

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
June 11, 2019 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, June 11, 2019 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Byrne.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District 1
Dave Wardall, District 2
Earl Curtis, District 3
Andy Byrne, Chair, District 4
Ray Ryan, Vice Chair District 5

Staff: Chuck Beatty, Planning Director
Ruslan Bratan, Planner I
Krista Ruesel, Planner I
Mary Ann Manges, Recording Secretary

THOSE ABSENT WERE: None

NOTE: The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

A. Pledge of Allegiance.

B. Approval of Agenda:

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes and unanimously carried to approve the agenda as presented.

C. Minutes: April 23, 2019 and May 14, 2019

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve the minutes of April 23, 2019.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and carried to approve the minutes of May 14, 2019.

AYES: Wardall, Curtis, Ryan, Byrne for Items #G.1 and #G.2

NOES: None

ABSENT: DesVoignes

ABSTAIN: Byrne for item #G.3

D. Correspondence: Cheryl and Dan Vera, Marlis King, Lee King, Andrea Macon, Mara Feeny for the Foothill Conservancy, Gary Reinoehl, Alice Kaiser, Cyndi and Troy Harrell, Jessica Herndon, Sean Bellach for the California Association of Realtors, Terri Sweet, and Lynne Van Tilburg

E. Public Matters not on the Agenda: None

F. Recent Board Actions: None

Public Hearing

Item 1 - Request for a Use Permit (UP-19; 3-2) to allow for the use of an 80 sq. ft. section of an existing residence to be used as an office plus a 7,300 square foot outdoor vehicle storage yard with privacy fence to be used for temporary storage of vehicles. The subject parcels are zoned C1 (Retail/Commercial/Office) with Commercial General Plan Land Use designation.

Applicant: Lewis Fournier/Good Karma Enterprises, LLC
Supervisory District: 3
Location: 27255 and 27235 Highway 88, Pioneer, CA 95666, just west of the intersection of Salt Springs Road and Highway 88 (APNs: 032-260-0123, 032-260-024)

Chair Byrne introduced the item.

Krista Ruesel, Planner, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne opened the public hearing and asked if the project proponent was present and wanted to speak. The proponent was not present. Chair Byrne asked if anyone else desired to speak.

Ted Novelli, upcountry resident of Amador County, shared that the yard is secured and maintained and will be a benefit to Amador County.

Lewis Fournier, project proponent, entered the room, apologized for being late sharing that he had been assisting a driver whose vehicle had overheated.

Vice Chair Ryan asked if Mr. Fournier he is parking the towing vehicles inside the lot behind the fence outside of view.

Mr. Fournier replied that he was told by Mr. Beatty to keep only one truck out front within sight so he keeps only one out front with the rest inside the fence.

Vice Chair Ryan said that was excellent and thanked the proponent.

Commissioner Wardall asked Mr. Fournier about the type of trucks that he used in the business.

Mr. Fournier replied with specifics about his 2019 trucks.

Commissioner Wardall thanked Mr. Fournier.

Chair Byrne asked if anyone else wanted to speak. No one else desired to speak.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to close the public hearing.

Chair Byrne shared that the application looks good to him.

Vice Chair Ryan commented that he agrees and added that it is a needed upcountry service.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to adopt the Mitigated Negative Declaration as drafted by staff and to include all the proposed conditions as listed in the staff report.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Curtis, and unanimously carried to approve the use permit with the conditions and findings as listed in the staff report.

Ms. Ruesel stated that the Planning Commission had approved Use Permit (UP19;3-2) for applicant, Lewis Fournier, for office use and associated storage yard for Upcountry Towing located at 27255 and 27235 Highway 88, Pioneer . Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fees with the Clerk of the Board of Supervisors by no later than 5:00 p.m., June 21, 2019.

Item 2 - Zoning Ordinance Amendment (ZOA-19;6-1) regarding Short-Term Rentals. Review and recommendation to the Board of Supervisors regarding a proposed amendment to County Code Chapter 19.48, General Provisions and Exceptions, by adding Section 19.48.200, "Short Term Rentals", pertaining to the rental of residential properties for periods less than 30 days. The amendment proposes to establish permitting processes and operational standards for such facilities in the unincorporated area of the County.

Applicant: County of Amador
Supervisory District: 1, 2, 3, 4, & 5
Location: All portions of the unincorporated area of Amador County.

Chair Byrne introduced the item.

Krista Ruesel, Planner, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne announced that persons can initially speak for 3 minutes, if representing an organization speak for 5 minutes, and if time allows can speak a 2nd time. He added that previously submitted letters are in the record and do not need to be read.

Vice Chair Ryan asked staff for clarification of wording in a partial paragraph on page 3 of the staff report.

Chuck Beatty, Planning Director, stated that part of a paragraph from the first page got inserted on page 3 by mistake.

Marion Anderson, homeowner on Emily Way, shared personal experiences and concerns with common street and driveway issues and asked that short term rentals be required to have a use permit with approval of all homeowners living on the street or not allowing short term rentals at all. She also shared concerns about a business operating as a short term rental in her residential neighborhood which is also used in conjunction with a wedding venue, Hanford Gardens, owned by the same owner in Sutter Creek.

