



**PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA**

AGENDA

Thursday, July 30, 2020

5:00 P.M.

Nick Hartzell, Chair
Jim Holdridge, Vice-Chair
Tom Sweeney
Erin Kelly
Bob Broyer

Meeting Location:
VIRTUAL MEETING ONLY

VIRTUAL MEETING NOTICE

The Planning Commission meeting of July 30, 2020 will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). The meeting will be an internet based video and phone conference. Public participation is available at the following:

Website link: <https://zoom.us/j/95714637212>
Phone number: 669-900-9128
Zoom meeting ID: 957 1463 7212

IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE PLANNING COMMISSION MEETING

To participate in this Alpine County Planning Commission meeting, the public are invited to observe and address the Commission telephonically or electronically. Instructions for public participation are below:

Public Participation Instructions: The meeting will be conducted via teleconference using the Microsoft Zoom program, and Commissioners will attend electronically or telephonically. The meeting will have no physical location to physically attend. The public may observe the Zoom meeting via computer by clicking on the following link: <https://zoom.us/j/95714637212> or the public may listen via phone by dialing 1-669-900-9128 and then when prompted, entering the Meeting ID Access Code 965 6898 9594

You will be asked for a "Participant ID". You do not need a Participant ID to join the meeting, press the pound key (#) again and you will be automatically connected.

1. If a member of the public wishes to comment on a particular agenda item, the public is strongly encouraged to submit their comments in writing via email to the Community Development Department at cacuna@alpinecountyca.gov by 2:00 p.m. on the day of the Commission meeting.
2. Applicants and members of the public wishing to comment on a specific agenda item while the matter is being heard during the meeting may participate by any of the following means:
 - a. When the Chair calls for public comment on an agenda item, the Secretary of the Commission or his or her designee will first ascertain who wants to testify (among those who are in the meeting electronically or telephonically) and will then call on speakers and unmute their device one at a time. Public speakers including the applicant may be broadcast in audio form only.

b. If speakers or other members of the public have documents they wish to distribute to the Commission for an agenda item, they are encouraged to submit such documents by 2:00 p.m. the date of the meeting to: cacuna@alpinecountyca.gov. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line.

c. While the matter is being heard, a member of the public may submit a comment via email, preferably limited to 250 words or less, to the Secretary of the Commission at cacuna@alpinecountyca.gov. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line. If the comment is received prior to close of public comment on an agenda item, every effort will be made to read the comment into the record, but some comments may not be read out loud due to time limitations or length of the comment (if the comment exceeds 250 words). Comments received prior to the close of the public comment period on an agenda item will be made part of the record for that item.

3. Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to cacuna@alpinecountyca.gov. The Planning Commission date and "general comment" should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.

4. Individuals with disabilities who desire to request a reasonable accommodation or modification to observe or participate in the meeting may make such request by sending an email to cacuna@alpinecountyca.gov. The request should be made no later than noon the day of the meeting in order to provide time for County to address the request.

4. The Chair may set reasonable rules as needed to conduct the meeting in an orderly manner.

The Planning Commission welcomes you to its meetings, which are regularly scheduled for the last Thursday of each month. Your participation and interest are encouraged and appreciated. All members of the public are encouraged to participate in the discussion on any items on the agenda at the time the items come up for Commission consideration. Speakers are requested to identify themselves before speaking. Whenever possible, lengthy testimony should be presented to the Commission in writing and only pertinent points presented.

All proceedings are conducted on English. The Commission is committed to making its proceedings accessible to all citizens. Individuals with special needs may call 530-694-2140. All inquiries must be made at least 48 hours prior to the meeting.

So far as practical, unless otherwise altered by the Chair of the Commission, the order of business for the Commission meeting is as follows. Please note that designated times are for that particular item only.

1. CALL TO ORDER

2. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

Any person may make comments during the Oral Communication – General Public Comment period on items of interest, within the subject matter jurisdiction of the Commission, that are not listed on the posted agenda. No action will be taken on any oral communication item. All oral communications must be directed to the Commission as a whole, not to individual Commission members and not to the audience.

3. MINUTES

3.1. Request approval of regular meeting minutes of June 25, 2020

4. UNFINISHED BUSINESS

4.1. **Revision to the Safety Element of the Alpine County General** – Review and possible recommendation to the Board of Supervisors of the Safety Element, a mandatory element of the Alpine County General Plan. It establishes goals, policies and implementation measures intended to avoid or minimize injury and protect property by reducing the exposure of the community to the following hazards: wildland fire; geologic hazards; floods; noise, and; hazardous materials. Applicant: Alpine County Community Development Department

5. NEW BUSINESS

None

6. PUBLIC HEARINGS

6.1. **Revision of residential short term rental regulations of County Code 18.73** (5:15pm) – Review and possible recommendation to the Board of Supervisors of a revision to the text of County Code 18.73, residential short term rental regulations. The proposed revision would create new limits on the number of uses allowed and update operational standards, and penalties for violations. Applicant: Community Development Department

7. OTHER BUSINESS

7.1. **Director’s Report** – Brian Peters

7.2. **Items initiated by Commissioners**

8. ADJOURNMENT

The Commission will adjourn to the next regular meeting with the meeting date, time and location to be determined.



PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120

MINUTES
Thursday June 25, 2020

1. CALL TO ORDER

Chair Nick Hartzell called the meeting to order at 5:02 p.m. with Commissioners Nick Hartzell, Jim Holdridge Bob Broyer and Tom Sweeney. Erin Kelly was absent.

A quorum was established.

2. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

3. MINUTES

3.1. Request approval of regular meeting minutes of May 28, 2020 meeting.

MOTION: Holdridge /Second: Sweeney approving the regular meeting minutes of May 28, 2020 meeting minutes with corrections stating Bob Boyer was at the meeting

Roll Call votes were as follows:

Commissioner Hartzell; AYE
Commissioner Holdridge; AYE
Commissioner Sweeney; AYE
Commissioner Broyer; AYE

MOTION CARRIED

4. UNFINISHED BUSINESS

4.1 Revision to the Safety Element of the Alpine County General – Review and possible recommendation to the Board of Supervisors of the Safety Element, a mandatory element of the Alpine County General Plan. It establishes goals, policies and implementation measures intended to avoid or minimize injury and protect property by reducing the exposure of the community to the following hazards: wildland fire; geologic hazards; floods; noise, and;

hazardous materials. Applicant: Alpine County Community Development Department

Peters stated that the revisions to the draft are summarized in the staff report along with the required findings background on the environmental review and addition review requirements. Once the planning commission acts on this and moves it forward to the Board of Supervisors we then have to take a pause and send it to the California Board of Forestry for their review which could take up to 90 days.

MOTION: Hartzell /Second: Boyer to forward the revised Safety element of Alpine County to the Board of Supervisors with no consistent to secondary access from the Planning Commission.

