: The allowance of short-term rentals in AG and TM zones could also present impacts to the farming operations.

COMMSSIONER DONATI: Short-term rentals of residences in AG zones does happen quite often.

COMMISSIONER JOHN: Discussed that using Accessory and Second Dwelling Units as short-term rentals would be likely to happen if the original occupant vacates.

COMMSSIONER DONATI: What is driving this issue of short-term rentals?

Staff: Sites like Airbnb facilitate short-term rentals. The main concern is complaints, and not having the ability to prohibit or permit short-term rentals. The Board has provided direction to allow this use and determine what level of regulation should be associated with them.

COMMISSIONER CHASE: Indicated that without an ordinance, things could get worse, someone enjoying this use may not be protected in the future.

COMMISSIONER JOHN: Pointed out that it is more equitable to collect Transient Occupancy Taxes (TOT) under an ordinance.

COMMISSIONER CHASE: Asked if there was an issue or comment concerning fire hazards.

Staff: There was a public comment made during the Board meeting about not allowing short-term rentals in the High Fire Hazard areas, but that limitation is not currently included in the Draft Ordinance.

CHAIR GRUNDMANN: Discussed that a process to work problems out with the proprietor before escalating to a violation is a good direction.

CHAIR GRUNDMANN: Discussed concern about allowing a second dwelling as a short-term rentals and creating a permission where there currently is not one. He was concerned that it could create an avenue for a rental businesses where there was not one intended.

COMMISSIONER JOHN: Stated that for this reason he likes Pasadena's approach to provide a cap to the short-term rental. He stated that the concern was turning single-family residential zones into rental properties and that the same concern could be applied to AG zones.

COMMISSIONER CHASE: Asked if there are restrictions in place about occupancy in general. Parking is also an important implication.

Staff: There are restrictions in the Draft Ordinance on how many people can occupy a bedroom and the minimum amount of square feet allowed per person.

COMMISSIONER JOHN: Asked what other municipalities in the County are doing concerning short-term rentals.

Staff: Indicated that they were not aware of any efforts to develop an ordinance. Staff indicated that the ordinance was sent to all cities and the Town for coordination, and that ideally would like to see their ordinances coordinated with the County.

CHAIR GRUNDMANN: Stated that a main concern was changing the nature of single-family residential areas and encouraging the construction of short-term rental units.

COMMISSIONER CHASE: Stated that the intention was also that second units be available for long-term housing.

Staff summarized the following letters addressed to the Planning Commission: Debbie Hall, Rebecca Solaire, Neil McCabe, and Mandy Whigham. Copies of the letters were also distributed to the Planning Commission.

Chair Grundmann opened the Workshop for public comment

Steven B. Smith. Operates an Airbnb since last summer that has seven bedrooms. His children have moved out and they started the Airbnb with the space provided. The short-term rental provides him with the ability to maintain a beautiful home and gardens. Stated that the rental made the home less active because they previously had nine children living at home. Indicated that they are responsible neighbors and the last thing we want is to be an impact to neighbors. The rules appear to be considerate at this time. Thanked the Planning Commission for their consideration.

Georgie Bellin. Indicated that she does not have an Airbnb, but has real estate clients that do and indicated that they offer benefits. Stated that many clients have empty homes because their children have moved out and that events draw people to the area. Also indicated that agriculture and country areas are a draw. Indicated that she has the need to rent out to visiting professors or doctors attending Enloe Hospital on an infrequent basis. Indicated that owner occupancy does provide more care regarding what is happening on property. Indicated that the County should include the Agriculture and timber areas as being allowed for short-term rentals.

Mellissa Schuster. Indicated that she sits on Paradise Town Council, also advisory member of Tourism Business Improvement District (TBID), and has been involved in tourism for many years. She operates Airbnb in the Town of Paradise. Indicated that Airbnb is largest room provider in the world and that Airbnb has a mechanism to collect TOT for jurisdiction. Indicated that it is difficult to collect TOT and TBID taxes without the benefit of an ordinance, and that the TOT and TBID funds are valuable for public safety and tourism. Tourism provides benefits of revenue to the County. Indicated that agritourism is huge right now, and that people want authentic experiences. Indicated that occasionally someone would like to have a wedding and that there could be the ability to receive a one-time use permit for one wedding event. Indicated that hosted vs. unhosted stays make a big difference and that the community does not want to see corporations renting out unhosted rentals.

COMMISSIONER JOHN: Asked if Town of Paradise was looking to develop an ordinance. Ms. Schuster responded yes that it would be in the 2018/19 timeframe.

COMMISSIONER CHASE: Asked Ms. Schuster about her experience with noise. She indicated that they live in a rural area, but are always careful; house rules express no noise after 10:00 pm. Some visitors are from Sacramento and San Francisco, but primarily our biggest traffic is Chico State graduation and the Wildflower ride.

Mandy Whigam. Indicated that she went through and issue concerning an Airbnb with the City. Stated that these are our personal homes, we want to be polite to neighbors and guests. Indicated that the County Draft Ordinance was a very strict ordinance, stricter than any other was. She stated concern about noise violations if someone is in the pool. Indicated that her biggest concern presented by the Draft Ordinance was the creation of a platform for the squeaky wheel. The terms in the ordinance are above and beyond what should be expected for a short-term rental. Regulations are very strict and excessive and was concerned about complaints being filed unfairly. Asked if the collection of TOT creates an expectation of service from the government. Indicated that their rentals are a private agreement between two parties and that they choose who stays there. The regulations should not be any different from any other residential use. The requirement for 24-hour property management is a little absurd.

Staff indicated that the intent is to have a property manager available on a call as needed basis to address situations.

COMMISSIONER JOHN: Asked County Counsel about whether the lack of an ordinance means the existing short-term rentals are operating illegally.

County Counsel: Indicated that generally, the County has a zoning ordinance that sets forth uses that are allowed, and that the County does have a definition for a Bed and Breakfast. There is a need for an ordinance because there is confusion about what is covered and what is not. The Draft Ordinance is trying to ensure harmony and compatibility in neighborhoods.

CHAIR GRUNDMANN: Explained that there is a need to guard against the issue of the squeaky wheel, and balancing complaints against the rights of the use. He agreed that these concerns should be built into the ordinance.

Sam Ditty. He stated that he owns an Airbnb. His experience was that all Airbnbs are responsible. He asked who wrote the ordinance. He stated concerns about imposing limitations on short term rentals due to septic systems. Asked if the Draft Ordinance included experience from Airbnb operators. He additionally stated concern about the three strikes and you are out provision under the Draft Ordinance, that it was alarming and strict. He also asked about how to differentiate between a personal party and noise coming from short-term renters.

Staff Response: Development Services staff, who researched similar ordinances throughout California, drafted the ordinance. The process includes receiving input from this public workshop and refining the Draft Ordinance, reflecting a balance between those who operate Airbnbs and those who live next to them.

CHAIR GRUNDMANN: Indicated that the Draft Ordinance would need a second outing and that this would not be the last workshop on this, that this will serve a preliminary outing on the Draft. Indicated that the staff has heard many good comments.

COMMISSIONER CHASE: In response to San Ditty, indicated she wants to see protections regarding noise and parking. Having a string of people coming into a short-term rental is different from a resident who is familiar with their neighbors.

COMMISSIONER JOHN: Asked if a use permit could be allowed for amplified sound through a temporary use permit.

Staff indicated that a Festival License would allow for a gathering of individuals exceeding 100 people.

CHAIR GRUNDMANN: Closed the Public Hearing portion of the Workshop.

Staff introduced the issues discussed in the Staff Report and staff presentation, which required direction from the Planning Commission. These issues are itemized below.

1) Direction on Applicable Zoning Districts, and Whether AG (Agriculture) and TM (Timber Mountain) Zones were appropriate for Short-Term Rental Use.

COMMSSIONER DONATI: Recommends contacting the Farm Bureau to get their recommendation concerning this issue.

COMMISSIONER JOHN: Indicated that there are areas in Magalia and Forest Ranch where there may be Airbnbs and that he was not sure if we should exclude them. He indicated that if they already exist, they should be permitted and regulated.

2) Direction on Accessory and Second Dwelling Units, and whether it is appropriate to use these units for a Short-Term Rental Use.

CHAIR GRUNDMANN: Indicated that he was against the use of these units for short-term rentals due to density and existing restrictions as set forth under Zoning Ordinance Section 24-172 should stand.

COMMSSIONER DONATI: Indicated that if you are living on the parcel and watching over it (the short-term rental) then it should be fine, but if it is just a rental, it is a problem.

Staff: Asked if it is a hosted short-term rental, meaning someone is living in the primary unit but are renting out the second unit, would it then be suitable?

County Counsel: Indicated that under the existing County Code regarding accessory and second dwelling units owners are required to live on site.

The consensus was that further information and direction was need to continue a discussion concerning this issue.

3) Direction on Multiple Short-Term Rentals on a Single Parcel, and whether this should be allowed.

COMMSSIONER DONATI: Asked why short-term rentals were not regulated similarly to Bed and Breakfasts?

Staff: Bed and Breakfasts are defined very narrowly, they do provide meals (breakfasts), intensity would be a little higher in a Bed and Breakfast as multiple (up to 8) rooms are occupied. A minor use permit, as required for a bed and breakfast would subject people to a discretionary permit process and would take longer to permit. The Board's direction was to provide a streamlined way to allow short-term rentals.

COMMSSIONER DONATI: Stated concern about creating and splitting off multiple rooms and rentals. This use would be more like a Bed and Breakfast than a short-term rental. This would result in more conflicts and staff should look into whether a minor use permit should be required if multiple rooms are being rented out to multiple parties such as a Bed and Breakfast.

COMMISSIONER JOHN: Indicated that if I have a large home I should have the right to rent out a room or second unit for a short-term rental for one event (such as the Wildflower event) or some limit amount that would not be subject to the short-term rental ordinance.

4) Direction on whether it is appropriate to limit the number of days/year that a short term rental can be occupied, such as with a stated frequency and duration

CHAIR GRUNDMANN: Some variance of Pasadena's ordinance may be appropriate.

COMMISSIONER JOHN: Would like more examples of other municipalities. Indicated that he liked the Pasadena approach of hosted and not hosted but would like to see other jurisdictions as well.

Staff: Indicated that areas such as Lake Tahoe are written on the stricter side; more rural areas are less so. However, we have both rural and urban areas in Butte County.