Caryl Callsen, representing the Foothill Conservancy, stated that it is necessary to have an ordinance and regulations. She shared concerns about density of short term rentals not being addressed. If there are too many in area it possibly can take away from hotels and B & Bs and also take away from the community feeling of neighborhoods. Ms. Callsen added that it also takes away from the available long term rental housing. She shared that the draft ordinance has ambiguous language about required use permits. She voiced concern about the number of bedrooms allowed and no limit to numbers of short term rentals on the same or contiguous parcels. She recommended notice area be changed from 300 feet to a half mile and that there be no outdoor fires. She added that it would be ideal for all short term rentals to be hosted which could decrease potential problems and recommended that enforcement be done.

Terri Sweet, STR owner, shared concerns about being punished for good behavior and asked that there be a correction in the definition of transient. She added that fire pits be prohibited during fire season. She

commented that the County cannot require as a condition of permit approval advanced consent to search or inspect a property and believes that short term rentals that are currently operating under 3.16 lawfully should not be subject to neighbor review. Ms. Sweet shared that the County is not enforcing existing laws that regulate short term rentals or abate a public nuisance, prohibit a paid event without a permit, or reside in a trailer. She added that there are no unregulated short term rentals and that they just are not being enforced under County Code Section 2.06. She asked that registered short term rentals permitted and registered under County Code Section 3.16 be listed under exemptions unless the use is discontinued for 2 years since they are lawful permitted operations with vested property rights. Ms. Sweet questioned the requirement to need a use permit since she feels she is already operating as a matter of right and believes the requirement is fundamentally unfair. She added that this draft ordinance appears to be unconstitutional and would not have bought her property if short term rentals were not allowed by the County. She stressed that she would be in extreme financial hardship if she could not have a short term rental and shared that County Code requires that ordinances promote justice.

Vice Chair Ryan asked if Ms. Sweet's property is within the city limits of Plymouth.

Ms. Sweet replied that it is not.

Vice Chair Ryan commented that Ms. Sweet's property is in the incorporated area then.

Ms. Sweet agreed.

Lynne Van Tilburg, Emily Way resident, asked if the Planning Commissioners had received her correspondence.

Chair Byrne acknowledged that they had.

Ms. Van Tilburg apologized to community members for starting this process and shared that her complaint was not intended to bring about an ordinance, but without an ordinance she will need to move from her home. She stated that weddings and associated activities continue to occur at Emily Way with the owner nonresponsive to neighbors' concerns. Ms. Van Tilburg shared that she feels sorry for short term rental owners that are following the rules. She asked the Commission if they had any questions or edits to her submitted suggestions.

Vice Chair Ryan asked if the owner of the property has ever come in or sent a letter or is present at the meeting.

Ms. Van Tilburg responded that she does not believe so and that the owner is not present. She suggested that the owner could be separated out. She asked if the owner is paying the Transient Occupancy Tax. She shared that the owner's property was listed on multiple short term rental sites, but is now only on AirBnb and is not sure if that is due to complaints.

Cyndi Harrell, STR owner, appreciated confirmation that her letter was received. She shared empathy with the neighbors of the Emily Way property and commented that a reasonable number of regulations that represents the needs of both sides should be made. She stated that most people believe that tourism is an important part of Amador County which brings significant revenue from the Transient Occupancy Tax. She asked why the draft ordinance only applies to the unincorporated area and why it excludes Kirkwood.

Vice Chair Ryan shared that the Planning Commission only has control over the unincorporated areas of the County and that the cities are responsible for their own ordinances. He added that the Kirkwood area is self-regulated.

Chair Byrne added that it is because it is a Special Planning Area in three counties.

Ms. Harrell commented that she does not like gerrymandering and added that the biggest issues with some of the proposed regulations are inconsistent with the industry such as maximum occupancy and having to provide name, address, and contact information for each occupant. She elaborated that hot tubs are one of the most searched items and is disappointed with not grandfathering existing STRs. She added that she is concerned about setting a precedent and asked for a much more reasonable number of regulations.

Commissioner Wardall asked if Ms. Harrell lives on the property.

Ms. Harrell replied that she does.

Laureen Price, STR owner, shared that she is present whenever she has guests, has had no problems or complaints from neighbors, and feels that they are being punished. She voiced concern about the unknown cost of a use permit.

Mr. Beatty replied that a staff-issued permit that requires a 10-day notice to property owners within 300 feet would be \$110.

Ms. Price asked how often.

Mr. Beatty commented that it is a one-time fee.

Ms. Price stated that that is not so bad.

Chair Byrne shared that it covers the cost of processing the application.

Mr. Beatty added that the Government Code requires that only the reasonable cost to administer the permit is charged.

Ms. Price shared concern about the cost of having to have handicap accessibility in the short term rentals.

Vice Chair Ryan asked if that is an ADA requirement.

Mr. Beatty commented that it is not a requirement in the ordinance.

Vice Chair Ryan stated that he did not see that.

Krista Ruesel, Planner, elaborated that it is just a disclosure to renters if the STR is ADA compliant.

Ms. Price elaborated that it is always disclosed anyway.

Chair Byrne added that people doing a good job do that.

Ms. Price commented that she tries to follow the rules.

Commissioner Curtis stated that from the way it is written he also understood it to be a requirement.