Roll Call Votes were as follows:

Commissioner Hartzell; AYE
Commissioner Holdridge; NO
Commissioner Sweeney; NO
Commissioner Broyer; AYE

MOTION FAILED

MOTION: Boyer /Second: Hartzell to approve the Safety element to the Board of Supervisors with the condition in section 20D.1 number of 5 new homes be higher ,11 or more units.

Roll Call Votes were as follows:

Commissioner Hartzell; AYE
Commissioner Holdridge; NO
Commissioner Sweeney; NO
Commissioner Broyer; AYE

MOTION FAILED

The item was continued to the next meeting to allow all five Commissioners for action.

4.2 Short term rental regulations of County Code 18.73 – Discussion and possible direction to staff

Zach Wood introduced the staff memo. The Commission gave direction to hold a public hearing but noticing requirements were not met. The Commission may discuss and give action but action to recommend to the Board requires a hearing at a subsequent meeting..

Public comment

Michael and Barbara Barton commented that properties are currently listed as rentals which are not identified in the information.

Zach Wood noted that the list of legal conforming properties may not include permittees who have sold their property or illegal uses.

Zach Wood read a comment email from Amy Skewes Cox. The email stated:

- Limit the number of short term rentals
- Require property owner to be present
- Require occupancy and parking limits
- Require inspection of unit
- Full cost recovery through fees
- Concerns about enforcement resources

Beverly Crawford asked if any properties on Montgomery St were short term rental.

Nick Hartzell commented that short term rental can impact affordable housing.

Bob Broyer described that the ordinance should not allow entire streets to be used as short term rental. County should be able to disclose the ability of a property to be used as short term rental to aid property transactions.

Kate Harvey asked for a more strict number limiting short term rentals in each neighborhoods as well as the number of cars that are allowed with each rental. Also in the violation section, non-registered rentals should have a higher fine and be minimized.

Commissioner Holdridge supports limiting short term rental use on the East Slope.

Commissioner Sweeney described concerns about local business impacts due to limiting short term rental use.

The Planning Commission directed staff to prepare the February 2020 draft short term rental zoning revisions as amended for a public hearing and possible recommendation to the Board of Supervisors. Staff will prepare optional revisions which would limit the number of short term rental uses allowed for the East Slope for possible recommendation.

5. NEW BUSINESS

5.1. Discussion and possible adoption of a resolution recognizing Brian Peters, Community Development Director for service to the Planning Commission and Alpine County

MOTION: Hartzell /Second: Holdridge to adopt the resolution P.C 2020-01 with the correction of hire date in 1998

Roll Call Votes were as follows:

Commissioner Hartzell; AYE

Commissioner Holdridge; AYE

Commissioner Sweeney; AYE

Commissioner Broyer; AYE

Motion Carried

6. PUBLIC HEARINGS

None

7. OTHER BUSINESS

7.1. Director's Report- Brian Peters

Tuesday there was a workshop with Cal Trans to discuss the replacement of the highway bridge in Markleeville that is schedule to start construction in 2021. One lane traffic will be maintained

Hot Spring bridge project will be delayed due to funding through Cal Trans

7.2. Items initiated by Commissioners

None

8. ADJOURNMENT

At 8:17 p.m. the Commission adjourned to the next regular meeting on July 30, 2020 at 5:00 p.m. at the Board of Supervisors Meeting Room 99 Water Street Markleeville, CA 96120

Nick Hartzell, Chair

Attest:

Carey Umbdenstock, Administrative Assistant II
Alpine County Community Development

STAFF REPORT

July 30, 2020

TO: Planning Commission

FROM: Zach Wood, Planner III

DATE: July 29, 2020

SUBJECT: **Item 6.1. Revision of residential short term rental regulations of County Code 18.73** – Review and possible recommendation to the Board of Supervisors of a revision to the text of County Code 18.73, residential short term rental regulations. The proposed revision would create new limits on the number of uses allowed and update operational standards, and penalties for violations.

RECOMMENDATION

Recommendation to the Board of Supervisors revisions to County Code 18.73 Residential Short Term Rental Regulations as presented at the June 25 Planning Commission meeting with minor revisions and new licensing requirement. The Commission should discuss options to limit short term rental uses on the East Slope as provided in this report, give direction to staff, and/or make recommendations to the Board of Supervisors.

BACKGROUND

At the June 25th meeting Planning Commission directed staff to cause a public hearing for possible recommendation of revisions to the residential short term regulations. The Commission also directed staff to prepare draft revisions which would limit the use of short term rentals on the East Slope of the County. The Commission has considered revisions and accepted public comment at several meetings, most recently at the June 25 meeting.

CRITERIA FOR DECISION

Section 18.84.040 (A) of the Alpine County Code includes the following criteria for zoning changes:

The planning commission shall make findings of fact whether the proposed amendment or zoning change is in conformance with the county General Plan and in harmony with this title and other county ordinances and whether it might otherwise be detrimental to the health, safety, peace, morals, and general welfare of the county or its people.

ISSUES & STAFF ANALYSIS

Draft revisions of June 25

The Commission accepted minor revisions to the ordinance at the previous meeting and did not make further revisions. The previous revision(s) did not include a definition of short term rental. The addition of the definition in the applicability section and all previously directed revisions are included in Attachment 1.

New definition:

***Residential short term rental** means the use of a dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive days. Short-term rentals also include owner-occupied short-term rentals, but does not include bed and breakfast inns, hotels and motels.*

Possible new revisions of July 30 limiting short term rental uses for the East Slope

The Commission requested draft ordinance language which would limit the use of short term rental for residential property on the East Slope. The purpose of a limit is to regulate the concentration of short term rental uses to reduce the safety and nuisance issues. Currently all zones which allow residential use by right also allow for short term rental use. Both methods of limiting short term rental use described later may remove the by right short term rental use of some properties. There are approximately 580 lots with Residential Neighborhood or Residential Estate zoning on the east slope. There are approximately 30 short term rental uses for an average ratio of 19:1 or approximately 5% short term usage by lot. Of the 580 residential lots, 380 have established residential dwelling. The ratio of residential dwellings is a ratio of 13:1 or approximately 8%.

Licensing

The commerce of short term rental use is also regulated by County Codes 5.04 (Business License) and 3.16 (Transient Occupancy Tax). These regulations are normally not the scope of the Planning Commission. They are similar to the zoning regulations in that they require an application and an administrative approval. Business license and transient occupancy processing and enforcement also overlap with zoning. Both rely on identifying properties and educating short term rental operators about business and land use regulations to achieve compliance.

Staff recommends a licensing requirement for short term rental uses in place of the existing registration process. Eventually a single license process could combine the requirements of zoning, business licensing, and transient occupancy tax registration into a single process. Creating a license process will aid the land use regulation by better tracking active uses and increasing enforcement capability. In order to facilitate licensing and any new zoning regulations the Department recommends that the County contract for additional code compliance services.