COMMISSIONER JOHN: Asked about what the rental laws in Butte County were regarding long-term rentals and whether they should they be regulated like short-term rentals. Asked whether the same restrictions on short-term rentals could be applied to long-term rentals.

Staff: Staff replied that long-term rentals could not be regulated the same way as short-term rentals. There is a difference between an established single-family residential use and short-term rentals. Staff would not recommend regulating short-term rentals in the same manner as long-term rentals.

County Counsel: Advised the Planning Commission to think about enforcement of the ordinance. Does the three strikes and you are out mean that the Zoning Administrator will decide if the citation is valid, or is there a monetary fine that goes with a citation?

COMMISSIONER JOHN: Indicated that the issue becomes the validity of the strike (or citation) and whether 24-months is too long to wait after a permit is suspended.

CHAIR GRUNDMANN: Discussed concern about complaints and that the first move should not be to pick up and call the cops, and that the complainant should speak with owner first.

COMMSSIONER DONATI: Asked if you do not get a permit then what. There does not appear to be any appropriate enforcement in that case.

Staff: Pointed out that the fee for operating without a permit would be 10 times greater than the normal fee. Staff would also cite those who do operate without a permit through the normal code enforcement process. An extreme example of enforcement is the City of South Lake Tahoe, which requires a fine of $1,000.00 without warning on violators. Staff is trying to determine what is appropriate for Butte County.

COMMISSIONER CHASE: Brought up noise impacts, and when a complaint is unjust, what the process should be.

Staff: In some cases, a Sheriff's Deputy would respond and a misdemeanor concerning disturbing the peace would be cited. We can develop and design an enforcement process appropriate for this ordinance.

COMMISSIONER JOHN: Moved to continue the public workshop to June 7, 2018 at 9:00 am. Passed unanimously.

###

From: debhall
To: Breedon, Dan
Subject: short term rentals
Date: Wednesday, May 9, 2018 8:12:53 AM

Dear Mr. Breedon,

I am writing with concerns about allowing short term rentals in the county.

I live next door to a property which was purchased for the purpose of multiple rentals a few years ago. I have lived on El Monte for 26 years and this has had the biggest impact on the character of the neighborhood than anything else.

The county has been supportive of our input and called a meeting over a year ago. The consensus of the residents was not to allow rentals of less than 30 days duration.

I think one should consider what it is like to have a "hotel" next door. The cars are continually changing and there have been up to 17 parked along our street. Our mail service has been held because of cars parked in front of the mailbox. Noise levels are not a concern for those on vacation.

The regulation to restrict rentals to over 30 days has improved our situation. The owner has been more compliant with longer term rentals, but has continued to occupy the pool house, which was found to be noncompliant with septic standards and was never permitted for building.

Enforcement of rentals is a big challenge. We are asking that you also consider the impact short term rentals has on the surrounding neighborhoods of these rentals.

Thank you for your consideration,
Debby Hall
890 El Monte Avenue
Sent from Mail for Windows 10

From: Neil McCabe
To: Breedon, Dan
Subject: Draft Short Term Rental Ordinance
Date: Monday, May 7, 2018 5:47:45 PM

Hi Dan,

I offer the following comments regarding the Draft Short Term Rental Ordinance dated April 26, 2018.

I do not see anything in the draft which would limit the number of days a residence could be rented per year. Could a residence be rented perpetually pursuant to separate back-to-back rental agreements? How many days in a year could a residence be rented without changing the character of an otherwise single-family residential neighborhood?

Also, although the draft includes enforcement language, I am concerned that actual enforcement could be problematic. Unless enforcement will actually be feasible, It might be better to leave the ordinances as they currently are.

Thanks for considering these issues.

Neil McCabe
2255 E. 8th Street
Chico, CA 95928
(530) 345-8792

Breedon, Dan

From: REBECCA SOLAIRE <r_solaire@yahoo.com>
Sent: Tuesday, May 8, 2018 7:24 PM
To: Breedon, Dan
Subject: Short term rentals in Butte County

Dear Principal Planner Dan Breedon of Butte County Department of Development Services,

As a wife and mother, homeowner in the City of Chico and neighbor of an Airbnb, I'm writing to let you know our family's experience of dealing with an Airbnb across the street from us.

We reside on a corner lot, 1 block from an Elementary school. Our warm and friendly neighborhood block has responsible, caring and respectful neighbors who look out for each other. There are 9 young children from active & hardworking families who encourage the kids to play outside and enjoy the elements. The children explore the neighborhood creating forts in landscaping shrubs, ride tricycles and bikes up and down the cul de sac as parents chat amongst themselves. The kids and pets have roam freely in the safe neighborhood.

Since the Airbnb moved in, the traffic has increased, strange vehicles show up on a daily basis, occasionally strangers smoke in front of the Airbnb, strangers knock on the wrong house, and NUMEROUS vehicles drive and park in the neighborhood. 6 vehicles are frequently parked at the house. We have no idea who is in the house next to us, who their friends are visiting, we don't know if those staying or visiting are parolees or a registered sex offenders. The single female who purchased the 5 bedroom house obviously was planning on RENTING the house without regard for the neighborhood and school which is 1 block away. She also has another rental close by and we can't keep up with where she lives. Her boyfriend is also "back and forth" with her too. Vehicles and people constantly come and go.

There is nothing positive about having an Airbnb in our quaint neighborhood we use to have. The City of Chico may receive a couple extra bucks with taxing her and with a "1 night minimum stay" for $50 we seriously have A LOT of strangers to watch out for.

The kids don't really play up and down the street like they use to. Its sad.

Rentals and Short Term Rentals are gobbling up the good neighborhoods.

Please consider ramping up local ordinances with short term rentals to protect hard working families and keep neighborhoods safe.

Thank you for your time,
Rebecca Solaire

PLANNING COMMISSION SUMMARY NOTES

Draft Short-Term Rental Ordinance Public Workshop

August 9, 2018

On August 9, 2018, the Butte County Planning Commission held a Public Workshop concerning the Draft Short-Term Rental Ordinance, which was continued from a May 10, 2018 Public Workshop. Previously on February 12, 2018, the Board of Supervisors had directed Development Services Staff to prepare a Draft Short-Term Rental Ordinance to allow this use, and to ensure that short-term rentals would not create nuisances or disturbances in neighborhoods and residential zones. The purpose of both of the Planning Commission's Public Workshops held May 10, 2018 and August 9, 2018 was to provide an opportunity to receive questions and comments from Planning Commissioners and the public. Direction received from the Planning Commission during these workshops will be incorporated into the Draft Short-Term Rental (STR) Ordinance for consideration at a future public hearing. After discussion and direction from the Planning Commission, the Planning Commission moved to hold a Public Hearing on the Draft STR Ordinance on September 27, 2018.

Principal Planner Dan Breedon provided a PowerPoint presentation concerning the Draft Short-Term Rental Ordinance and discussed major changes to the Draft Ordinance completed since the last public workshop. The major changes discussed included:

- Primary Residence Requirement for Operation of Short-Term Rental
- Hosted and Un-Hosted Stays Distinctions
- Allowing Second Dwelling Units to be used as Short-Term Rentals
- Agricultural Zones disclosure concerning inconveniences
- Allowance of outdoor amplified music during non-quiet hours
- Property Management and Complaints Procedures

At the conclusion of the presentation, there was an opportunity for the Planning Commission to provide comments and answer questions. There was also an opportunity for members of the public to submit written comments and to address comments directly to the Planning Commission. After the conclusion of public comment, the Planning Commission discussed the proposed ordinance and provided direction to staff. A summary of the Planning Commission's discussions and direction, as well as public comment, is provided below.

Questions and Comments from the Planning Commission

Commissioner Chase: Pointed out that the complaint and enforcement process sounded complicated. Pointed out that someone may complain too much causing a strike as indicated in public comments, and asked if a more formal investigation could be provided. Commissioner Chase also indicated the City of Chico has a similar process for barking dog complaints. Staff indicated that this could be looked into for application to the STR Ordinance.

Chair Grundmann: How do people know who the contact person is for the STR? Is there an online registry? Staff indicated that there would be an online registry, as well as notification to neighbors within 300 ft. of the STR's property line.

Commissioner Donati: Certain areas of the County such as Butte Meadows and Lake Madrone where units have been rented out for years. This is an area that we need more work in. Staff indicated that we can look at those areas and determine whether they should be treated differently.

Commissioner Chase: Is there a connection between the TOT and the amount of work the County undertakes? Staff indicated that the TOT is not related to the permit work.

Commissioner Chase: Had a comment about the AG disclosure, what about those areas close to Agriculture. Staff indicated that we could include the disclosure in all zones to address this issue.

Commissioner Grundmann: Discussed renting two structures on a single parcel and indicated that the Commission should give some thought to this issue.

THE MEETING WAS OPENED FOR PUBLIC COMMENT

Adam Penn. Lives in Chico so the ordinance would not pertain to him but did have some comments. He does agree with the TOT tax. Pointed out similarities with San Francisco STR Ordinance. Discussed 90-day limitation for Non-Hosted stays. Felt this would be an issue for him. Some people wish to rent out a whole house and 90-days is not an adequate amount of time. There should be no limit to the amount of nights. Also concerned with requirement for STR to be primary residence. He owns a second home and wishes to utilize it as a STR. The STR he operates in Chico helped to beautify the neighborhood and property. Indicated that maybe the neighbors could be surveyed to find out if they would support an un-hosted stay. Staff asked if there was an alternative period other than the 90-day limitation for non-hosted stays that would be appropriate. He felt that the number of nights should not be limited for non-hosted stays, or up to 20 nights per month.

Commissioner Chase: Asked how much we can depend upon what a corporation does in their practices to step back and not regulate. County Counsel responded that you should not rely on the corporation; you should rely on your own regulations. First thing to decide is whether you

want homes as STRs, and then decide what policies are appropriate given the circumstances. Pointed out that different zoning could distinguish vacation rentals for instance.

Michelle Chambers. Resides in County pocket surrounded by City of Chico. Is an owner-occupied residence on a 1-acre parcel on a privately maintained road. Wants to make the distinction that she would be present in the same unit and same home. Guest would share her home. Hard to imagine why that would not be compatible with surrounding neighborhood. Property owners should have the option to use their property for STR use, this should be a right not an option. Does understand the premise of the ordinance. There is nothing more that needs to be added, improved or mitigated to address impacts. A permit is superfluous to what is taking place already. The Airbnb site provides feedback and review concerning STR's. These comments help to address whether a site is safe and in the interest of public health. Voiced concern about the County indiscriminately publishing phone and email, and mailing to surrounding neighbors. The 90-day limitation is great for separate units but not for a shared space. Will put the rest of her comments in writing. Is concerned about the cost at $200.00 plus TOT, means she has to rent out for a certain time to pay the County's fees and tax.