Mr. Beatty stated that it is to make sure that the listing states whether the STR is ADA compliant

Thomas DiMercurio, STR owner, shared that he has been a short term rental owner for 7 years and tries to do his due diligence by paying his taxes. He shared that he communicates with his neighbors, does not

allow fires or events and shared great concern about not being grandfathered and possibly being non-renewed after taking great strides to build his business.

Chair Byrne asked Mr. DiMercurio if he lived on his STR property.

Mr. DiMercurio responded that he does not live on the property, but that he has good cleaning people that also work like a property manager.

Commissioner Wardall asked how far away Mr. DiMercurio lived from his STR.

Mr. DiMercurio responded about an hour and a half away.

Gene Comin, Emily Way resident, stated that he shares empathy with those running short term rentals in a responsible manner who are trying to supplement their income. He voiced great concern about the owner of the short term rental tying the property to her commercial business and exploiting the neighbors and the people running short term rentals responsibly. He shared that a permit should be needed in order to be able to have weddings or larger numbers of people and cars if a permit is needed for people to have an office. He added that he believes the Sheriff downplayed the last reported incident on Emily Way.

Chair Byrne commented that the problem is that there currently is not an ordinance to cover problems with STRs.

Mr. Comin shared that an ordinance should be created. He added that it would be best though to deal with the one person causing the problem running a commercial business in a residential area and not have to create this ordinance. He shared frustration that the owner of the Emily Way STR is not at the public hearing.

Francesco Indrio, STR owner in Lone, agreed with Mr. Comin. He shared his disagreement with regulations that harness and control everybody because of one problem. He added that due to renting his property 50 nights a year he is better able cover expenses and improvements. He stated that he avoids renters who are having parties, weddings, or wedding rehearsals and prefers to only rent to those wanting a retreat. Mr. Indrio stressed that he communicates with his neighbors.

Commissioner Wardall asked if Mr. Indrio if his STR is in the City of Lone.

Mr. Indrio replied that it is not.

Jim Giuffra, Kirkland Ranch co-owner, shared history of the ranch and renovation of it. He asked where he would go to get the permit and shared concerns about not being able to have a vacation rental with the money spent so far. He wants to comply but does not want people to say they cannot have a vacation rental. He has a strict contract with renters and added that part of the revenue generation is to have weddings and a vacation rental.

Commissioner Wardall asked if Mr. Giuffra lives on the property.

Mr. Giuffra replied that he does not, but lives 20 minutes away. He asked why it is so important to have someone onsite.

Commissioner Wardall shared that the Planning Commission is looking at having a host requirement on the property.

Mr. Giuffra added that if the owner of the Emily Way property was on the property that he believes it would not change anything there.

Commissioner Wardall explained that the issue is that something needs to be figured out that is acceptable to responsible people and will also regulate those who are irresponsible.

Mr. Giuffra questioned making every property have a host on site.

Commissioners responded that a decision has not been reached on that issue yet.

Mr. Giuffra shared that he and others are against it and that they are not going to put up with any nonsense at their STR. He added that he has a manager, another tenant on the property, and that he is going to have a caretaker.

Chair Byrne asked if he was having a short term rental and events.

Mr. Giuffra responded that they are going to have both.

Chair Byrne replied that he may not be fitting under the proposed ordinance then.

Mr. Giuffra questioned that he would not fall under a vacation rental and added that he is not sure how many weddings a year they will do.

Chair Byrne added that the proposed ordinance requires places that put on events to apply for a use permit from the Planning Commission.

Mr. Beatty shared that if the short term rental has more than 5 bedrooms or plans to have any kind of events, it is going to require a use permit that is issued by the Planning Commission. He added that those events draw significantly more traffic into neighborhoods which should be evaluated through a CEQA process and not an over the counter permit.

Mr. Giuffra continued that the vacation rental and the weddings are two separate things.

Vice Chair Ryan shared that the concern is that both uses are on the same property.

Mr. Giuffra commented that it would fall under the events.

Vice Chair Ryan elaborated that the reason we have the STR laws on the books nationwide is because of a bad apple somewhere. He added that the majority or about 95% of the people that are renting vacation rentals are responsible and shared that having a use permit in place assists with tracking and accountability. He commented that with time others will do what the owner on Emily Way is doing and an ordinance is the only way that can be stopped.

Mr. Giuffra stated that he does not have a problem with that, but he disagrees with having someone on site.

Vice Chair Ryan shared that the Commission has not reached a decision on that yet, but with a use permit during an event, the Commission may require that.

Mr. Giuffra added that if they have a wedding they are going to be on site and then thanked Vice Chair Ryan for clarifying.

Vice Chair Ryan told Mr. Giuffra that his input is important and hopefully he will get a feel for where the Commission is headed with the ordinance.

Mr. Giuffra thanked Vice Chair Ryan again.

Sean Kruletich, STR owner, shared that he is probably one of the longest running Airbnb owners in the County. He stated that he bought a place at the corner of Previtali Rd. after he had been previously been renting out a trailer. He added that if the proposed ordinance goes through that owning an STR will no longer be feasible and commented that he disagrees that 95% of the people are going to fall within the proposed ordinance asking that the Commission to rethink this. He shared the ordinance will eliminate the low end vacation rentals that are not a dwelling and that the minimum STR price in the County will increase. He commented that he has had nothing but positive reviews, no issues with his neighbors, and that only one car per person is allowed. He does not understand how events at one location are now going to impact short term rentals that have been self-regulating. Owning a short term rental has allowed him to be able to do improvements on his property and stressed that renting out a trailer or a single room or a home is not the same thing as a wedding venue. He shared that having an STR allows him to live nearby, farm, and supplement his income and added that event centers are not the same thing. He stressed that the rural area cannot support city regulations without city income and prefers that STR operators be able to show people where they can go around the county and spend their money instead of tourists just staying in a hotel.