The coronavirus public health emergency began concurrent with the March emergency ordinance prohibiting new short term rental uses. The long term impacts of the pandemic on tourism, lodging accommodations, and real estate markets are unknown. Recently County

officials have worked with short term rental operators and lodging operators to educate, monitor, and enforce public health orders for lodging uses related to COVID-19. The public health emergency has required enhanced outreach and enforcement resources to regulate short term rental uses with greater efficiency as it relates to COVID-19. A licensing requirement will better aid the response to the public health emergency compared to the existing registration.

The table below describes the differences between the current registration process and licensing:

	Draft revision - registrations	Proposed new license requirement
Term	No expiration	Annual – expires upon non-renewal
Operating standards	No change	No change
Revocation	Per CC 18.92, may be revoked for violation of operating standard	May be revoked for operating standard violation, non-renewal, cessation of use

The license requirements and draft proposed new ordinance language is provided in Attachment 2. The staff report does not include proposed draft ordinance revisions to County Code 5.04 or 3.16 that may be required to allow processing of land use, business license, and transient occupancy tax requirements.

Short term rental uses in Agriculture zones

The Commission should decide if any limits will be placed on Agriculture zoned properties. Generally the potential impacts of short term rental use in the Agriculture zone is less than the residential zones. Agriculture lots are larger with less proximity to adjacent residences. Agriculture also allows more significant commercial uses including productive agriculture and dispersed commercial recreation as by-right or with a use permit. By right or with a permit commercial uses in the Agriculture zone have greater potential impacts on residential uses in the same zone than legal conforming short term rentals in a residential zone. If the Commission decides to limit short term rental uses in residential zones the staff recommendation is to not apply limits to uses within the Agriculture zone.

Overlay zoning to limit short term rental usage

The Commission was provided preliminary information about the The purpose of an overlay zone is to limit the use allowed within the zone by a maximum number of uses within the zone. The primary advantage of overlay zones is that all of the properties within the zone have equal opportunity for short term rental usage despite their location in relationship with other existing or new uses.

Decisions for the Planning Commission to implement an overlay zone are:

- Area and description of the zone
- Quantifiable limit of short term rental uses allowed within the zone

- Policy for non-conforming uses

For discussion the table below describes possible overlay zone areas.

Zone purpose	Description	Number of zones	Possible zones	Approx number of lots \ existing STR uses
West Slope or East Slope	All properties east or west of Sierra Crest	2	West slope (exempt)	1500 lots 200 STR
			East slope – Residential zoning	590 lots 40 STR
Community	All residentially zoned properties within a recognized community area	3-4	West slope (exempt)	1500 lots 200 STR
			Markleeville – Downtown to Shay Creek	260 lots 11 STR
			Woodfords + Mesa Vista	320 lots 9 STR
Zoning district	All East slope properties with the same zoning district	2-3	Residential Neighborhood	350 lots
			Residential Estate	230 lots
			Agriculture	7 STR
Community + Zoning district	Community area combined with zoning district	4-6	e.g. Markleeville – Residential Neighborhood	185 lots 11 STR
			e.g. Mesa Vista Residential Estate	160 lots 3 STR
TBD by Planning Commission	TBD by Planning Commission		Commission may define any other overlay area	

The Commission has directed that revisions would not limit short term rental use on the West Slope. The first overlay zone alternative is to describe all of the East Slope as a zone and determine a quantifiable limit. The next alternative is to create overlay zones based on existing communities. The community areas described on the map exhibits include contiguous residentially zoned areas in the Markleeville, Woodfords, and Mesa Vista with Residential Neighborhood (RN), Residential Estate (RE), or Planned Development (PD) zoning designations. These zones do not include areas zoned for commercial or institutional uses. The agriculture zone property adjacent to or within established communities are also not included per staff recommendation not to limit uses in Agriculture zones.

The Commission must decide a quantifiable limit of uses in order to enact an overlay zone. The limit may be a percentage of lots within an area or zone, percentage of lots with residential dwellings, or any number that the Commission determines to be adequate for the purpose of mitigating the concentration of uses. The staff analysis of existing short term rental uses and properties is approximate for purposes of discussing possible limits. The Commission may direct staff to prepare final analysis to support the quantitative limits if the Commission recommends overlay zones to the Board of Supervisors.

A zone change may create a condition where a legally established conforming use becomes non-conforming. Existing short term rental use properties may become non-conforming if the limit is less than the existing legal conforming uses. The options to cause conformance with the

new zoning include: grandfathering all existing uses or amortizing uses when those uses fail to maintain licensing.

Concentration limits

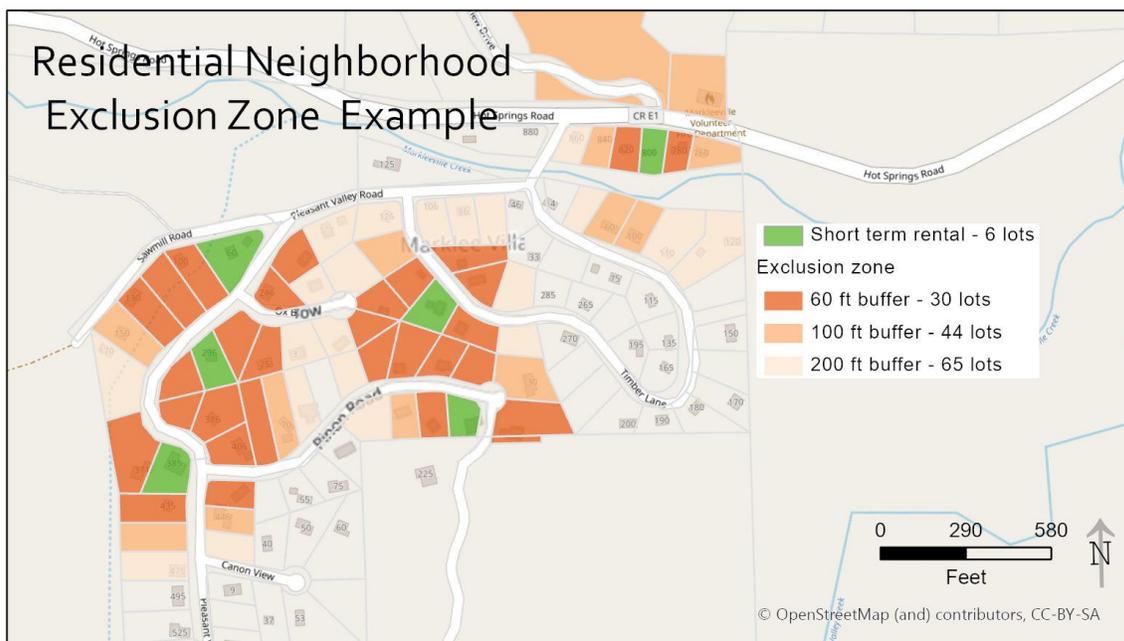
A buffer is a measurement from a legal permitted short term rental use measured by a distance from the property. The properties which are within the buffer area are not allowed to be used as short term rental.

