

DRAFT March 23, 2017

15.16 Short Term Rentals. This Section 15.16 shall apply to the AE and RF Zoning Districts, not including the Base Area or districts classified as B-1, B-2, B-3, or B-4.

15.16.1 Purpose The intent of this Section 15.16 is to ensure that the rural residential community is not turned into tourist areas to the detriment of long-time residents, the natural environment, and the rural character of the area. It is further the intent to regulate short-term rentals to minimize impacts on property values, environment, wildlife, and overall public safety from fire hazards, traffic generation, and sanitation. This Section 15.16 will give property owners the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above mention objectives are met.

15.16.2 Restrictions

a. **Separate Dwelling Units.** The primary Dwelling Unit and other Dwelling Units on a parcel shall not be rented such that they are concurrently occupied by unrelated parties for any period. For example, but not as a limitation, an owner occupying a primary Dwelling Unit may not rent an Accessory Dwelling on the same parcel to another party. **[Note: This needs to be included in AE and RF sections, not just STR.]**

b. **Individual rooms.** Short Term Rentals of individual rooms in a primary Dwelling Unit or Accessory Dwelling are prohibited except as part of the operation of a Bed & Breakfast Inn or Guest Ranch.

c. **Conditional Use.** Short Term Rentals of an entire property shall be a Conditional Use, subject to the conditions set forth in Section 18.3, the following conditions, and such other conditions as the Commission may deem appropriate. A CUP pursuant to this Section 15.16.2 is a privilege and not a right. Even if the following conditions are met the Commission may in its discretion deny a CUP if it believes the granting of the application does not serve the purpose of this Regulation or will not under the circumstances of the particular case be detrimental to health, safety, peace, morals, comfort and general welfare of the District.

i. The application for a Short Term Rental CUP shall include the limit on the number of **paying** guests for the property; the number of parking spaces available to guests; the name, address, email address, and telephone number ("Contact Information") of the owner or his designee (either, the "Contact Person"), who shall undertake the duties set forth in clause vi; a description of access to the property, including any easements, shared driveways, or similar means of access; and proof of compliance with clauses v and xii.

ii. The owner of the property for which the CUP is sought shall apply for the CUP. If the property owner seeking a Short Term Rental CUP is other than a natural person, the natural person controlling such property owner (the "Controlling Person") shall apply as co-applicant. It shall be a condition of any such Short Term Rental CUP that the property owner shall notify the Planning Department of any change in its Controlling Person.

iii. Onsite parking shall be sufficient to accommodate renters. Short Term Rentals shall be limited to the number of vehicles for which there are parking spaces.

iv. Any advertisement for a Short Term Rental shall set forth the maximum number of guests allowed and the number of parking spaces available.

v. A property owner shall comply with state and local County health, tax, fire, and any other applicable regulations.

vi. The property owner or the Contact Person shall prior to occupancy notify renters in person of applicable covenants, wildland fire hazards, burn bans, regulations on gun use and off-road vehicles, and other pertinent laws, regulations, and local restrictions. Throughout the term of a Short Term Rental CUP (A) the Contact Information of the Contact Person shall be posted on the property in a place available to renters and neighbors, and (B) the Contact Person shall be available to address issues regarding the property, including but not limited to complaints and alleged violations of this Regulation or the owner's CUP.

vii. The owner (and, if applicable, the Controlling Person) shall be accountable for the conduct of all his renters.

viii. If the Contact Information changes during the term of the CUP, the owner (and, if applicable, the Controlling Person) shall update the Contact Information with the Planning Department and forthwith notify each property owner that received notice of the CUP application pursuant to Section 18.3.6 (the "Adjacent Property Owners") of the revised Contact Information. Such notification shall be the CUP holder's responsibility and at the CUP holder's expense.

ix. A Short Term Rental CUP is subject to revocation or restrictive amendment by the Commission upon the County's finding a violation of any of the conditions of the CUP. Revocation for violation shall be in accordance with the provisions of Section 18.3.8, following notice in the manner provided in Section 18.3.6.

x. Advertising of Short Term Rentals shall be presumptive evidence of the owner's or agent's operation or intent to lease or operate Short Term Rentals. Advertisement of unpermitted Short Term Rentals may subject owners or their agents to enforcement action under this Regulation.

xi. A CUP for a Short Term Rental shall be for a fixed term, not to exceed two years. Such CUP shall be personal to its applicant and shall not attach to the property, except that a CUP may be transferred to the designated heir of a property owner who dies during the term of the CUP.

xii. The applicant shall have resided in the Dwelling Unit for twenty-four months prior to the application for the CUP. In the case of an applicant pursuant to clause ii, the Controlling Person or a member of his immediate family shall have resided in the Dwelling Unit for twenty-four months prior to the application for the CUP.

d. **Renewal.** i. A Short Term Rental CUP may be renewed. Any such application shall be filed at least thirty days prior to expiration of the CUP. The Planning Department may provide an administrative determination for renewals of CUPs for properties as to which there has been no violation of law, this Regulation, or the conditions of the CUP since the date the CUP was issued. Any such procedures shall include prior notice by the Planning Department, at the applicant's expense, to the Adjacent Property Owners of the application and an opportunity for any interested person to object. Should any person lodge a written objection, the Planning Department shall have the discretion to refer the matter to the Commission for a hearing.

ii. For properties as to which there has been found, prior to the application for renewal, a violation of law, a breach of CUP conditions, or this Regulation subsequently to the date the CUP was issued, the property owner must re-apply in accordance with this Section 15.16. The Commission shall consider any such new application *de novo*, giving no weight to any prior CUP for the property, and in evaluating the application shall consider any past violation as a rebuttable presumption that the renewal should not be granted.

e. **New Application Required.** Any of the following events shall require a new application for a Short Term Rental CUP:

i. A sale or other transfer of the property, other than to the designated heir of a property owner who dies during the term of the CUP.

ii. A sale of controlling interest in a CUP holder that is not a natural person.

iii. A change of Controlling Person.

iv. Revocation of a prior Short Term Rental CUP.

The Commission shall consider any such new application *de novo*, giving no weight to any prior CUP for the property.

15.16.3 Grace Period for Pre-existing Short Term Rental Properties. Any property owner who believes that he qualifies for a nonconforming use ("Nonconforming Applicant") shall have twelve months from the effective date of this Section 15.16 (the "Grace Period") to apply for a CUP pursuant to this Section 15.16. Only if he applies during the Grace Period, any Nonconforming Applicant shall be relieved of the requirements of Sections 15.16.2(c)(xii) provided he establishes that his property has been used for Short Term Rentals continuously for twelve months immediately prior to the effective date of this Section 15.16.