Don Kline, owner of a short term rental upcountry, stated the income negates the costs of ownership and rents one or two weekends a month. He shared that the income assists with paying for improvements and fire protection. He stressed that he pays his taxes, has strict rules on no parties or noise, allows no fires, and limits the number of people allowed. He voiced concerned about the text of the ordinance and did not see the link on the website. He believes better rules need to be made for events in the county and shared that it is impossible to host his STR and that hosting would take away from the experience of being out in the country.

Vice Chair Ryan asked if Mr. Kline lives close by.

Mr. Kline responded that he lives about two hours away and has a caretaker that takes care of the house for him. He shared that limiting the number of people that stay is reasonable to a point, but that families bring their kids who often sleep on the floor. He shared that ADA requirements should not be added on. He commented that he wants to meet the rules, but that they do not put them out of business.

Cheryl Vera, owner of a vacation rental, shared concern about not being grandfathered in and questioned whether ordinances would help with the situation on Emily Way. She added that those that are going to abuse STRs are going to abuse them no matter what and agreed that the rule followers are being punished. She stressed that she checks people in and checks the property after, lives within 20 minutes of the property, makes sure all rules are followed, and pays her taxes. She does not care for the ordinances and believes controls should be in place, but not to the point where it puts them out of business. She shared that hosting property would be very difficult to afford because she does not make enough off of the property to do that. She charges higher rent because it prevents it from being rented out as a party house, but it also limits how many nights it is rented. She shared that she talks to neighbors, tries to follow the rules, and tries to rent to quality renters. Ms. Vera plans to retire here and does not want to have to sell the property.

Mr. DiMercurio shared that he does not rent individual rooms and that his STR has to be hosted believes nobody is going to want to rent it.

Mr. Giuffra invited all in the room to the Kirkland Ranch open house on June 22nd. He wants input and wants to responsibly rent a short term rental.

Chair Byrne shared that that this is why we all are here.

Ms. Harrell stated that she appreciated the Commissioners hearing the themes and believes they are very consistent themes. She addressed Vice Chair Ryan sharing that most operators will not be able to meet what is currently in the draft and stressed that the 95% that are doing the right thing are self-

regulating. She shared that issues that most operators will not comply with are hot tubs, occupancy number of occupants with no pull outs, and contact info for every renter. She added that VRBO and AirBnb will not even comply with that.

Ms. Sweet shared that she could not put up with Emily Way this long and asked if Mr. Beatty can meet with the Sheriff and the DA and say we need to immediately prosecute a public nuisance.

Mr. Beatty responded that it would require the Board of Supervisors to declare it a public nuisance and then direct County Counsel to get an injunction or seek other relief.

Chair Byrne elaborated that the Board of Supervisors directed the Planning Commission to create an ordinance that can be enforced.

Ms. Sweet interjected that Penal Codes 372 and 373 are already State law which the Sheriff is empowered to enforce. She shared that the Sheriff, the DA, and the neighbors should sit down together and say this needs to be done now.

Mr. Comin shared that there should be something they can do under nuisance law.

Chair Byrne stressed that enforcement at Emily Way is not the focus of the public hearing.

Mr. Comin commented that the Sheriff downplayed the last incident.

Chair Byrne reminded that what is in front of the Commission is a proposed ordinance. He understands that finding a solution for this other issue is an underlying cause.

Mr. Comin added that maybe something in the ordinance can address a single family residence in a residential area. He added that it had 24 cars with 3 to 4 people per car and then asked what a reasonable number of vehicles at a home is.

Chair Byrne responded that an ordinance could address this.

Mr. Cummin continued that it is clearly being over occupied.

Chair Byrne stated that we understand the problem.

Becky Indrio, short term rental owner, heard about this meeting through a mail notice and shared that she does not know where to find a copy of the proposed ordinance.

Mr. Beatty shared that in the mail notice there is a link to the County's website with the ordinance and the meeting agenda.

Ms. Indrio asked if the link works.

Chair Byrne responded that he was able to access it.

Ms. Indrio asked for explanation about hot tubs.

Mr. Beatty responded that the Planning Commission wants a restrictive ordinance based on comments presented at prior meetings. He added that one of the complaints made was hot tub noise, so hot tubs were excluded in the ordinance.

Ms. Indrio commented that she believes that is ridiculous.

Chair Byrne asked for clarification that it was not a public health issue.

Mr. Beatty confirmed that it was not a public health issue.

Mr. Kriletich asked who drafted the proposed ordinance and if people running existing short term rentals were not invited to be part of the process why weren't they.

Chair Byrne responded that staff drafted the draft ordinance and it was drafted from input from two previous meetings with additional input being accepted right now.

Mr. Kriletich commented that having citizens and short term rentals owners provide input can be helpful. He shared that the notice sent out did not have a direct link to this ordinance only to the County website which took him about 10 minutes to figure out.