Buffer distances can be the same for all zoning designations. Unique distances based on the underlying zoning designation may allow for the exclusion of a similar number of adjacent properties in cases of different lot area.

Decisions to implement an exclusionary buffer are:

- Measurement of buffer area
 - o 50, 100 ft for all subject properties
- Universal buffer distance or based on underlying zoning
- Treatment of existing non-conforming uses
 - o Grandfathered
 - o Amortized

The exhibit below describes how a buffer would apply at different distances based on existing uses in the Markleevillage neighborhood.



Non-conforming uses

The options for non-conforming policy with buffers areas are similar to overlay zones. There are currently adjacent lots with short term rental uses or in close proximity. Existing conforming uses will be within the new exclusion zones and will become non-conforming upon a possible zoning amendment without further amendment.

If the Planning Commission decides to recommend exclusionary buffers the staff recommendation is to require operating licenses and to grandfather all existing permitted uses conditioned on maintaining a license.

Staff recommendation not to limit short term rental uses

The staff recommendation is not to amend the ordinance to limit short term rental uses Countywide. Short term rental uses have not significantly increased in Alpine County in the period since the 2017 ordinance revision. The instances of safety or nuisance complaints and need for code enforcement actions for short term rental uses are similar to non-short term rental residential uses in the same zone. Short term rental uses have been allowed historically as by-right use or with a permit dating back to the original zoning ordinances of the 1960's. There has historically been second home and short term rental use in eastern Alpine County with no significant change in the nature or relationship between these uses.

The Commission may take action notwithstanding the staff recommendation. The Commission has received information about short term rental in comment letters and in comments provided in meetings. Public comments have described current and potential impacts from short term rental uses. The Alternative Action 1 includes possible findings to support implementing limit on short term rental use based on evidence in the record that short term rental use in concentration may disrupt neighborhood character and create a public nuisance. The Commission is required to conduct a public hearing prior to action on the proposed ordinance revision and may modify Alternative Action 1 and findings.

ENVIRONMENTAL REVIEW

The zoning revisions are categorically exempt from CEQA pursuant to Section 15060 (c)(2), 15060 (c)3, and 15061 (b)(3). A notice of exemption is included in Attachment 2.

PUBLIC NOTIFICATION

Notice of the public hearing was posted in accordance with CC 18.76.030 in prominent public locations.

ALTERNATE ACTIONS

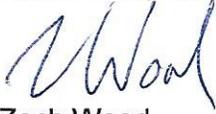
1. Recommend additional revisions of the ordinance to the Board of Supervisors which limit the use of short term rental for the East Slope.
 - a. Recommend to the Board of Supervisors the draft revisions of Attachment 3 – buffers as additional revisions.

-
- b. Adopt the staff recommended findings and additional findings to support proposed revisions to limit short term rentals;
 - i. The revision mitigates the concentration of short term rental uses, protecting the character of residential single family neighborhoods which conforms with General Plan Land Use Element policy that home occupations should not detract from residential uses.
 - ii. The revision is in harmony with the zoning ordinance and other County ordinances. The limit on short term rental uses is consistent with protecting Residential Neighborhood and Residential Estate zoning districts from a concentration of short term rental inconsistent with the purpose of the zone.
 - iii. The zoning revision will not be detrimental to the health, safety, peace, morals, and general welfare of the County or its people. The limit on short term rental use would allow for short term rental uses to continue where they have historically been located. The proposed ordinance preserves the character of residential neighborhoods while allowing for continued short term rental use.
 2. Continue the public hearing pending consideration of additional information necessary to make a decision.

RECOMMENDATION

1. Recommend revision of the short term rental regulations to the Board of Supervisors of Attachments 1 and new requirements for licensing short term rentals provided as Attachment 2 with the following findings consistent with County Code 18.84.040 A:
 - a. The proposed zoning revision conforms to the General Plan Land Use Element which allows for home occupations in Residential land use designations which do not create a hazard, public nuisance, or detract from single family residential neighborhoods. The recommended revision to the ordinance increases standards for operation and requires licensing of short term rental to increase enforcement capabilities and reduce the possible public nuisance of short term rental use.
 - b. The proposed zoning revision is in harmony with the zoning Residential land uses and land uses which allow residential dwellings as use by right. which life and property The proposed revision is consistent with other ordinances including CC 18.68. 090, noise; CC 6.04, animal control; and CC 8.16, outdoor fires.
 - c. The proposed zoning revision will not otherwise be detrimental to health, safety, peace, morals, and general welfare of the County or its people.
2. Adopt a Notice of Exemption (Attachment 6) for the zoning revision in conformance with the requirements of the California Environmental Quality Act (CEQA).

Respectfully submitted,



Zach Wood
Planner III

Attachments:

1. Draft revisions to CC 18.73
2. Draft new section of CC 18.73 requiring licensing
3. Draft new section – limits on uses by means of overlay zones or buffers
4. Maps
5. Notice of Exemption

Attachment 1

Draft short term rental ordinance revisions of June 25

1 **Chapter 18.73**

2 **RESIDENTIAL SHORT-TERM RENTALS**

3 Sections:

- 4 18.73.010 Purpose.
5 18.73.020 Applicability.
6 18.73.030 Exemptions.
7 18.73.040 Residential short-term rental registration required.
8 18.73.050 Acknowledgement of registration.
9 18.73.060 Notification of residential short-term rental.
10 18.73.070 Standards.
11 18.73.080 Transient lodging tax proof of payment.
12 18.73.090 Preexisting transient lodging uses.

13 **18.73.010 Purpose.**

14 The purpose of this chapter is to provide a fair, equitable and streamlined means of allowing residential short-term
15 rentals throughout Alpine County in a manner that provides for the health and safety of the occupants and does not
16 create a public nuisance. (Ord. 723 § 1(1), 2017)

17 **18.73.020 Applicability.**

18 Residential short-term rentals may be located in any zone that allows residential use; provided, that the residential
19 short-term rental complies with all the requirements of this chapter. Residential short term rental means the use of a
20 dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive
21 days. Short-term rentals also include owner-occupied short-term rentals, but does not include bed and breakfast inns,
22 hotels and motels.

23 (Ord. 723 § 1(2), 2017)

24 **18.73.030 Exemptions.**

25 A. Five Nights/Year. Residential short-term rentals offered or used up to a maximum of five nights per calendar year
26 are exempt from the requirements of this chapter except that the owner or operator shall pay all applicable transient
27 lodging taxes as required by county code.