Chair Grundmann: Asked for clarity about whether the 90-day limitation pertains to un-hosted stays as opposed to hosted stays and staff confirmed that it does.

PUBLIC COMMENT PERIOD WAS CLOSED - Comment and direction was limited to the Planning Commissioners at this time.

Commissioner John: Wanted to review the issue of vacation rentals, such as in High Lakes area and whether zoning could be used for this purpose. Staff responded that there wasn't specific zoning that would allow us to treat these area differently, such as Lake Madrone, Butte Meadows etc. That is something we could address potentially through an Overlay Zone, which is more complex. Another option is to identify those communities, and treat them differently, but a boundary would be required, which would be difficult to determine. Commissioners suggested that allowing up to 120 days for un-hosted stays might help account for rentals in these areas. Staff indicated that we limited corporate short-term rentals where an owner is not present or is in another state or County, as this has the potential to undermine neighborhoods, displacing long-term owners and renters. Staff indicated that the 90 days limitation was common in other jurisdictions but could be changed as appropriate.

Chair Grundmann: Asked staff to go down a list of issues to get specific Planning Commission direction on each one. These issues were discussed as provided in the following:

- <u>Primary Residence Requirement for Operation of Short-Term Rental</u>

  Commissioner John discussed various aspects of owner-occupancy, whether as a STR in a second unit, or when renting only a room in a home. Commissioner Chase discussed the

situation where an owner has a second home and lives in the same city. The Commission felt that a second home should be limited to the same property, not a separate property, and that should be included in the ordinance.

- Hosted and Un-Hosted Stays Distinctions

  Commissioner John asked if the Commission was okay with 90-days for an un-hosted stay, and whether 90-days is standard in other jurisdictions. Staff indicated that it was common in other jurisdiction's ordinances. The Planning Commission concurred with the 90-day limitation for un-hosted stays.

- Allowing Second Dwelling Units to be used as Short-Term Rentals

  Staff discussed the differences between Accessory Dwelling Units (units 1,200 square feet in size or less) and Second Dwelling Units (units greater than 1,200 square feet). The question is whether the Planning Commission is okay with allowing second dwelling units to be used as STRs and disallowing accessory dwelling units for STRs. Commissioner John indicated approval of the approach to ensure compliance with state law and ensuring the availability of affordable housing. The Planning Commission concurred with this direction.

- Agricultural Zones disclosure concerning inconveniences to STRs

  Staff reiterated Commissioner Chase's recommendation to apply this to all zones and not just within the Agriculture Zone. Commissioners discussed various situations relating to the proximity of agriculture. Staff recommended using the right-to-farm disclosure required under County code. Staff indicated that the section could be re-written to address various situation in the County, whether agriculturally zoned or otherwise. The Planning Commission approved this direction.

- Property Management and Complaints Procedures

  County Counsel discussed the process outlined in the draft ordinance. Staff also indicated that the process was to make it as self-regulating as possible, with the property manager the first line of defense in responding to complaints. It was brought-up as to whether a complaint filed with law enforcement or the fire department would fall under the three strikes provision. Staff concurred that contact to law enforcement could potentially count as a strike depending upon the situation and that these situations would be reviewed by staff. Annual mailing of property owner information to neighbors was discussed as a possibility to address changing ownerships in the neighborhood. Chair Grundmann felt that an online registry would be the preference rather than the burden of mailing every year. The Planning Commission concurred with this approach.

Butte Meadows, Lake Madrone, and Other Areas

Staff asked the Planning Commission for direction regarding areas, such as Butte Meadows, Lake Madrone and High Lakes, where the STR may not be the owner's primary residence. The Planning Commission felt that the 90-day allowance was adequate to address the use of these areas for STR's, but there was still concern about the fact that many may not be primary residences, but rather secondary residences (used for STR use). Staff suggested contacting various property owner associations at Butte Meadows, Philbrook, and Lake Madrone areas for input. The Planning Commission concurred with this approach.

Restriction of STR's in High Fire Hazard Areas

County Counsel brought up that one of the comment letters indicated concern about STR's being located in hazardous areas of the County and that some jurisdictions exclude areas of the County from the use of STRs. Staff indicated that under the ordinance community evacuation plans are provided to renters and included in the STR unit itself.

Use of Shared Wells

County Counsel brought up that one of the comment letters indicated concern about the use of shared wells by STR's. Staff indicated that the Public Health Department would review this situation under the administrative permit, and that this review is directed under the Draft Ordinance. The Planning Commission concurred that the ordinance adequately addresses this situation.

NEXT STEPS: At the conclusion of the discussion, the Planning Commission concluded their remarks and direction and unanimously moved to hold a public hearing on September 27, 2018.

###

From:	John Blenkush
To:	Kirk, Maureen; Teeter, Doug; Connelly, Bill; Wahl, Larry; BOS District 4
Cc:	Menchaca, Clarissa; Breedon, Dan
Subject:	Response to Dan Raner letters/concerns regarding STRs, dated June 27, 2018 and Aug 5, 2018
Date:	Wednesday, August 8, 2018 3:28:28 PM

8/8/18

Response to Dan Raner letters/concerns regarding STRs, dated June 27,2018 and Aug 5, 2018.

Butte County Board of Supervisors:

Once again it appears Mr. Raner is attempting to sway opinion by distorting facts and interjecting flawed reasoning (IMO) into the process of adopting an STR ordinance.

- "ten parcels of about five acres each" Misrepresentation.
Our 5 acre parcel is bordered by 14, 13-(Raner), 10, and 5 acres.
- "All the other nine parcel owners objected" False.
As Raner owns 2 parcels, there are only 8 *stakeholders*. In our survey, one owner expressed interest in renting out her house; a second didn't give an opinion; third said he didn't have a problem with our STR if water usage could be curtailed; and fourth didn't begrudge our making money if "harmony" could be kept.
- "over 100 un-vetted motel customers a year living and partying next door" False.
As you may know, *all* STR guests are vetted and insured. This is more than I can say for the "strangers" that wander through our neighborhood. Per Mr. Raner it took him 15 months to "*discover, by chance*" we were operating a STR, which is indicative of the little or no impact our STR had on the neighborhood. One only has to read our guest reviews (included in Blenkush letter to BOS – January 5, 2018) to embrace the opinion that these folks aren't coming here to "party". And isn't this why the permit is conditioned on performance? To root out the non-compliers?
- "Commercial Activities have always been restricted to certain Zones"
But not the FR zone in which we live. (The FR zone also conditionally permits *non-residential* (emphasis mine) uses compatible with a low-density rural setting, including public and quasi-public uses, mining, animal services, hunting and fishing clubs, nurseries, and commercial stables. Animal grazing, crop cultivation, private stables, on-site agricultural product sales, and other similar agricultural activities are permitted uses in the FR zone.)
- "The older section of AJ Stohr Road with about 20 parcels has a Home Owner's Agreement in all deeds that prohibits any rentals." True.
But when we floated the idea, no one in *our* neighborhood expressed interest in becoming an HOA, due to personal freedoms lost and the potential for neighbor interference.
- "there are "carve-outs" in the Sonoma County plan" True.
But the carve outs, understandably, are specific for "higher-density residential areas, agricultural preserves, second dwellings, and non-habitable structures. Nor has their ordinance been adopted for the coastal zone, however the owners in these communities must still register to pay the TOT.

By suggesting Butte county should restrict who can travel on gravel roads, Mr. Raner is implying:

1) Road stakeholders are negligent in maintaining fire clearance. (which we are not, but he wouldn't know as he has never participated in the maintenance of our roads)
2) Commercial vehicles like garbage, delivery, service trucks, etc. should be restricted.
3) Campers, hunters, fishermen, ATV's, recreationists, loggers, maintenance and any number of other travelers (commercial or otherwise) should be restricted from traveling on timber and gravel roads leading into parks, recreational areas, other, because these are "Gravel Roads with dry weeds and little or no water access."

And, if we were to follow Mr. Raner's reasoning while using the CARR fire as an example, motorists should be banned from traveling on pavement – CARR fire was started on Highway 299 when a tire on a trailer failed and its rim scraped the asphalt spraying sparks into the dry foliage.

As a Butte County wildland firefighter, I learned the most effective preemptive measure to prevent and diminish wildfires is vegetation management. I can assure you our ENTIRE five acres is cleared of debris, underbrush, and lower tree branches. In addition, we house 10,000+ gallons of water to

be used in case of a fire. Having worked on strike teams up and down the state and having almost lost our house and our son in the Poe fire (Sept, 2001), I am acutely aware of the critical importance of maintaining a viable road for emergency vehicles. We annually trim back foliage in addition to our on-going road maintenance.

So we're left to wonder; If Raner is so highly concerned about fire danger, why hasn't he – in the 14 years he's owned his property – ever cleared it of debris, underbrush, and low hanging limbs? Or joined his neighbors for road work parties to trim back foliage and perform maintenance? Or provided a water source on his property for firefighting? Why hasn't he taken the necessary steps to, not only ensure his survival, but to diminish the impact on his neighbors/community when, not if, a fire occurs?

We thank you for your efforts in establishing an ordinance for STRs in Butte County. It's long overdue, and we know it doesn't make your job any easier when misrepresentations and abject reasoning are interjected into the process.

Sincerely,
John J Blenkush

Cc: Dan Breedon, Clarissa Menchaca

From: mkc thompson
To: Breedon, Dan
Subject: Re: Short-Term Rental Ordinance
Date: Friday, August 10, 2018 9:35:34 AM
Attachments: commission follow up.doc

Good morning, Dan,

It was nice to meet you yesterday.
Attached are my follow-up comments to the 8/9 meeting; I think there are some useful points for the Commission to consider.
Thank you,
Michelle

On Friday, August 3, 2018, 2:46:31 PM PDT, Breedon, Dan <DBreedon@buttecounty.net> wrote:

Hello Michelle,

Thank you for contacting me concerning the Draft Short-Term Rental Ordinance. More details concerning the upcoming Planning Commission Workshop may be obtained by visiting the following web page:

http://www.buttecounty.net/dds/Planning/NotableProjects/ShortTermRentals.aspx

Included on this page are links to the latest Draft Ordinance, a staff report and other information.