Mr. Indrio shared the he believes that a few staffers decided on their own rules that could maybe fix a situation which was limited to a few bad apples. He was not aware of this process until he received the notice in the mail and shared that the short term rental owners were not involved in the process. He added that he is puzzled about concern about noise made in hot tubs or at dinners. He shared that if there is no enforcement of rules how can enforcement of other regulations be expected.

Chair Byrne stated that there is not an ordinance to enforce on that or other issues.

Mr. Indrio asked if there is going to be a second phase.

Chair Byrne asked staff to clarify the process.

Mr. Beatty shared that based on what is heard at this meeting the Planning Commission is going to give additional direction to staff to refine the ordinance. He added that it will come back to the Planning Commission in July or August and that eventually the Commission will make a recommendation to the Board of Supervisors. He shared that there will be another hearing so there are at least two public hearings in the future.

Chair Byrne repeated that there will be another one with the Planning Commission and then one with the Board of Supervisors.

Mr. Indrio said that he has a person on site about a mile away and asked if they have to be in the house with the guests.

Chair Byrne responded that that has not been decided yet and that it will definitely be discussed. He then announced that there is one more comment.

Ms. Van Tilburg shared that it is her understanding that the Sheriff cannot enforce anything since there is no ordinance in place to enforce. She added that they can only recommend, for instance, for people to be quiet. She stressed that public can view all the past minutes and presentations from past meetings on the website.

Vice Chair Ryan asked staff if the meeting needs to be closed since there is possibly going to be another meeting after this.

Mr. Beatty advised that the meeting can be closed since it is going to be re-advertised.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to close the public hearing.

Commissioner DesVoignes shared that it is not his goal or any of the Commissioners' goals to put anyone out of business and that he believes most short term rental owners are complying. He added that he believes an ordinance will help for new people coming into the area. He stressed that information is being gathered. Hot tub noise was a problem for some so it was part of the thought process to not have them, but we are not done with it. The public needs to not give up and come back.

Vice Chair Ryan asked to go back to comments made earlier and added that the ordinance is a work in progress. He stressed that many VRBOs are run well, are not a nuisance to neighbors, and are an investment to the community. He voiced that the Commission is not trying to put anyone out of business. He added that the problem is that when there are no laws in place, no regulation, and there is nothing to stop someone from selling their VRBO property that the next person who owns the property could throw events on it. He shared that it can take 6 months for it to be declared a nuisance to get it settled. He added that this process is an avenue for all of us to be able to address an issue that can only get worse because more people are going to want to move up here. He shared that an ordinance is needed for the VRBOs and that a separate use permit process will be needed for anyone that wants to go beyond a basic VRBO. He elaborated that a basic VRBO generally involves renting to a couple or a few couples who want to relax and get away from it all, hike, and visit some wineries. He added that then there are operators who purposely rent the facility to host large events which can subsequently create a serious nuisance. He shared that the County has no authority right now to address this except by going through the nuisance process. Vice Chair Ryan stated that if you want to have an event or multiple events that you need to come in for a use permit. With a use permit, all the details such as how many can attend, the frequency, and how long music can be played can be addressed, with neighbors input. The use permit is specific to the applicant, but it is outside the boundaries of this meeting. He elaborated that the meeting is to address short term vacation rentals with the public leaving knowing that their business will be intact and that there with a permit process that will move quickly. He educated that many wineries are running on use permits with some operating by statute. He added that the County has teeth to enforce conditions on wineries with events because an ordinance is currently in place to protect all. He again stressed that the intention is not to try to shut anyone one down. He stated that over the years he has seen many people say one thing and do another and has seen the next owner, after a property is sold, not caring about the conditions. He finished by stating that something is needed that is good for everyone.

Chair Byrne commented that he sees various levels of rentals. He elaborated that renting out a second level, a room, or a house can have different impacts including on the local rental market. He shared that he believes there is more impact on renting out an entire house to the rental market which might need more regulation.

Mr. Beatty shared that the draft ordinance does not make a distinction as far as the type of permit that is required between a hosted and non-hosted short term rental. He added that the draft addresses anything with 5 bedrooms or less that would have a maximum of two persons per bedroom. He shared that anything beyond that would require a use permit from the Planning Commission.

Chair Byrne stated that it is a big process to get a permit for a Bed and Breakfast and asked if that will be still necessary.

Mr. Beatty replied that it would be necessary because there is food service involved.

Vice Chair Byrne responded that Bed and Breakfasts can also host events.

Mr. Beatty added that an attachment can also be obtained to do commercial weddings.

Chair Byrne commented that at the beginning of the meeting it seemed that the number of rooms could be an issue.

Vice Chair Ryan stated that Bed and Breakfasts go beyond what is being discussed at this meeting and

that they are limited to 5 bedrooms with someone required to be onsite. He shared, as example, that it opens up options for Mr. Giuffra where he could apply for a Bed and Breakfast or a use permit. He stressed that at this meeting the distinction is 5 bedrooms or less with no events which is where the line is drawn with Bed and Breakfasts. He added that there is no way to control taking the rental out of the rental market and that some people who inherit properties that they cannot afford need to rent them out to maintain them.

Chair Byrne asked if Vice Chair Ryan sees his point about regulations being a lot less stringent for those that are onsite.

Vice Chair Ryan added maybe not onsite, but within earshot.

Chair Byrne pointed out that hosts may live next door, live 20 minutes way, or 2 hours away.