28 B. One Bedroom in an Owner-Occupied Residence. One bedroom in an owner-occupied residence accommodating no
29 more than three overnight guests is exempt from the requirements of this chapter except that the owner or operator
30 shall pay all applicable transient lodging taxes as required by county code. (Ord. 723 § 1(3), 2017)

31 **18.73.040 Residential short-term rental registration required.**

32 A residential short-term rental is required to be registered with the Alpine County community development
33 department prior to the establishment of such use. Registration for a residential short-term rental shall be submitted to
34 the community development department together with full payment of the registration fee as determined by resolution
35 of the board of supervisors. The residential short-term rental shall comply with this chapter, except for specific
36 exemptions or exceptions that are described in this chapter. (Ord. 723 § 1(4), 2017)

37 **18.73.050 Acknowledgement of registration.**

38 An acknowledgement of registration shall be issued by the community development director upon his/her
39 determination that the residential short-term rental complies with all of the requirements of this chapter. The
40 acknowledgement of registration is issued to the property owner or their designated agent, is not transferable and does
41 not run with the land. (Ord. 723 § 1(5), 2017)

42 **18.73.060 Notification of residential short-term rental.**

43 Upon receiving an acknowledgement of registration and prior to offering the residential short-term rental, the property
44 owner or their agent shall send a notification to all property owners shown on the latest equalized assessment roles as
45 owning real property within three hundred feet of the property where the residential short-term rental is located.
46 Notices shall contain the property owner's and, if applicable, the rental agent's name, telephone number and mailing

47 address; street address of the residential short-term rental unit, description of the residential short-term rental use,
48 name and phone number for a local twenty-four/seven emergency contact.

49 This notification requirement does not apply to residential short-term rentals located within the Kirkwood Specific
50 Plan and Bear Valley Master Plan areas. (Ord. 723 § 1(6), 2017)

51 **18.73.070 Standards.**

52 A. Limitation on Structures. A residential short-term rental may be conducted only within a legally established
53 residential unit or portion thereof.

54 B. Noise Limitations. No activity at any time shall produce sounds measured in excess of the standards as stated in
55 Section 18.68.090(B) of this code. Outdoor amplified sound is prohibited.

56 C. Outdoor Fires. Outdoor fires are limited pursuant to Chapter 8.16 regarding outdoor burning and fire control.

57 1. East slope properties which violate the standards of CC 8.16 for outdoor fire will be prohibited from all
58 future outdoor burning with the exception of propane fuel barbeques and appliances.

59 D. Solid Waste. Solid waste storage and disposal shall not become a nuisance. The property owner shall not fail to
60 adequately provide for appropriate refuse collection and/or storage. Solid waste violations include failure to secure
61 waste from wildlife, leaving waste out for excessive time, and failure to secure waste from weather.

62 1. East slope properties which violate the standard for solid waste shall be required to install a wildlife-proof
63 solid waste receptacle or "bear box".

64 E. Parking. No additional parking in excess of what is required for the residential use of the property shall be required.

65 F. Signs. One single, nonilluminated sign of not more than six square feet in area is permitted. In addition, each
66 residential short-term rental shall have an address placard displayed on the building or land in such manner as to be
67 clearly visible from the street or road on which the residential short-term rental is located. The address placard shall
68 comply with the requirements of the California Fire Code.

69 G. Life Safety Measures. The following life safety measures are required to be in place within the area to be used for
70 the residential short-term rental:

71 1. Operating smoke detector(s) and carbon monoxide detector(s) installed in accordance with state law;

72 2. At least one functioning fire extinguisher in an easily accessed location inside the space;

73 3. Written information available to the occupant in a conspicuous location inside the space containing
74 twenty-four/seven emergency contact information for a representative of the property owner or rental agent, law
75 enforcement, fire department, and ambulance services.

76 H. Confinement of pets. Guests of residential short term rentals shall confine pets per the requirements of CC
77 6.04.160.

78 I. Outdoor lighting. For all exterior lighting the light source shall be fully shielded and directed downward. All light
79 fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the
80 property boundaries of the source. Motion sensing light fixtures shall be fully shielded an properly adjusted, to turn off
81 when detected motion ceases.

82 J. Interior sign requirements. Each rental shall have a clearly visible and legible notice posted within the unit on or
83 adjacent to the front door, containing the following information:

84 1. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone
85 number at which that party may be reached on a 24-hour basis;

86 2. The number and location of on-site parking spaces and the parking rules for seasonal snow removal;

87 3. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property
88 except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup and that
89 failure to utilize the provided garbage can enclosure, unless otherwise exempted, is a violation of this chapter;

90 4. Notification that occupants, may be cited and fined for creating a disturbance or for violating other provisions of this
91 chapter;

92 5. Notification that occupants and/or guests of the vacation home rental shall not create unreasonable noise or
93 disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or
94 disorderly conduct between the hours of 9:00 p.m. and 7:00 a.m.

95

96 L. Compliance with Other Codes, Laws and Regulations. The residential short-term rental shall be conducted in
97 compliance with other applicable codes, laws and regulations including, but not limited to, all applicable provisions of
98 the Alpine County Code.

99 M. Public Nuisance. The residential short-term rental shall not be operated in a manner that creates a public nuisance.
100 (Ord. 723 § 1(7), 2017)

101 N. Local Contact. The property owner shall designate a local contact. The local contact may be a professional
102 property manager realtor, property owner, or other designated person who is available 24 hours per day, seven days
103 per week during all times that the property is rented, and has access and authority to assume management of the unit
104 and take remedial measures. The local contact shall be required to abate a nuisance relating to noise, trash, or parking
105 within one hour after being notified of the existence of a potential violation of this chapter. The local contact shall be
106 located within one hour driving distance of the short term rental.

107 18.73.080 Enforcement and Penalties

108 A. Upon violation of the standards the responsible party and property owner will receive a written warning that
109 additional violations of the standards will result in an administrative fine.

110 B. The second successive violation of the standards will cause an administrative fine not to exceed \$500. The third
111 successive violation of the standards will cause an administrative fine not to exceed \$750. The fourth violation will
112 cause an administrative fine not to exceed \$1,000 and the registration to conduct short term rental use shall be revoked
113 and the property shall be prohibited from future short term rental use.

114 C. Operation of a residential short term rental without a valid registration will result in an immediate administrative
115 fine not to exceed \$1,000.

116 **18.73.090 Transient lodging tax proof of payment.**

117 On or before April 1st of each year, payment in full of all transient lodging taxes due for the preceding calendar year
118 shall be confirmed by the community development department. Nonpayment of transient lodging taxes is a violation
119 of this chapter and the county may take action against the property owner and/or operator of the residential short-term
120 rental pursuant to the applicable sections of the Alpine County Code. (Ord. 723 § 1(8), 2017)

121 **18.73.100 Preexisting transient lodging uses.**

122 A. Bear Valley and Kirkwood. Pursuant to Alpine County Ordinance No. 596-97, transient lodging use has been
123 allowed as a use by right within the Bear Valley Master Plan and Kirkwood Specific Plan areas of Alpine County.
124 Within twelve months of the effective date of the ordinance codified in this chapter, all transient lodging uses in
125 residential dwellings in existence and future transient lodging uses proposed in these two areas shall complete the
126 registration process, receive an acknowledgment of registration and comply with all of the requirements for residential
127 short-term rentals as described in this chapter.