As I indicated, the Planning Commission will be considering the Draft Ordinance at the public workshop on Thursday, August 9, 2018, at 9:00 am, 25 County Center Drive, Oroville (Butte County Board of Supervisors Chambers). The public is welcome to attend and provide comment directly to the Planning Commission. You may also address any comment in a reply to this email.

Should you have any questions feel free to call or email.

Best,

Dan Breedon, AICP, Principal Planner
Butte County Department of Development Services

7 County Center Drive, Oroville, CA 95965
T: 530.552.3682 (direct) or 530-538-7601 (main)

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Comments in review of 8/9 Commission meeting regarding STR Ordinance

1. The fee and tax proposal as currently slated is contrary to the county's stated goal to equitably and fairly allow -- and not discourage -- reasonable STR use of a residence: In some circumstances the permit fees, TOT and taxes as currently proposed by the county represent an approximate **25-40%** tax on potential STR income, in addition to state and federal taxes. This is a disproportionate burden for circumstances such as that of a residing homeowner who is present at the time of rental in a single, shared residence (a bedroom rental). A shared, occupied dwelling/residence is significantly different than rental of a private-access, separate, or entire unit:
A) The local rate for a bedroom rental within an occupied residence is only $45-50 per night
B) The occupancy rate may be only 12-24 nights per year.
C) **In this scenario approximately 50% of potential rents (more than 6 nights) would go to permit fees, federal, state and local taxes.**

Please consider an opt-out, exemption or scaled fee for the distinctive difference between a STR that is simply a primary residence, and a STR that is owner-occupied ***within the same, single unit of the residence.*** On a personal note, this homeowner is trying to save her singular and only home by using her home to bring in some income. At face value an amount of $200-300 may seem reasonable for discussion purposes, however as I've stated, it can actually be detrimental. Federal and state governments do not recognize less than 14 nights per year of STR as being tax-worthy. The County could adopt a method to stay consistent with those guidelines.

2. Regarding the proposal of county notification to everyone within 300 feet of a STR, another option would be to simply advertise/notify county residents of the STR registry. This way, no personal information of a homeowner would be directly shared by the county with surrounding neighbors. Area residents could look up addresses and contact-information IF they are really interested or IF they experience an issue. (Butte County Department of Water & Resource Conversation sent out a similar postcard notification recently, with website and contact information.)
A) This would significantly cut the cost of the currently proposed notification process, and would possibly circumvent some habitual complainers.
B) Unless the county uses the same notification process with all commercial-use-of-home businesses, this 300-foot notification policy would be an unfair, specifically targeted treatment of STR owners.
C) Moreover, as in this citizen's situation, it is extremely disconcerting that the county intends to proactively/aggressively share personal information with known unstable people residing nearby. **Please note**, on STR websites such as Airbnb, the host's personal information such as phone, email and street address are shared ONLY with the host's permission.

3. Regarding adherence of guests to rules and guidelines. On Airbnb there are specific questions asked of hosts regarding use, safety, access, parking, quiet hours, extra guests, events, etc. In addition, the host can add anything more. It is specifically stated in the Airbnb contractual use-agreement that guests agree to comply with all rules and guidelines of a host, or the host may refuse service. While this contract of course doesn't prevent all disturbing use, it certainly gives teeth to owners/hosts – ***especially those who are present at the time of guest occupancy.*** Odds are low that an owner-occupied STR will elicit a neighbor complaint because of a guest. This is the same, known advantage of having an on-site property manager at an apartment complex. In light of this, it can be predicted that by charging the same fees for all situations, the ***owner-occupied STRs would be subsidizing the cost of county oversight of non-occupied STRs***.

4. If not already previously discussed prior to the 8/9 meeting, it might be useful to consider parking availability as a factor in consideration of a STR permit. In neighborhoods with limited or restrictive parking, this could be an issue that spurs future neighbor complaints. Verifying or requiring appropriate parking as a condition of a permit might prove preventive. As to addressing concerns of neighbors who share a private, gravel or dusty road; that issue may pertain to the neighborhood CCR and/or road agreement, which may need to be factored into any STR permit before issuance.

From: mkc thompson
To: Breedon, Dan
Subject: Re: RE: Short-Term Rental Ordinance
Date: Monday, August 6, 2018 2:02:26 PM

Thanks, Dan.
Upon further reflection, I would add the following:
Looking online at Airbnb, the typical situation like mine in Chico rents for $45-80 per night. So, if the county decides that every host needs to pay a $500 fee plus 8% TOT, that means that I would have to rent a room at least 6-12 times to the sole benefit of the county, before I might start making anything at all for myself. And, this estimate doesn't factor any of my time to furnish and maintain a room. I'd ask the commission to seriously consider whether this seems "fair", as is purportedly a point of the ordinance. Good grief.

~Michelle

On Monday, August 6, 2018, 1:16:49 PM PDT, Breedon, Dan <DBreedon@buttecounty.net> wrote:

Hello Michelle. I am in receipt of your comment email concerning the STR Ordinance. Your comment email will be forwarded to the Planning Commission for their review at the August 9 Public Workshop.

Thank you.

Dan Breedon, AICP

Principal Planner – 530.552.3682

From: mkc thompson <oh_myqueen@yahoo.com>
Sent: Saturday, August 4, 2018 2:01 PM
To: Breedon, Dan <DBreedon@buttecounty.net>
Subject: Re: Short-Term Rental Ordinance

Hello Dan,

Here are my comments regarding the proposed STR Ordinance.

Thank you for your consideration,

Michelle Chambers

530-521-4442

In summer of 2000 I purchased a county permit to have a new roof constructed on my home; removal of wood shake and addition of all new underlayment and an interlocking steel-shingle "lifetime" roof. A licensed local roofing contractor did the install with oversight by the Butte County permit/inspection process. ***The county signed its final approval of the construction indicating to me, the homeowner, that the roof was correctly installed.*** The contractor still does business in Chico, under a new license number.

Fast forward to 2016 after several years of drought ended with a bang and the discovery of dry rot issues. Upon further discovery (partial removal and repair of the roof) it was learned that contrary to manufacturer specifications the contractor had used inferior underlayment materials (15# felt instead of the specified 30#), omitted use of the specified ice and snow shield in vulnerable areas such as valleys and eaves, and ran the underlayment in counter direction causing moisture capture.

Due to the county's lack of due diligence, the warranty of the roof is negated, I've had to have expensive repair done, I will have to replace the roof, and I'll incur unplanned debt and thereby a substantially strained quality of life. The stress, worry and financial burden that the county has caused me can not be overstated. In 2015 a major part of my decision to refinance and remain in my home relied on the fact that I had a lifetime roof. Now, if I were to replace the steel roof it would cost $30,000-35,000 which is completely prohibitive for me, so I will have to choose a far lesser grade roof but still at a great cost to me.

This history is pertinent to the discussion regarding STRs because I want to be able to occasionally rent a room *to help mitigate the financial burden that the county has caused me.* Having been deceived about my roof, and wanting to host paid guests, are directly linked. I wouldn't even be considering a rental situation if the county had not caused such a burden in the first place, and if I'd have to pay for a permit and taxes it would negate much of the potential benefit for me to use part of my home to save my home.

While I can appreciate the general purpose of the planned ordinance, I also think it is inappropriate for the county to add to the burden it has generated in my case and regarding my particular location and circumstances. This is double jeopardy.

The purpose of the Draft Short-Term Rental Ordinance is to ensure that:

1) Short-term rentals are compatible with and do not adversely impact surrounding residential uses,

I am one person living in a 3-bedroom residence, on a private acre, on a privately-maintained road. In an online listing for Airbnb, the host can include language regarding no extra guests, no events, quiet hours, etc. If the county wishes to require listings to have restrictive language, fine, however that *requirement* shouldn't be accompanied by a permit fee or tax upon a resident.

I think any ordinance should include an option for the county administration to grant an opt-out of fees in circumstances such as mine; situations where fees and additional taxes are explicitly inappropriate due to particular circumstances.

2) Property owners have the option to utilize their properties for short term rental use,

Yes, without the county causing undue or additional burden -- I already pay taxes for the use of my own property, and I maintain my road. The county is treading in muddy water, here: Anyone who stays in my home with my permission can pay me anything to which we agree. It could be that a friend or acquaintance wants to chip in on household costs... and, how does the county plan to determine whether a visitor is a paying guest or not.

3) Risks to public safety and health to occupants and owners are minimized,

I live full-time at the property and would be on site whenever a guest is present. There is no private/separate entrance to any bedroom; this is my *home*. Again, I am one person living in a 3-bedroom residence, on a private acre, on a privately-maintained road. All alarms, detectors, fire extinguishers and more are already on site, above & beyond any county/state code. Everything about my residence, construction, etc. has been legally permitted and taxed, and so *there is nothing that the county needs to add, improve or mitigate with more oversight and fees in order for a guest to safely visit here -- whether or not the guest contributes financially to the cost of maintaining the home.* It would be superfluous for the county to collect any additional monies from me.

On sites such as Airbnb the listings include information about safety/equipment, physical access, first aid, etc. If guests experience inferior or unsafe accommodations they provide instant feedback in the reviews they post. These are permanent comments once posted, so it provides a free-market based culling of inadequate or unsafe properties.

Maybe the county should consider collecting money only from properties that need oversight due to close proximity to neighbors, or high rental occupancy, and/or which are *not* a single-unit, owner-occupied dwelling at the time of rental use. However, the problem of my earlier point remains; how does the county plan to oversee every guest who visits that residence?

In addition, I have grave concern about the county sharing my personal information, cell number, email, etc with absolutely anyone within 300 feet of my property. I am a homeowner, not a registered sex offender! I have a right to advertise or withhold my "business" information as I so choose. Host information on a site such as Airbnb is shared only with people the host chooses. So, regarding the point of public safety for occupants and owners; it would be highly invasive and potentially dangerous to me, the owner occupant of the residence, if the county indiscriminately publicized my personal information. Not only would the county be un-protective of me in this regard, but does it also plan to pay for any adverse consequences as a result of disclosing my personal/"business" information? And, what if that disclosure causes the kind of harm that can not be repaired?