Vice Chair Ryan added that the ordinance proposes within 30 minutes for notification. He shared that it does not have to be the owner, but that a responsible individual who checks on the place can be a contact.

Chair Byrne commented that that would fit the term for hosted.

Mr. Beatty stated that the host does not have to be the owner, but an operator being onsite at least 75% of the time.

Vice Chair Ryan stated that he does not see the need for that unless it is a facility that is running events. He shared that renters do not want to be overshadowed, but that it is good to know that somebody is close by and that if the renter is being a nuisance to the neighbors there is somebody that can respond.

Commissioner Curtis added that the non-hosted place just has to have somebody nearby.

Vice Chair Ryan responded yes and elaborated that he wants to get away from the requirement and thought that there is a requirement to have somebody onsite.

Commissioner DesVoignes shared that there is a comfort level with knowing there is a phone number posted with someone's contact information to call.

Vice Chair Ryan said we are getting into the details and requiring to submit the names and contact information of those renting to the County is not beneficial. The need is for the owner to have that information available to them so they can contact the renter if they are getting complaints. The responsibility should fall back onto the owners of the property.

Chair Byrne asked staff what the thought process was that went into that portion.

Mr. Beatty commented that it was not intended for the County to have this, but for the operator.

Vice Chair Ryan said that it is their purview to have that so that they have a primary contact for whoever is renting the property. Hot tub, pools, and spas are to relax and stated that he desires to see their prohibition stricken in this particular ordinance. He elaborated that there are property owners trying to supplement their income and run a small business enterprise. He asked how to proceed with someone who leases a property and then sublets it as a short term vacation rental. He shared that there was a previous serious problem with that with marijuana.

Mr. Beatty advised that the issue of subleasing should be addressed between the landlord and the tenant.

Vice Chair Ryan asked that as part of the permit process if we will be talking to the owner or requiring a

letter from the owner.

Mr. Beatty said that in all of the staff-issued permits with the 10 day notice, the application needs to be signed by the owner or a letter needs to be submitted from the owner acknowledging the application. He added that it is not specified in the ordinance, but that is how that process works.

Vice Chair Ryan asked if it would be acceptable if they are an absentee and turn it over to a licensed management company.

Mr. Beatty gave affirmation.

Chair Byrne said that there have been comments about commercial uses in residential areas and asked as far as land use goes if this is an acceptable use.

Vice Chair Ryan responded that a short term rental is a way to keep a property and shared a scenario where a property owner, because of work, needed to leave for a couple years and did not want to rent the home out full time since it could degrade the property.

Chair Byrne commented that his question is not a rhetorical one, but wants to know if that is considered running a business in a residential area.

Mr. Beatty replied that every rental house would be a commercial enterprise and said that it is acceptable.

Chair Byrne asked if renting month to month or day to day is different than a long term lease.

Mr. Beatty responded not as far as land use codes are concerned.

Chair Byrne commented that STRs would be an exception.

Mr. Beatty shared that the ordinance would make it an exception.

Vice Chair Ryan added that if a person is receiving income from this that they are filing taxes so it is a business and in some cases this business is helping to sustain that family's ability to live in the area and pay for repairs and continued support of the property.

Commissioner Curtis elaborated that it is like a Home Occupation Permit and added that the business is secondary to residential use. He added that some people are making beer in homes and permits are issued for that.

Chair Byrne asked if this is still residential.

Commissioner Curtis said the business is still primarily a residential use.

Chair Byrne questioned if it is residential if someone is not living there.

Vice Chair Ryan shared that he would like to address the limitation on the number of people in the bedroom. He stated that the majority of the ordinances out there allow two adults per bedroom, but nowhere in the ordinance have children been allowed for. He shared that he believes that it is up to the landlord on whether they will allow children and how many. He added that the purpose and reason for two adults per bedroom is to try to reduce the impact and mitigate the problems associated with traffic and number of people on the property. He said to keep in mind that the septic systems have been designed based on the number of bedrooms which takes into consideration the number of adults or people in those bedrooms. He added that if you are going to have more than that you might have to upgrade your septic system and many factors come into play.

Commissioner DesVoignes shared a correspondence from an attorney that recommended two to four: two adults or four people total.

Vice Chair Ryan added that he would not want to limit it to two kids because some families have more than that.

Commissioner DesVoignes asked where to draw the line.

Vice Chair Ryan commented that he is not concerned with the majority of them with regard to septic, but if you have a 5 bedroom house and allow 4 people per bedroom, the septic system is most likely not designed to handle 20 people.

Commissioner Curtis added that the septic system may be able to handle it for a weekend where it would not handle it for continual rental.

Vice Chair Ryan added that another thing that should be in the ordinance or just for knowledge purposes is information about Waze. Anyone with a B & B or running an event center or renting out a VRBO can stand right in front of the property and pinpoint the entrance for anyone looking for an address. He stressed that fire danger also needs to be addressed in the ordinance since there are people coming into the County that have no clue about how bad things can be here.

Commissioner DesVoignes added that he would like no fires at all.

Vice Chair Ryan agreed that there should be no fires. He shared that some short term rental owners might have outdoor fire pits, but that people tend to keep adding logs on. He shared that smoking should be up to the owner.

Commissioner DesVoignes shared his thoughts that the fines of not paying the TOT could be a bit overboard, but added that they need to have teeth though.