128 B. All Other Areas. Transient lodging permits issued prior to the effective date of the ordinance codified in this chapter
129 shall continue to be valid and registration shall not be required as long as the operation complies with all of the other
130 requirements of this chapter. (Ord. 723 § 1(9), 2017)

131 C. Effective immediately East slope residential short term rentals are required to meet the operational standards of
132 this section and are subject to enforcement provisions including immediate administrative citations for violation of
133 operational standards.

134 **18.73.110 No property rights conferred**

135 Residential short term rental registration shall not be construed as providing property rights or vested interests and
136 entitlements in continued operation of a short term rental. Residential short term rental registrations are revocable.
137 Residential short term rental registrations shall not run with the land.

Attachment 2

Draft new licensing requirement

New section requiring short term rental license

18.73.120 - License required. (Replaces 18.73.040, 18.73.050 registration requirement)

No person shall rent, offer to rent, or advertise for rent a residential unit to another person or group for a short term rental without a license approved and issued in a manner provided for by this chapter. Only owners of a residential unit are eligible to apply for and receive a short term rental license. Licenses for operation of a short-term rental will be issued pursuant to an administrative policy developed by the County planner and/or his designee.

18.73.130 - Application requirements.

Prior to renting, offering to rent or advertising the rental of a residential unit for a short term rental, the property owner shall make an application to the County on a form provided by the County. The application shall be filed by the owner and include the following information:

- a. The full true name under which the business will be conducted.
- b. The address and assessor parcel number where the short term rental is to be conducted. Where multiple units are located on the same parcel, each unit's address shall be provided on a separate application.
- c. The owner's full, true name, mailing address, email address and telephone number.
- d. In the case that a separate management company or person shall assume responsibility of the short term rental for the owner, the management company or contact person's name, phone number, mailing address and email address shall be provided in addition to the owner.

18.73.140 - Requirements for license issuance.

The County shall consider the information included in a complete application in order to determine whether the issuance of the license for the short term rental is consistent with the provisions of this chapter. Upon determination by the County that the following criteria have been met, the County shall approve the license:

- a. **The number of licensed short term rentals within the short term rental overlay district do not to exceed the following overlay area limits:**
OR
The property is not subject to a concentration limit\exclusion buffer.
- b. A license for a short term rental use for the residential unit has not been revoked in the prior twenty-four month period;
- c. The premises or residential unit is not currently the subject of an active compliance order or administrative citation for a violation of this code;
- d. An administrative citation has not been issued, regarding a violation on the site, in the past twelve months;
- e. The property owner has demonstrated, through an application filed to the County, the ability to meet the requirements outlined in this chapter.

18.73.150 - License form and period of validity.

All licenses for short term rental uses shall be made on forms furnished by the community development department and shall be issued for one year. Licenses shall be issued for the period of time beginning on July 1st of each year and concluding on June 30th of the following year. Applications made during the year shall be issued for a prorated period to conclude on June 30th.

18.73.160 - License issuance and nontransferability.

The short term rental license issued under this chapter shall be issued to the owner of record of the residential unit and no license may be assigned, transferred or loaned to any other person, entity, location or establishment.

18.73.170 - Term of license; expiration.

The short term rental license shall be personal to the applicant/owner and shall automatically expire upon sale or transfer of the premises or residential unit, or if not renewed pursuant to Section 18.73.180. The license may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures outlined in Section 18.73.200, unless otherwise specified by this chapter.

18.73.180 - License renewal.

The short term rental license shall automatically renew upon payment of the short term rental license renewal fee and all required transient occupancy tax remittance documents associated with the short term rental license. Nonrenewal prior to the expiration date will result in expiration of the short term rental license and will require that a new application be made subject to Sections 18.73.130 and 18.73.140 and all other requirements of this code.

18.73.190 - Cessation of use of a residential unit as a short term rental.

- a. Where the owner of a premises or residential unit used and occupied as a short term rental pursuant to a short term rental license approved and issued in the manner provided by this chapter, fails to remit transient occupancy tax for a period of twenty-four consecutive months or greater as determined by the County, the short term rental license shall be deemed to have automatically expired and shall be forfeited.
- b. Where the owner of a premises or residential unit used and occupied as a short term rental pursuant to a short term rental license approved and issued in the manner provided by this chapter intends to cease such use and abandon the short term rental license for the residential unit, the owner shall promptly cause a notice of cessation to be filed with the County. The short term rental license for the unit shall expire immediately upon receipt by the County of the notice of cessation.

18.73.200 - License revocation.

A short term rental license issued under the provisions of this chapter may be revoked by the County planner or his/her designee after notice and hearing, as provided in Section 18.73.210 below, for any of the following reasons:

- a. Fraud, misrepresentation or false statement contained in the application;
- b. Fraud, misrepresentation or false statement made in the course of carrying on a short term rental as regulated by this chapter;
- c. Any violation of any of the provisions of this chapter or of any other provision of this code; or
- d. Any violation of any provision of federal, state or local laws.

18.73.210 - License revocation

Before revoking a short term rental license, the County planner or his/her designee shall give the owner reasonable notice in writing of the proposed revocation.

18.73.220 - Appeal from denial or revocation of license.

Any person whose application has been denied by the County planner or his/her designee or any person who has had a short term rental license revoked by the County planner or his/her designee shall have the right to appeal per County Code 18.88.

Attachment 3

Draft limits on short term rental use – Overlay zone and concentration limit options

Draft new ordinance language for possible inclusion to recommended revision

Overlay districts.

The provisions of the vacation rental overlay district shall apply to any parcel(s) subject to the vacation rental overlay district, as shown on the County's official zoning maps.

The number of licensed vacation rentals within the overlay district do not to exceed the following area limits:

Zone Name - Limit

Concentration limit

There must be at least **60 feet** of separation between properties zoned **RN or RE on the East Slope** measured radially from the property boundary of the subject property as determined by the County planner or designee, which have a short-term rental license or permit.