Finally, can the county see the conflict of refusing signage at a property while at the same time sending information to everyone around the address? One method is passive and one aggressive. While I have absolutely no interest in having a sign on my home, I dislike the implied double-standard. Barring illicit activity, it is literally no one's business but mine, who or why someone visits me. More important, is the safety issue I've already cited.

4) Property values are maintained,

I should be able to host an occasional paid guest in *my home* in order to help mitigate the financial burden that *the county has caused me*; hosting would be for the very purpose of maintaining my property value -- specifically, having to buy a new roof. *Because of the lack of responsible county inspection, the value of my home has been significantly and detrimentally affected, and the STR permit fees and taxes the county is considering are even further counter-productive to my purpose of maintaining my property.*

5) Visitation and tourism to Butte County is supported, and,

The position could be argued that, since I would be providing a reasonable room opportunity for visitors to Butte County, the county should pay ME for adding a hospitality option -- particularly in the face of every fleabag motel that price-gouges during CSUC graduation. Which host is more tourism-supportive?

6) Transient occupancy tax is collected in order to provide fair and equitable tax collection for all lodging providers

- The county has caused me an unfair financial burden that I seek to partially mitigate by hosting occasional bedroom rentals (not unit rentals)

- I have an 100% owner-occupied residence; not a separate entrance or additional unit

So, if the county wants to be "fair" to me as a potential lodge provider, it should not lump my situation with any/all other STRs.

Perhaps the county should consider charging me a TOT and/or permit fee AFTER I have recouped the money I'm having to raise in order to pay for the roof the county has cost me -- about $18,000.

Note, the IRS ignores any income from less than 14 nights of STRs.

Regarding TOT for an owner-occupied residence; the host can not necessarily bump the listing up by 8% if the market won't allow it, so the owner will indeed feel the cost of the TOT, in addition to the time expended filing quarterly paperwork regardless of whether the property was rented.

Bottom line: Hosts who rent a single bedroom in an owner-occupied residence via Airbnb are not competing with hotel or motel owners or other types of STRs; those entities attract a different clientele and should be held to different parameters.

One primary difference is that of an owner- shared space without separate access versus a private situation.

On Friday, August 3, 2018, 2:46:31 PM PDT, Breedon, Dan <DBreedon@buttecounty.net> wrote:

Hello Michelle,

Thank you for contacting me concerning the Draft Short-Term Rental Ordinance. More details concerning the upcoming Planning Commission Workshop may be obtained by visiting the following web page:

http://www.buttecounty.net/dds/Planning/NotableProjects/ShortTermRentals.aspx

Included on this page are links to the latest Draft Ordinance, a staff report and other information.

As I indicated, the Planning Commission will be considering the Draft Ordinance at the public workshop on Thursday, August 9, 2018, at 9:00 am, 25 County Center Drive, Oroville (Butte County Board of Supervisors Chambers). The public is welcome to attend and provide comment directly to the Planning Commission. You may also address any comment in a reply to this email.

Should you have any questions feel free to call or email.

Best,

Dan Breedon, AICP, Principal Planner
Butte County Department of Development Services
7 County Center Drive, Oroville, CA 95965
T: 530.552.3682 (direct) or 530-538-7601 (main)

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ATTENTION: THIS IS A NEW PHONE NUMBER. PLEASE UPDATE YOUR RECORDS

From:	mkc thompson
To:	Breedon, Dan
Subject:	Re: RE: Short-Term Rental Ordinance
Date:	Monday, August 6, 2018 2:02:26 PM

Thanks, Dan.
Upon further reflection, I would add the following:
Looking online at Airbnb, the typical situation like mine in Chico rents for $45-80 per night. So, if the county decides that every host needs to pay a $500 fee plus 8% TOT, that means that I would have to rent a room at least 6-12 times to the sole benefit of the county, before I might start making anything at all for myself. And, this estimate doesn't factor any of my time to furnish and maintain a room. I'd ask the commission to seriously consider whether this seems "fair", as is purportedly a point of the ordinance. Good grief.

~Michelle

On Monday, August 6, 2018, 1:16:49 PM PDT, Breedon, Dan <DBreedon@buttecounty.net> wrote:

Hello Michelle. I am in receipt of your comment email concerning the STR Ordinance. Your comment email will be forwarded to the Planning Commission for their review at the August 9 Public Workshop.

Thank you.

Dan Breedon, AICP

Principal Planner – 530.552.3682

From: mkc thompson <oh_myqueen@yahoo.com>
Sent: Saturday, August 4, 2018 2:01 PM
To: Breedon, Dan <DBreedon@buttecounty.net>
Subject: Re: Short-Term Rental Ordinance

Hello Dan,

Here are my comments regarding the proposed STR Ordinance.

Thank you for your consideration,

Michelle Chambers

From: dan@forestranch.com
To: Breedon, Dan
Cc: Kirk, Maureen; Teeter, Doug; BOS District 4; Connelly, Bill; Wahl, Larry; lcgrundmann@gmail.com; jacquechase@gmail.com; rockdonati@aol.com; Pjohn7179@aol.com
Subject: RE: Short Term Rental Draft Questions
Date: Sunday, August 5, 2018 1:14:12 PM

Hello Mr. Breedon,

Thank you for your reply to my questions in June. I will be unable to attend the Planning Meeting on August 9th. We have a long planned family vacation that week. I hope my written concerns will be equally considered as would be a public meeting comment.

You mentioned that the Planning Commission may not schedule another "in-put" meeting after August 9th. You also mentioned a Planning Meeting in September and a Board of Supervisors Meeting in October. Does that mean that the current draft on Short Term Rentals will become a Final Document to be voted Up or Down at the September and October meetings?

I do believe that the current Butte draft on STR is out of the norm when compared to most all other California counties STR policies. Commercial Activities have always been restricted to certain Zones, especially businesses that are entirely dependent on customers arriving at the property....like motels and STR. The premise statement from the Planning staff that STR should be an "option" to all property owners presupposes STR throughout the entire county.

Doesn't the CARR FIRE give pause to the Planning Commission in allowing hundreds of customers to travel to the foothills for Short Term Rental options? Many STR in the foothills will be on Private Gravel Roads with dry weeds and little or no water access.

As a former High School Principal and County Schools Assistant Superintendent I fully understand the difficulty and responsibility in drafting and enforcing policies. I hope you will not rely too much on the handful of public meeting comments from parties who have a clear financial interest in STR. I believe there are thousands of property owners who have not come across the fine print announcements of this complex issue. Bed and Breakfast, Room Rentals, and Home Rentals are very different issues. One policy does not fit all.

Sincerely,

DAN RANER

From: "Breedon, Dan" <DBreedon@buttecounty.net>
Sent: Wednesday, June 27, 2018 5:14 PM
To: "dan@forestranch.com" <dan@forestranch.com>
Subject: RE: Short Term Rental Draft Questions

Hello Dan, thank you for your email and questions. I have provided responses below your questions in your email.

I encourage you to attend the August 9, 2018 Public Workshop at the Planning Commission as discussed below.

More information on the County's Draft STR Ordinance process is available online here:

https://www.buttecounty.net/dds/Planning/NotableProjects/ShortTermRentals.aspx

Feel free to call or email should you have any further questions or follow-up

Best,

Dan Breedon, AICP, Principal Planner
Butte County Department of Development Services
7 County Center Drive, Oroville, CA 95965
T: 530.552.3682 (direct) or 530-538-7601 (main)
Twitter | Facebook | YouTube | Join DDS Email List

ATTENTION: THIS IS A NEW PHONE NUMBER. PLEASE UPDATE YOUR RECORDS

From: dan@forestranch.com <dan@forestranch.com>
Sent: Wednesday, June 27, 2018 3:24 PM
To: Breedon, Dan <DBreedon@buttecounty.net>
Subject: Short Term Rental Draft Questions

Mr. Breedon,

My name is Dan Raner and I live in Forest Ranch. I have written several letters and had phone conversations with County Supervisors, Pete Calarco, Tim Snellings, and Chuck Thistlewaite regarding STR.

I live on a section of AJ Stohr Road with ten parcels of about five acres each. We are all subject to a Private Road Agreement and Shared Well Agreements. One of our parcel owners began advertising and renting out his home as a STR in 2016. All the other nine parcel owners objected and, at the urging of Pete Calarco, we held a Neighborhood Meeting in 2017. I and others sent our objections to the Board of Supervisors and the Administrative staff. We requested that STR be prohibited on Private Roads, especially in the foothills due to fire danger. The older section of AJ Stohr Road with about 20 parcels has a Home Owner's Agreement in all deeds that prohibits any rentals.

I watched the Board Meeting of February 13, 2018, where there was further public in-put. At the request of Supervisor Kirk I had sent each Board member a research packet of about a dozen different counties and cities in northern California that prohibit STR in certain zones and carve-outs.

I was pleased to hear Supervisor Teeter say in the February 13th meeting that there are "carve-outs" in the Sonoma County plan. He mentioned letters from Butte County residents who object to STR in certain areas due to "fire danger, fire hydrants, private roads, shared wells...and the rural character of certain neighborhoods"...as per the General Plan guidelines.

I was not pleased to hear certain Board members and STR owners at the meeting refer to people who object to STR as NIMBYs and Curmudgeons and Anti-Business. I suspect that if the County polled all the home owners in residential neighborhoods and asked if they would object to having over 100 un-vetted motel customers a year living and partying next door...the County would probably hear a loud response...especially if these customers were traveling over a private road and using shared well water. If only 1-2 of these customers with low-riding cars caused a spark and started a fire...who would be responsible?

I've read the draft document on STR for Butte County. It appears to have no carve-outs and STR will be allowed in every part of our county. Is this accurate?

This is correct, we have not proposed any areas of the County where the ordinance would not apply. This is something that could be considered during the workshop process at the Planning Commission, but it did not come up at the last workshop. There will be time at the August 9, 2018 Public Workshop for members of the public to address the Planning Commission directly regarding concerns and improvements to the draft ordinance.

Among other objections with the draft....the 300 ft. "Notification" requirement would not apply to our situation. No home is within 300 ft. so no neighbor would know about it. How about notification of the 4-8 closest neighbors, regardless of distance?

The 300 ft. notification requirement will be measured from the property line and it does not depend on the location of the dwelling. Any property owner within 300 feet of the property where the STR is located will receive a notification.

If neighbors are notified and they object...would their objections have any effect on the permit approval? Are all permit applications approved regardless of neighbors' concerns?