Mr. Beatty shared that it has been in the Transient Occupancy Tax ordinance since 1988.

Vice Chair Ryan reminded that it is in the law that if you collect the tax, the tax must also be paid or you can go to jail.

Chair Byrne added if that if you collect more tax than you are supposed to collect all must be remitted.

Vice Chair Ryan commented about noise because the draft calls for sunrise until 10 p.m. Sunrise can be early in the morning.

Commissioner Curtis shared that he saw in two places that it was 10 p.m. to 8 a.m. and then in another place it was 10 p.m. to sunrise.

Vice Chair Ryan stated that 8 a.m. sounds like a reasonable time and that 10 p.m. sounds reasonable for those coming up here to relax and unwind. 10 p.m. also aligns with the time used for many ordinances and use permits and gives the Sheriff the ability to enforce.

Commissioner Curtis added that if this ordinance is approved, the person next to a short term rental can make noise all night long, but the short term rental cannot make noise after 10 p.m.

Vice Chair Ryan replied yes and no.

Commissioner Curtis shared that it sounds like uneven application of the law.

Chair Byrne commented that it is a different code.

Vice Chair Ryan added that he is trying to address an issue.

Commissioner Curtis stated that it would be unenforceable if it goes before a judge.

Vice Chair Ryan said that we are not talking about events so we are not talking about very loud noise. He shared that from his perspective adults would be relaxing and talking with noise carrying.

Chair Byrne shared that noticing on private roads should be further than 300 feet because not everyone on that road might be notified and asked for clarification on noticing on private roads.

Mr. Beatty shared that it was discussed at the meeting in April that the impact would not be more with private roads since a house would have 10 people maximum without events.

Chair Byrne added that if rented out to 5 couples that the impact would be significant.

Vice Chair Ryan said that that is 10 trips a day minimum.

Mr. Beatty asked if Chair Byrne wants everyone on the private road noticed even for a hosted short term rental.

Chair Byrne replied yes.

Vice Chair Ryan added that everyone knows each other and is watchful for who is on your road. He said that he wants to get back to definitions in section 205, subsection A. where he referenced the short term rental definition and asked about leaving it open to all the listed uses.

Mr. Beatty elaborated that it is the definition of a hotel in the transient occupancy tax ordinance which covers everything.

Vice Chair Ryan added that in the first presentation it was discussed to not allow a platform to put a tent, a yurt, or a trailer because it is a problem with health and county code.

Commissioner Curtis commented that maybe it could be changed to say that a short term rental is anything that is a permitted structure.

Mr. Beatty shared that the prohibitions and the exemptions will take care of that.

Vice Chair Ryan stated that the operator issue can be addressed through the permitting process of having the owner sign the application or having the owner sign a letter. He added that the process should be as easy and as low cost as possible and that the operator should be whoever is permitted. He shared that staff stated that it will be a one-time permit and asked if the permit will have a sunset.

Mr. Beatty replied no.

Vice Chair Ryan asked if it has a sunset if the property changes hands.

Mr. Beatty responded that the permits are like home occupation permits and run with the land. A person cannot transfer it from their house to another house.

Vice Chair Ryan reminded that this is why the ordinance has been proposed because if a new owner has the right to continue what the previous owner was doing and they are not in agreement with it, they can

do whatever they want until the County can come in and do something about it.

Mr. Beatty commented that it can be written to have a sunset provision.

Chair Byrne said that he agreed with that.

Commissioner Curtis shared that it needs to be issued to the permittee, not the property.

Vice Chair Ryan added to the individual.

Chair Byrne said to the permittee at that property.

Vice Chair Ryan said whereas a use permit with a B and B stays with the property.

Commissioner DesVoignes agreed to the sunset.

Commissioner Curtis asked how long.

Vice Chair Ryan shared that he believes when it changes hands.

Conversation ensued between Mr. Beatty and the Commissioners about whether and for how long to have a sunset provision. It was decided that an undue burden is not desired and that the permit would not need to be renewed, but would terminate with a change of ownership.

Chair Byrne shared that enforcement of these rules generally are by complaint. He asked what happens if a permit application goes out for notification when people have complaints.

Mr. Beatty shared that the notice is more about letting neighbors know what is happening than requesting objections to the process.

Chair Byrne asked what if somebody does object during the process.

Mr. Beatty replied that staff takes that information under advisement and determines whether it is a legitimate reason to deny a permit. He added that the decision can be appealed and heard before the Planning Commission and then goes onto the Board of Supervisors. He added that if someone objects to a permit being issued they can also appeal to the Commission.

Chair Byrne stressed that he wanted to get this out to the audience about how the process will work.

Commissioner DesVoignes commented that it looks like we are going to have another meeting and asked that everyone present return for the next meeting.

Chair Byrne shared that a notification will be sent with the changes to the possible ordinance.

Mr. Beatty asked to clarify that there is no sunset except for with the change of ownership.

Commissioner DesVoignes commented that that is how he would like to see it.

Commissioner Curtis mentioned a 5 year renewal or something.

Chair Byrne said that a 5 year renewal would be a sunset.

Vice Chair Ryan said a 5 year renewal ends unless you come in to renew it.

Discussion ensued on whether it is worth it time wise for staff or the applicant and it was confirmed that there be no sunset except for with change of ownership.

Commissioner Curtis shared that a lot can change in 5 years.