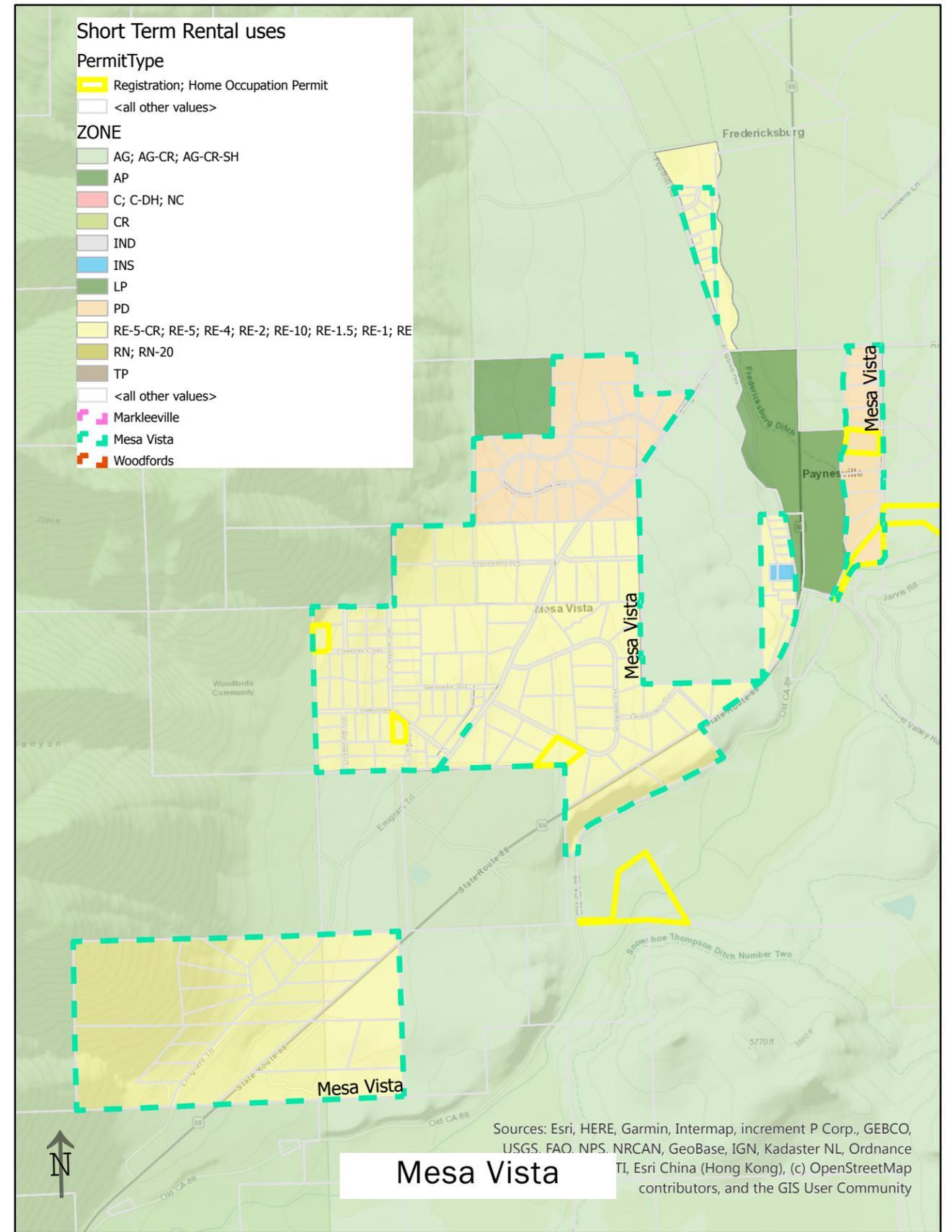
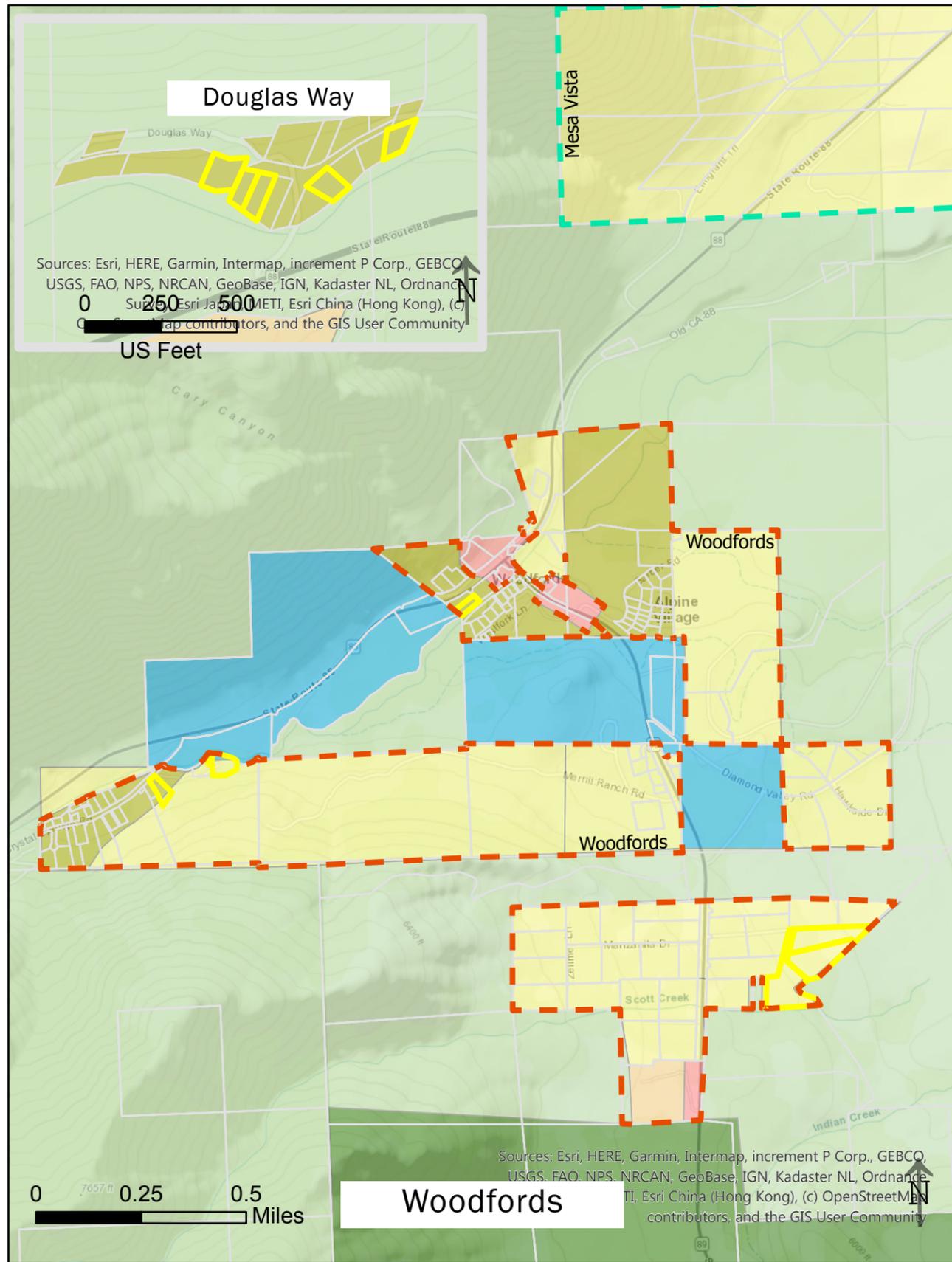
Nonconforming short term rentals.