Notification of the STR will only take place after the Administrative Permit is issued. The Administrative Permit is not a discretionary decision-making process. When applied for, as long as the proposed STR complies with all of the standards and requirements contained in the ordinance it would be issued.

Finally, I would like to know the adoption process and timelines. Will there be several public "readings" of the final draft before voting? And when will the final draft be completed and when do you anticipate the voting?

At this point, the next public workshop is scheduled for August 9, 2018, 9:00 am, at 25 County Center Drive, Oroville. It will be up to the Planning Commission as to whether they hold another Public Workshop after this one. If they choose not to hold another public workshop it is likely it would be scheduled for a public hearing at the Planning Commission in September, and then on to a public hearing at the Board of Supervisors in October. At each of these public hearings there will be time for the public to address each decision-making body. Should the Board act to approve the Draft STR Ordinance, it would be effective 30 days later.

Thank you for reading the concerns of nine parcel owners in Forest Ranch.

DAN RANER 4751 AJ Stohr Rd, Forest Ranch 530-345-4763

From: Sandra Sheffield
To: Breedon, Dan
Subject: STR's
Date: Tuesday, August 7, 2018 4:23:40 PM

Sent from my iPad

Dear Mr. Breedon,

My name is Sandra Sheffield and I live in Forest Ranch. I understand that you are taking comments/concerns on the Short Term Rental policy for Butte County. I had contacted county supervisors last fall, but had not contacted you. Please reconsider restricting STR's in areas like ours.

We live in the foothills, on private gravel roads maintained by the homeowners who live here. We have 10 parcels, eight homeowners, who are responsible for the road upkeep. Also, we all have shared wells, 3-4 homeowners each. We share the cost of the well in all respects and divide the monthly bills. No meters, cost evenly divided.

The reason I contacted you and the other supervisors sometime ago was because one homeowner was running a STR. This neighbor did not notify any of us of his plan to run a business here. By the way, we live on 5 acre parcels so the 300 foot notifications would not help any of us. Our road agreement states it is for private use only! We also share a well with this neighbor. Our well is for private/resident use only. He has had large groups, weddings, reunions,etc. Sometimes there are up to eight (8) cars for weekly rentals, even though his rental is advertised for six(6)people. The water/pump usage exceeds family use as intended in well agreement.

According to our neighbor Dan Raner who has been helping us with information and feedback from development services, there is a proposal for short term rentals in Butte county that has no carve outs for areas like ours. This is of great concern to us because we have no protection for our rural community with conditions that don't exist elsewhere.

We are not able to attend the public hearing this week. PLEASE consider our requests to not allow short term rentals in areas like we live in. Also consider the fire danger with land use and evacuation issues for us. We only have one way out of our properties and one Highway (32) if we have to evacuate. In view of the wildfires now ravaging our state this should be an important consideration. A few weeks ago Highway 32 was closed due to a 1000 acre fire in our canyon. I would assume there are other areas in the county that also have special circumstances to consider as well as ours.

Thank you for your consideration,

James and Sandra Sheffield
15871 Stag Ln.
Forest Ranch, CA
530 894-3145

From:	John Blenkush
To:	Kirk, Maureen; Teeter, Doug; Connelly, Bill; Wahl, Larry; BOS District 4
Cc:	Menchaca, Clarissa; Breedon, Dan
Subject:	Response to Dan Raner letters/concerns regarding STRs, dated June 27, 2018 and Aug 5, 2018
Date:	Wednesday, August 8, 2018 3:28:28 PM

8/8/18

Response to Dan Raner letters/concerns regarding STRs, dated June 27,2018 and Aug 5, 2018.

Butte County Board of Supervisors:

Once again it appears Mr. Raner is attempting to sway opinion by distorting facts and interjecting flawed reasoning (IMO) into the process of adopting an STR ordinance.

- "ten parcels of about five acres each" Misrepresentation.
Our 5 acre parcel is bordered by 14, 13-(Raner), 10, and 5 acres.
- "All the other nine parcel owners objected" False.
As Raner owns 2 parcels, there are only 8 *stakeholders*. In our survey, one owner expressed interest in renting out her house; a second didn't give an opinion; third said he didn't have a problem with our STR if water usage could be curtailed; and fourth didn't begrudge our making money if "harmony" could be kept.
- "over 100 un-vetted motel customers a year living and partying next door" False.
As you may know, *all* STR guests are vetted and insured. This is more than I can say for the "strangers" that wander through our neighborhood. Per Mr. Raner it took him 15 months to "*discover, by chance*" we were operating a STR, which is indicative of the little or no impact our STR had on the neighborhood. One only has to read our guest reviews (included in Blenkush letter to BOS – January 5, 2018) to embrace the opinion that these folks aren't coming here to "party". And isn't this why the permit is conditioned on performance? To root out the non-compliers?
- "Commercial Activities have always been restricted to certain Zones"
But not the FR zone in which we live. (The FR zone also conditionally permits *non-residential* (emphasis mine) uses compatible with a low-density rural setting, including public and quasi-public uses, mining, animal services, hunting and fishing clubs, nurseries, and commercial stables. Animal grazing, crop cultivation, private stables, on-site agricultural product sales, and other similar agricultural activities are permitted uses in the FR zone.)
- "The older section of AJ Stohr Road with about 20 parcels has a Home Owner's Agreement in all deeds that prohibits any rentals." True.
But when we floated the idea, no one in *our* neighborhood expressed interest in becoming an HOA, due to personal freedoms lost and the potential for neighbor interference.
- "there are "carve-outs" in the Sonoma County plan" True.
But the carve outs, understandably, are specific for "higher-density residential areas, agricultural preserves, second dwellings, and non-habitable structures. Nor has their ordinance been adopted for the coastal zone, however the owners in these communities must still register to pay the TOT.

By suggesting Butte county should restrict who can travel on gravel roads, Mr. Raner is implying:

1) Road stakeholders are negligent in maintaining fire clearance. (which we are not, but he wouldn't know as he has never participated in the maintenance of our roads)
2) Commercial vehicles like garbage, delivery, service trucks, etc. should be restricted.
3) Campers, hunters, fishermen, ATV's, recreationists, loggers, maintenance and any number of other travelers (commercial or otherwise) should be restricted from traveling on timber and gravel roads leading into parks, recreational areas, other, because these are "Gravel Roads with dry weeds and little or no water access."

And, if we were to follow Mr. Raner's reasoning while using the CARR fire as an example, motorists should be banned from traveling on pavement – CARR fire was started on Highway 299 when a tire on a trailer failed and its rim scraped the asphalt spraying sparks into the dry foliage.

As a Butte County wildland firefighter, I learned the most effective preemptive measure to prevent and diminish wildfires is vegetation management. I can assure you our ENTIRE five acres is cleared of debris, underbrush, and lower tree branches. In addition, we house 10,000+ gallons of water to

be used in case of a fire. Having worked on strike teams up and down the state and having almost lost our house and our son in the Poe fire (Sept, 2001), I am acutely aware of the critical importance of maintaining a viable road for emergency vehicles. We annually trim back foliage in addition to our on-going road maintenance.

So we're left to wonder; If Raner is so highly concerned about fire danger, why hasn't he – in the 14 years he's owned his property – ever cleared it of debris, underbrush, and low hanging limbs? Or joined his neighbors for road work parties to trim back foliage and perform maintenance? Or provided a water source on his property for firefighting? Why hasn't he taken the necessary steps to, not only ensure his survival, but to diminish the impact on his neighbors/community when, not if, a fire occurs?

We thank you for your efforts in establishing an ordinance for STRs in Butte County. It's long overdue, and we know it doesn't make your job any easier when misrepresentations and abject reasoning are interjected into the process.

Sincerely,
John J Blenkush

Cc: Dan Breedon, Clarissa Menchaca

From: dan@forestranch.com
To: Breedon, Dan
Cc: Kirk, Maureen; Teeter, Doug; BOS District 4; Connelly, Bill; Wahl, Larry; lcgrundmann@gmail.com; jacquechase@gmail.com; rockdonati@aol.com; Pjohn7179@aol.com
Subject: RE: Short Term Rental Draft Questions
Date: Sunday, August 5, 2018 1:14:12 PM

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Sent: Wednesday, June 27, 2018 5:14 PM
To: "dan@forestranch.com" <dan@forestranch.com>
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Dan Breedon, AICP, Principal Planner
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Notification of the STR will only take place after the Administrative Permit is issued. The Administrative Permit is not a discretionary decision-making process. When applied for, as long as the proposed STR complies with all of the standards and requirements contained in the ordinance it would be issued.

Finally, I would like to know the adoption process and timelines. Will there be several public "readings" of the final draft before voting? And when will the final draft be completed and when do you anticipate the voting?

At this point, the next public workshop is scheduled for August 9, 2018, 9:00 am, at 25 County Center Drive, Oroville. It will be up to the Planning Commission as to whether they hold another Public Workshop after this one. If they choose not to hold another public workshop it is likely it would be scheduled for a public hearing at the Planning Commission in September, and then on to a public hearing at the Board of Supervisors in October. At each of these public hearings there will be time for the public to address each decision-making body. Should the Board act to approve the Draft STR Ordinance, it would be effective 30 days later.

Thank you for reading the concerns of nine parcel owners in Forest Ranch.

DAN RANER 4751 AJ Stohr Rd, Forest Ranch 530-345-4763

From: Sandra Sheffield
To: Breedon, Dan
Subject: STR's
Date: Tuesday, August 7, 2018 4:23:40 PM

Sent from my iPad

Dear Mr. Breedon,

My name is Sandra Sheffield and I live in Forest Ranch. I understand that you are taking comments/concerns on the Short Term Rental policy for Butte County. I had contacted county supervisors last fall, but had not contacted you. Please reconsider restricting STR's in areas like ours.

We live in the foothills, on private gravel roads maintained by the homeowners who live here. We have 10 parcels, eight homeowners, who are responsible for the road upkeep. Also, we all have shared wells, 3-4 homeowners each. We share the cost of the well in all respects and divide the monthly bills. No meters, cost evenly divided.

The reason I contacted you and the other supervisors sometime ago was because one homeowner was running a STR. This neighbor did not notify any of us of his plan to run a business here. By the way, we live on 5 acre parcels so the 300 foot notifications would not help any of us. Our road agreement states it is for private use only! We also share a well with this neighbor. Our well is for private/resident use only. He has had large groups, weddings, reunions,etc. Sometimes there are up to eight (8) cars for weekly rentals, even though his rental is advertised for six(6)people. The water/pump usage exceeds family use as intended in well agreement.