It was discussed that properties are not going to be checked except possibly if there is a question when applying for a permit or there is code enforcement. It was agreed that a one-time permit will be applied for.

Vice Chair Ryan asked staff to go back and rework the draft based on the things brought up at the meeting, address some of the concerns, and tighten up the language. He added that there would be another meeting and said that the Friday before the meeting, which is always the 2nd Tuesday of the month, that this would be posted.

Mr. Beatty shared that it is our goal to have it out at least a week before the meeting.

Chair Byrne said that it was nice that it was out the Tuesday before this last time and asked when it needs to be out.

Mr. Beatty said at least by Friday before the meeting, but that we do not like to do that.

Vice Chair Ryan said that he wants everyone to be clear that the plan is for staff to go back and rewrite the proposed draft ordinance and present it back to us. He shared that the next meeting will be the second Tuesday in July and that the draft will be posted to review. He added that the public can come in again and address the Commission about anything overlooked or about any concerns before the Commission makes a recommendation to the Board of Supervisors. He stressed that the Commission does not approve or disapprove and that the Board of Supervisors makes the final decision.

Chair Byrne asked that the reiteration be done as a strike-through.

Mr. Beatty acknowledged the request.

Commissioner Curtis said that it sounds like you are getting ready to close this.

Chair Byrne shared that it will be coming back to the Commission again, but that if he has something to add tonight he can add it.

Vice Chair Ryan asked if the audience can send e-mails to staff.

Chair Byrne said anytime.

Vice Chair Ryan said to send e-mails to staff at the Planning Department before this next draft comes out with other thoughts or concerns. He added that they may or may not be incorporated into the draft, but the Commissioners will see and review them prior to the meeting. He added that they will become part of the record.

Commissioner Curtis added that in the fire regulations that bedrooms have to have a window, but noticed that there are no dimensions listed. He stated that there is a minimum dimension for bedrooms for rescue windows and that the dimensions should be added. He also shared that a sign with the local contact should be next to the house, not next to the road.

Vice Chair Ryan elaborated that he believes the intention is that the neighbors just have to go to the driveway to get the contact information of the owner.

Commissioner Curtis how the sign can be made to be durable.

Vice Chair Ryan said that that might change so you might want to leave that up to the property owner to handle that.

Chair Byrne said that is reasonable to address.

Commissioner Wardall added a permanent sign is needed.

Commissioner Curtis asked if this is for the neighbors.

Chair Byrne replied that the sign might help someone find the house.

Commissioner Curtis elaborated that the might tell people that people do not live there.

Chair Byrne agreed and said it is a balancing act on all of this.

Vice Chair Ryan said it would be prudent to talk to your neighbors with contact information and that the neighbors need a means to contact whoever is the contact.

Commissioner Curtis stated that maybe the operator can notify the neighbors.

Vice Chair Ryan shared that a neighbor might have no contact information.

Chair Byrne said we can leave it as is for now.

Commissioner Curtis brought up that you have to have a land line if you do not have cell service and reminded that some cell services only work in certain areas.

Chair Byrne said that it is a point.

Commissioner Curtis stressed that a land line is an important safety thing, but they only take local calls.

Chair Byrne and Vice Chair Ryan asked that any comments be addressed via e-mail or be brought to the next meeting.

Chair Byrne added that it came out from the Hideout issue where someone had a medical need and had no cell service.

Vice Chair Ryan commented that people coming here for the first time are not going to realize that.

Commissioner Curtis asked in the Purpose and Intent the continued burden on public services and impacts on residential neighborhoods and asked if we saying that this only applies to residential neighborhoods.

Mr. Beatty replied that the ordinance addresses short term rentals that are in non-commercial zoning districts.

Chair Byrne commented that there are not residences in commercial.

Mr. Beatty shared that there are a few houses in commercial zones that will not need a permit.

Chair Byrne said that he thinks we are ready to schedule the next meeting.

Vice Chair Ryan reviewed notes taken from people at the meeting and shared that topics discussed were changes to notice on private roads, that no fires are allowed, and that the requirement to live on the property is nixed. He added that grandfathering had not been discussed, but said there should be no grandfathering so that everybody is doing the same thing, meeting the requirements, and so there can be enforcement if somebody picks up a piece of property and becomes an Emily Way.

Commissioner Curtis said that although some people think that not everybody can comply when we get done with this short term rental owners are going to comply because the ordinance is not going to look as complicated as it looks today.

Vice Chair Ryan said that he believes we have addressed most of the concerns already with one of them being that someone has to be onsite and added that he thinks it scared everybody.

Chair Byrne added that it can mean a lot of different things if you are hosting it.

Vice Chair Ryan responded exactly and we will talk about that when the use permit process situation comes up for this. He added that that is not a requirement and it is not even being contemplated.

Mr. Beatty stated that there will be a revision to the ordinance presented during the public hearing at the July 9, 2019 meeting. He shared that the revised ordinance will be posted on the County's website two weeks prior to the meeting under the link to the Planning Commission's July 9th meeting. He added that there may not be anything else there at that date, but the revised ordinance will be.

Chair Byrne reiterated that it would be posted in the next couple weeks.

Vice Chair Ryan commented excellent.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to approve to adjourn the meeting. The next meeting will be July 9, 2019 at 7:00 p.m.

Andy Byrne, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department