Any short-term rental that began operating prior to **the effective date of this section**, and has been lawfully and continually conducted since that time, may continue as a legal nonconforming use provided:

- a. That the use is not ceased per this section; and
- b. The owner obtains and renews the annual license required under this chapter. The owner of the dwelling has the burden of establishing a prior legal use when applying for a short-term rental license or license renewal. The owner shall provide financial evidence acceptable to the County, that the residential unit has been used regularly and continually as a short term rental and payment of all transient occupancy taxes and business license fees in the 12 months prior to the effective date of this ordinance.

Attachment 4

Overlay zone maps

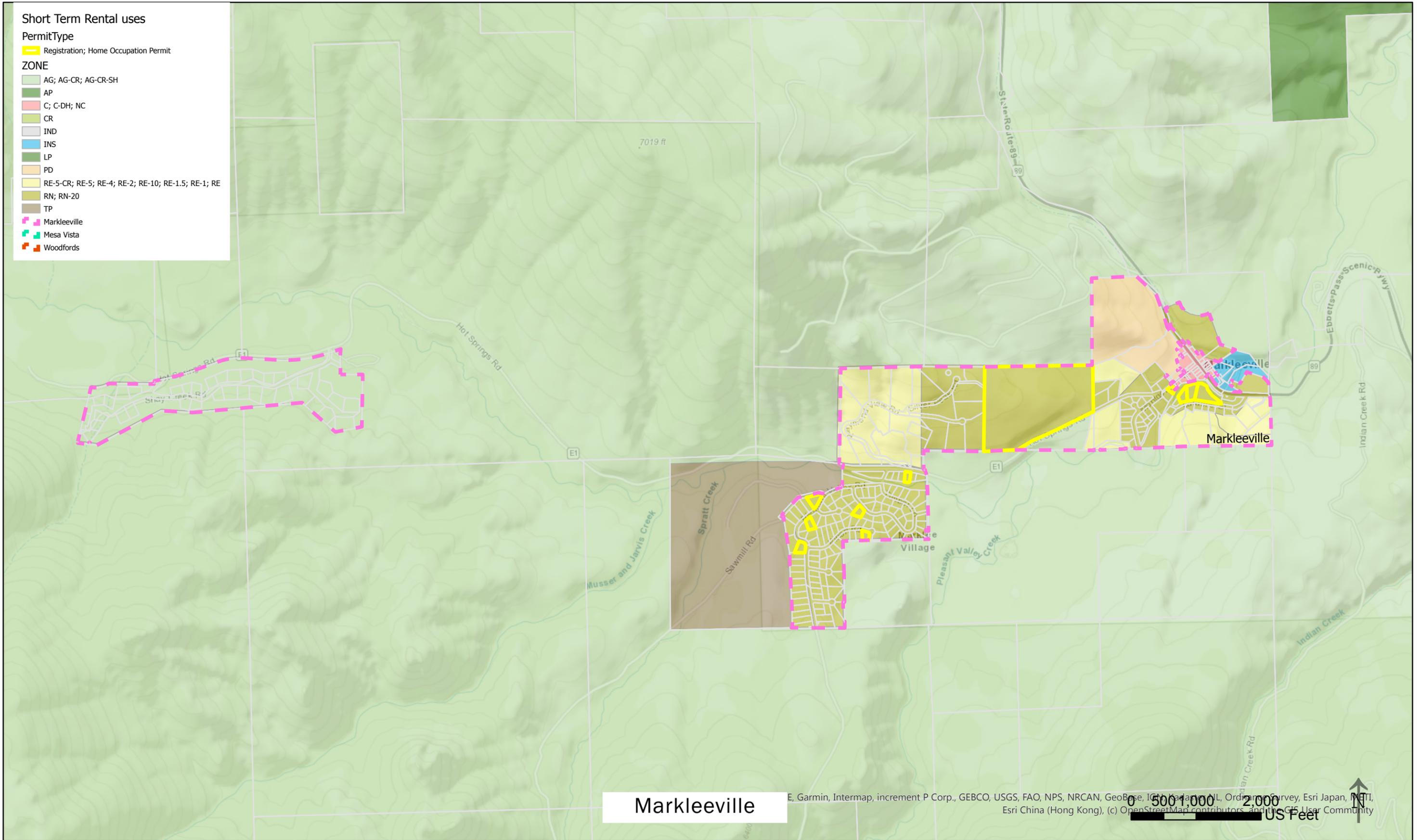


Map of proposed Community overlay districts July 29, 2020

Short Term Rental uses

PermitType
 Registration; Home Occupation Permit

- ZONE
- AG; AG-CR; AG-CR-SH
 - AP
 - C; C-DH; NC
 - CR
 - IND
 - INS
 - LP
 - PD
 - RE-5-CR; RE-5; RE-4; RE-2; RE-10; RE-1.5; RE-1; RE
 - RN; RN-20
 - TP
 - Markleeville
 - Mesa Vista
 - Woodfords



Markleeville

0 500 1,000 2,000 US Feet



Map of proposed Community overlay district July 29, 2020



All data displayed on this map is regarded as planning or resource level information specifically for use by Alpine County. Alpine County does not warrant in any way the accuracy, currency, usage or interpretation of the information displayed. zwood 7/29/2020

Attachment 4

Notice of exemption



Date Posted:
Date Removed:

ALPINE COUNTY
Community Development Department
50 Diamond Valley Rd, Markleeville, CA 96120
Tel 530-694-2140 Fax 530-694-2149

NOTICE OF EXEMPTION

1. **APPLICANT:** County of Alpine – Community Development Department
2. **ADDRESS:** 50 Diamond Valley Rd Markleeville, CA 96120
3. **PHONE NUMBER:** 530 694 2140
4. **LEAD AGENCY:** Alpine County, California
5. **PROJECT TITLE:** Revisions to residential short term rental regulations of County Code 18.
6. **DESCRIPTION:** Amendment to the Final Parcel Map of Parcel “A” – Book 1, Page 75-78-1 (Book 4, Pages 26-27 of recorded maps) to remove a map note prohibiting further subdivision. The project includes two lots located at 20601 and 20701 State Route 88 accessed from Memdewee Down, a private road. (APNs 001-300-022, 001-300-023). Planning Case #2020-05. Applicant: Carole Morgan, David Devore.

ADMINISTRATIVE DETERMINATION: The Planning Department has completed a preliminary review of this project in accordance with Alpine County adopted guidelines for implementing the California Environmental Quality Act (CEQA) of 1970. Based on that review, the Environmental Administrator finds that the proposed project constitutes a Categorical Exemption. Therefore, the Environmental Administrator has determined that further environmental evaluation is not required because:

[X] The project is categorically exempt Sections 15060 (c)(2), 15060 (c)3, and 15061 (b)(3).

_____ Date: _____
Debbie Burkett, Community Development Director
Environmental Coordinator