According to our neighbor Dan Raner who has been helping us with information and feedback from development services, there is a proposal for short term rentals in Butte county that has no carve outs for areas like ours. This is of great concern to us because we have no protection for our rural community with conditions that don't exist elsewhere.

We are not able to attend the public hearing this week. PLEASE consider our requests to not allow short term rentals in areas like we live in. Also consider the fire danger with land use and evacuation issues for us. We only have one way out of our properties and one Highway (32) if we have to evacuate. In view of the wildfires now ravaging our state this should be an important consideration. A few weeks ago Highway 32 was closed due to a 1000 acre fire in our canyon. I would assume there are other areas in the county that also have special circumstances to consider as well as ours.

Thank you for your consideration,

James and Sandra Sheffield
15871 Stag Ln.
Forest Ranch, CA
530 894-3145

BUTTE
COUNTY
SEP 20 2018
DEVELOPMENT
SERVICES

BIG CHICO CREEK ESTATES
COVENANTS, CODES AND RESTRICTIONS COMMITTEE
1508 Lazy Trail Dr., Chico, CA 95926

September 17, 2018

Principal Planner Dan Breedon
Butte County Department of Development Services
7 County Center Drive,
Oroville, CA 95965

Dear Mr. Breedon,

We, the undersigned, are members of the Covenants, Codes and Restrictions Committee of Big Chico Creek Estates. We have had an active CC&R Committee for18 years, working to preserve the character and value of our neighborhood. These CC&R's were amended and recorded June 3, 2005.

We write to object to the "Draft: Short-term Rental Ordinance" currently under consideration by the Planning Commission.

The proposed ordinance states that two if its six objectives are to (1) insure that any proposed rental use is "compatible with and do not adversely affect surrounding residential uses" and (2) that "property values are maintained." None of the proposed ordinance language addresses either of these stated goals.

The only proposed language remotely close to either of these objectives is the requirement that residents within 300 feet of the proposed rental property be "notified" of the proposed use. No language is proposed to acknowledge, much less adjudicate, any concern or objection of neighboring residents once notified. Of what value or benefit is a "notification" if there is no mechanism for a meaningful response?

Residents of Big Chico Creek Estates purchased their homes with the twin assurances that the character and value of the neighborhood would be maintained by: (1) the current zoning requirements for single-family residences and (2) the neighborhood CC&R's that specifically prohibit the use of any residence for "lodging" or other commercial activity. The proposed ordinance materially and adversely modifies the first assurance and ignores the second, while not even attempting to address two of its own stated objectives.

We obviously cannot speak for or represent other neighborhoods in Butte County, but you must know that the neighborhood of Big Chico Creek Estates strongly objects to and urges the rejection of the proposed short-term rental ordinance. Additionally, we believe that any future draft ordinance must include provisions to achieve the stated goals of maintaining the character and value of residential neighborhoods.

We would greatly appreciate your support in this matter. Please do not hesitate to contact any of our members with questions or comments.

Sincerely, Carolyn Adkisson Eleanor Calvert

Carolyn Adkisson, 733 Leafcrest Dr., 894-5838

Eleanor Calvert, 1508 Lazy Trail Dr., 893-2245

Dave Minton, 1440 Lazy Trail, 895-8897

Leatha King, 1507 Lazy Trail Dr., 345-9167

Russ Melquist, 1418 Lazy Trail Dr., 588-6671

Liz Granskog, 762 Bridlewood, 893-0413

BIG CHICO CREEK ESTATES
COVENANTS, CODES AND RESTRICTIONS COMMITTEE
1508 Lazy Trail Dr., Chico, CA 95926
Eleanorcal87@gmail.com

September 17, 2018

Butte County Planning Commission
Butte County Department of Development Services
7 County Center Drive,
Oroville, CA 95965

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Leatha King, 1507 Lazy Trail Dr., 345-9167
Leatha-ann@comcast.net

Liz Granskog, 762 Bridlewood, 893-0413

September 23, 2018

To: Butte County Board of Supervisors and Planning Commissioners

From: Dan Raner: PO Box 694, Forest Ranch, (530) 345-4763, dan@forestranch.com

RE: SHORT TERM RENTAL POLICY

It's been one year since I began phoning and writing to Board Members and Development Services staff on behalf of my neighbors. I've now read the August 29th Final Draft document on Short Term Rentals.

Predictably, like other county and city public meetings on this issue, Butte County has heard almost exclusively from Short Term Rental (STR) owners. Owners tell Board members that it's "absurd" to even put the smallest restriction on their "right" to operate a Commercial Business in a Residential neighborhood.

And that is the issue. Will Board Members allow ANOTHER commercial business to operate in Residential Zoned neighborhoods?

I believe that the 13 residents in Forest Ranch are an example of the questions you'll be asked if you pass the current Final Draft and STRs begin to increase around Butte County.

Below are some homeowners' comments from public meetings in other counties.

In Shasta county, the Bryant family told the Board that they live near vacation rentals and have had numerous problems, including trash issues, noise, parking, and trespassing. Betty Bryant said she complained to one renter, who replied, "Lady, we pay big money for this. We could care less. We're going to have a good time!"

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

In Madera County, Rick and Kris Hamilton hired a legal firm and filed a complaint with the Grand Jury. Their lawyers argued that STRs "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." Their lawyers went on to say, "short term rentals in a residential area clearly violate residential zoning common sense and community norms and the very reason for zoning regulations."

Kris Hamilton spoke to the Board saying that she, along with her neighbors, have "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 noisey, have little regard for the potential of wildfires, are constantly smoking outside, and using unknown amount of water during drought conditions."

Former Madera County Supervisor Gary Gilbert filed complaints to the Board and Grand Jury. He said, "My property is zoned residential. 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 Use Permit and the county would hold a public hearing so my neighbors would have in-put. Unlike B&Bs, unhosted STR do not have owners on the premises to provide oversight."

Gilbert continued, saying that many communities throughout the state, including Ventura, San Luis Obispo, San Diego, and Napa are starting to crack down on STR. In one case 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."

Barbara Nichols, writing in the National Association of Realtors, said 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." She wrote in the article that "internet companies such as Airbnb and VRBO pay no mind to 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. 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."

State Senator Mike McGuire of Healdsburg introduced multiple bills over two years to deal with the issue. Airbnb worked hard to defeat the bills and organized a 20,000 email flood to every state senator.

Cities like Healdsburg, Capitola, and Santa Barbara are restricting STR to certain Overlay Zones and demanding a Use Permit.

Monterey County has been swamped with a complaint backlog and don't have the staff to screen and enforce. In Santa Cruz and other counties STR owners are going over the 90 night "unhosted" limit, not applying for any permit, not paying the TOT, and Airbnb won't give the counties any information. Petuluma hired a private company to

set up "sting opertations" to pose as potential renters to ferret out violators...with high costs and low results

In reviewing STR history in other counties and cities, it's clear that residential homeowners experience serious impacts from STRs and that many STR operators simply to not follow the regulations.

Small restrictions like the 90 night limit and the Primary Residence rule cannot be adequately measured or enforced. How will the county, or even the neighbors, know if a STR has gone over 90 night rentals? If Unhosted STRs are allowed, but all STRs must be Primary Residences, where does the owner go when the entire home is rented out? In our Forest Ranch case, the owner would go on vacation OR claim he was staying in an RV on his parcel. Who will know if the owner was on site or on vacation?

An Enterprise Record article (August 17th) announced that over 400 hotel rooms are being built in Chico. Hotel owners, who reliably pay fees and taxes, are complaining that STRs undercut their businesses and don't have to comply with other hotel regulations like Disability Access.

Bed and Breakfast owners must have a Use Permit, but the proposed Butte County STR Ordinance only demands an Administrative Permit. Will B&B owners have a legal case of "discrimination"? Why would present Board members ignore the thoughtful work of past Board members who decided that B&B in residential zones should follow a Use Permit process?

If Board Members and County Counsel seriously brainstorm and evaluate the unanticipated and unintended consequences of allowing STRs throughout the county, I believe they would start considering location exclusions.

Instead, the original Purpose Statement of the Butte County STR Ordinance process determined that the final document would favor STR owners. It stated that the county planned to "**ensure** that property owners have the option to utilize their properties for short term rental use."

The Purpose Statement also claimed to "ensure" that STRs are "compatible and do not adversely impact surrounding residential uses." Who decides that? If STRs are basically allowed throughout the county...without a Use Permit process...that statement is meaningless.

The statement also claims to "ensure" that public health and safety risks are "minimized". Why should there be ANY increase in health and safety risks in a residential zone?

It claims to "ensure that property values are maintained". Ask a realtor if having a STR next door to your property will increase or decrease a selling price.

That last two Purpose Statements tell the story: To "ensure that tourism is supported and TOT is collected."

I understand that the Sonoma County STR Plan was reviewed. That plan has a Purpose Statement (Section 26-79-005) to provide for the **exclusion** of vacation rentals in the following **areas**:

(a) Areas where there is inadequate road access or off-street parking;

(b) Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;

(c) Areas where the residential housing stock is to be protected from conversion to visitor-serving uses;

(d) Areas where, because of topography, access or vegetation, there is significant fire hazard.

(e) Areas where residential character is to be preserved or preferred; and

(f) Other areas where the board of supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

Unfortunately, the Butte County August 29th Final Draft appears to **clearly favor** adding STR commercial operations into most all residential zones. How?

(1) It allows STRs in 8 of the 11 Residential Zones.

(2) Neighbors have zero in-put in the Administrative Permit process.

(3) No matter how many verified complaints, if they come from only one neighbor, the STR can continue operation.

(4) Even if the permit is revoked, the STR owner still has appeal rights...unlike neighbors in the Administrative Permit process.

(5) Parcel owners beyond 300 feet of a STR will have zero notification.

(6) Folks who can afford a "second vacation home" in four identified communities get a special waiver of the Primary Residence requirement.

(7) STR owners can "self-certify" the operations and development standards.

It's been my career experience when I established new Policies and Rules that I had to be able to defend my decisions...in public meetings and in court. My explanations could **not** be arbitrary, caprious, or discriminatory...meaning there had to be reasonable facts and lines of logic. I had to answer tough questions.

Below are some questions that should have solid, reasonable answers from Butte County administrators:

(1) Fire Danger: Increased traffic in foothills guarantees increased risk of fire danger. Recent new factors (like population growth, droughts, higher temperatures, more intensive winds) have led to record breaking wildfires. Evacuation drills in the foothills, especialy with private roads with locked gates, have demonstrated a number of problems. Other than the standard precautions like smoke alarms and evacuation maps **inside** the STR, how have the Ordinance drafters taken into account the increased fire risk to the **outside** neighborhoods by allowing vacation customers into "WILDLAND FIRE AREAS" and "VERY HIGH FIRE HAZARD SEVERITY ZONES"?

(2) Does the Final Draft accurately represent the **intent** of the Supervisors and Planning Commissioners?

(3) Have the Ordinance drafters adequately considered the concerns of **all** constituents and not just the handful of STR owners who had the time and financial motivation to go to public hearings?

(4) In the Butte County General Plan Zoning Ordinances, Part 2, Article 6 "Development Standards for Residential Zones" (page 38-39) there are 35 "Commercial Uses" listed against the 11 different Residential Zones of Butte County. Only 12 businessess are allowed. All of them require a Use Permit. Most all businesses in the foothills are occasional sales of wood or agriculture products. Bed and Breakfast is the only over-night customer business allowed. Zero businesses allow customers on an Unhosted property. Why does the Final STR Draft allow the **most impactful** business (Unhosted STR) into Residential neighborhoods with the **least in-put process** (Administrative Permit)?

(5) Private Roads: There are many private roads in the foothills. Most all of these roads are gravel with vegetation along side. These roads are legally owned, to the center line, by the parcel owners on either side. There are a number of private locked gates on these roads. There are legally binding Road Agreements in the deeds of parcel owners. These roads are intended for the domestic use of parcel owners and not for the commercial use by one parcel owner for profit. When Road Maintenance Costs are divided among parcel owners, the extra "wear & tear" by commercial customers is a contentious legal issue. Has County Counsel adequately and objectively evaluated the legal authority (and exposure) of Butte County to **over-ride the property rights** of the vast majority of road owners in allowing one STR operator to solicit customers for profit to travel over private property?

(6) Easements: Some Private Roads are also part of an "Easement Declaration" in a parcel owner's deed. This Easement is intended for the domestic "ingress and egress" of a separate parcel owner and not for solicited customers in a commercial business. Has County Counsel adequately and objectively evaluated the legal authority (and exposure) of Butte County to over-ride the property rights of one parcel owner by allowing a STR operator to solicit customers for profit to travel **through** another owner's parcel?

(7) Shared Well Agreements are legally binding documents in many deeds. In our neighborhood the Agreements specifically state that both water and pumping devices are for "domestic use only". Has County Counsel adequately and objectively evaluated the authority (and exposure) of Butte County to over-ride the Agreement and allow commercial, for profit, use of the shared well by one owner?

(8) Past STR Operators: Should parcel owners who illegally operated a STR in the past few years (without permits, fees, taxes, or notification to neighbors) be rewarded and allowed to continue under the Final STR Draft?

(9) Location "Carve-Outs": The Final Draft has location "carve-outs" for folks who own a second home in four different areas in Butte County. Since "carve outs" are allowed for these folks, have the Ordinance drafters given reasonable consideration to the objections of single home owners who are requesting location "carve-outs" to exclude adding STR commercial businesses in their Residential Zoned neighborhoods?

(10) Do the handful of fees, taxes, and tourists gained from allowing STRs in foothill "fire zones" with private roads...over-ride the risks, ill will, and reasonable legal objections of the vast majority of parcel owners?

(11) What is the **overwhelming reason** to allow another, very impactful commercial business into most all Residential Zoned neighborhoods? How can the trust of a home buyer, who purchased a home in a Residential Zone, now be over-ruled by County government adding a new, impactful commerical business in their neighborhood...without even a Use Permit process?

SOLUTION PROPOSALS

I believe that thousands of property owners in Butte County, when they fully understand the implications of the STR Final Draft, will strongly object to allowing another, impactful commercial business into their Residential Zoned neighborhoods. Short Term Rental operations are essentially **motels** where customers stay overnight for the purpose of vacation and celebration. I understand that some customers will behave quietly and maturely. Other customers will not.

So...what is a Board, representing the public good, suppose to do?

I would suggest three different considerations: Legal, Political, and Financial. I'm sure that these concepts have already been considered, but if you'll allow me:

LEGAL: Has County Counsel done a thorough "risk analysis" of allowing STRs, especially Unhosted, most everywhere in the county? Apparently, there are some Grand Juries and Court opinions that support homeowners' objections.

When I called Development Services over a year ago and mentioned that our neighborhood had Private Road Agreements, Easement Declarations, and Shared Well Agreements in our deeds, a top administrator said those Agreements might exclude STRs and I should "look into it". We did...and we believe there are legal grounds for the nine parcels owners in our neighborhood to overrule the one parcel owner who opened a STR. The problem is that we would have to hire lawyers and file suit at significant costs. STR operators have a billion dollar industry behind them. If the Board adopts the Final Draft, that would give legal weight to the position of STR operators.

POLITICAL: No matter what STR Ordinance you adopt, there will be objections from some people. Allowing Administrative Permited STRs in most all Residential zones...with the burden of filing complaints on the neighbors...is essentially

"putting a thumb on the scale" in favor of STR operators. So, what are the common RESTRICTIONS to balance out the concerns of homeowners?

(a) Limit Number of Days: The problem here is monitoring and enforcement. Also, it leaves both STR operators and homeowners unhappy. How many disruptive customers will show up in 90 days? One will be too much.

(b) Quotas on Number of Permits: The problem here is "First come, First Serve" is rarely popular. People object that they were not informed adequately.

(c) Limit Close Proximity: The problem here is defining "how many" and "how close" are STRs in one area to consitute an over-burdening of a neighborhood.

(d) Primary Residence: This does help with the problem of outside buyers and corporations, but the problem of monitoring Unhosted STR remains. Also, by carving out "second vacation home" waivers in some areas, it essentially discriminates against less wealthy folks who can't afford a "vacation home". Plus, it opens up the argument of homeowners asking, "Why not my area?"

(e) Exclusion X: This is the Sonoma County STR Plan that allows neighborhoods to apply to re-zone areas into an "Exclusion X Combining District". This is more democratic, but it's a burdensome, discretionary process. The neighborhoods must go through a costly legal process and the Board takes on the burden of adopting or rejecting.

(f) Overlay Zones: In the Butte County General Plan Zoning Ordinance, Part 2, Article 10, it defines and lists a number of Overlay Zones. I understand that defining and adopting an Overlay Zone is complex and time-consuming, but I believe it's worth investigation for STRs. Possible criteria for defining a STR Overlay Zone could be: (1) Response time from Police and Sherriff. (2) Response time from Fire Departments. (3) Capacity of County staff to monitor and enforce. (4) Designation of risky "State Fire Responsibility Areas". (5) Property Right complications from Private Road, Easement, and Well Agreements.

The POLITICAL advantage to Overlay Zones or Location Exclusions is that it balances the reasonable objections of Residential Zone homeowners, eases the real risk of fire and police protections, addresses the legal exposure of private property rights, avoids the time and expense of discretionary Boards....and....spreads around the decision-making responsibility to other agencies.

FINANCIAL: Getting an Ordinance "right" from the beginning...saves time and money in the long run. Discretionary processess, especially involving complaint monitoring and enforcement, costs both money and good will. I recently read the extensive "Five Year Analysis of Colorado's Marijuana Ordinance Process". Their main conclusion was: We should have imposed MORE RESTRICTIONS from the beginning. It's always easier for authorities to "expand" commercial operations at a later date...than to "restrict" them at a later date.

SUGGESTED REVISIONS TO FINAL DRAFT

(1) COMPLAINT PROCESS:

(a) Revise Section J-2 to add "phone call". Several residents in our area do not have computers or text message capacity. Phone records would verify the call and Complaint Content could be written down.

(b) Delete Section J-1-a. Any verified complaint that was not resolved is valid...even if it came from ONE neighbor. In our area of 5 acre parcels, the closest neighbor would have the most contact.

(c) Add a statement after Section I-9 Standards...such as: "In addition to the listed restrictions of noise, parking, trash, etc. it is understood that other disruptive behaviors (to include, but not limited to speeding, trespassing, weapons discharge) are not allowed. Neighbors are informed that they can always call police/sherriff and are not encouraged to confront customers."

(2) PERMIT PROCESS:

(a) Delete and Revise Section D. The Final Draft allows, for the first time in Butte County history as far as I know, a Commercial Use to be authorized and added into most all Residential Zones with only an Administrative Permit process. That permit process is used for fencing and signage, not for the impactful change in zoning usage. No other Commercial Use in Residential Zones is allowed with only an Administrative Permit. Bed and Breakfast operators will rightfully file complaints.

(3) NEIGHBOR NOTIFICATION:

(a) Revise Section 10-e. Change "within 300 feet" to "the 8 closest property owners". In our five acre parcel area with ten parcels bound to a Road Maintenance Agreement and four parcels bound to a Well Sharing Agreement, more than the immediate bordering neighbors should be notified.

(4) EXCLUSION (X) COMBINING DISTRICT:

(a) Review and Consider adding the Sonoma County STR Section 26-7-005. It allows a process for neighborhoods to request revisions to the STR Ordinance to limit conversion of residential homes to vacation rental uses.

(5) UN-HOSTED STAYS:

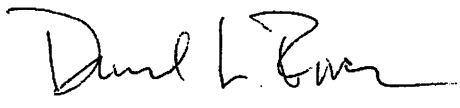
(a) Revise and Add Restrictions to Section 7-b. Un-hosted stays are a main concern. If a property owner rents out a room, neighbors can assume the customers will be more supervised. To avoid some of the problems I've outline, please consider the following examples for Un-hosted stays:

* "Use Permit is required for Un-Hosted STRs."

* "For Un-hosted STR applications accessed by Private Roads, Easements, and/or Shared Well Agreements...at the STR owner's expense...the County will send out Ballots to all parcel owners subject to the Agreements. A 2/3rd vote in favor of allowing the STR will be required to approve the STR application."

* "Un-hosted STR will not be allowed in State Fire Responsibility Areas."

* "Un-hosted STR will not be allowed if the location is governed by a Private Road Agreement, Easement Declaration, or Shared Well Agreement."

THANK YOU FOR YOUR WORK AND CONSIDERATION

Daniel L. Raner,