



P.O. Box 935, San Andreas, CA 95249 ● (209) 772-1463 ● [www.calaverascap.com](http://www.calaverascap.com)

***Protecting our rural environment by promoting citizen participation  
in sustainable land use planning since 2006***

September 12, 2024

Peter Maurer  
Interim Planning Director  
County of Calaveras  
891 Mountain Ranch Road, Building E  
San Andreas, CA 95249  
(sent by email)

RE: CPC Comments on the Proposed Short-Term Vacation Rental Ordinance (STVRO), Initial Study, and Negative Declaration.

Dear Director Maurer:

I am submitting these comments on the proposed STVRO, Initial Study, and Negative Declaration on behalf of the Calaveras Planning Coalition. As you may know, the CPC is a group of community organizations and individuals who want a healthy and sustainable future for Calaveras County. We believe that public participation is critical to a successful planning process. United behind twelve land use and development principles, we seek to balance the conservation of local agricultural, natural and historic resources, with the need to provide jobs, housing, safety, and services.

**1) There are many good components of the Draft STVRO.**

There are many good components of the draft ordinance. Each STVR (new or existing) will need to apply for a permit, to meet permit conditions, and to pay the transient occupancy tax (TOT). The number of residents is limited by the number of rooms in the rental and available parking. The number of water crafts is limited by the length of the dock. There can be no live amplified music or additional guests after 10 pm. Trash will be removed between occupancies. There are stiff financial penalties for violation of the ordinance or permit conditions. A sign out front of the unit provides the number of the manager who is on call to receive complaints. Thank you for including these important provisions in the draft ordinance. We hope that the Planning Commission and the Board of Supervisors will retain these components in the final ordinance.

## **2) Weak Aspects of the STVRO need improvement.**

There are a number of weaknesses in the ordinance that affect every stage of STVR process. The draft STVRO should be amended to address these weaknesses.

First, there is no requirement or even suggestion that STVR managers vet their prospective renters. Experience at Lake Tulloch has demonstrated that such vetting is one of the most important means of avoiding STVR problems. For decades, vetting has been a common best management practice for landlords managing long-term rentals. Please consider requiring some sort of vetting as part of the STVR ordinance.

While the maximum number of residents will be listed on the contract and in advertisements, there is no prior disclosure of the prohibition on parties or that guests must leave by 10 pm. Please consider adding these other extremely relevant ordinance limitations to the advertisements and contracts.

Onsite resident managers are not required. Instead, the units can be managed by somebody offsite but on call. The problems are more likely at STVRs without resident managers. Please consider limiting STVRs to those with resident managers.

While parties are prohibited, the term party is not defined in this section of the code, making it unnecessarily difficult for rental occupants to comply with the ordinance, and for local staff to enforce it. Please consider adding a definition of party to the code section.

In addition to residential areas in and around towns, STVRs will be allowed in some agricultural land zones. First, it seems like unsupervised STVRs on 10-acre parcels in the Residential Agriculture zone are likely to trigger conflicts with neighbors who purchased larger and out-of-downtown residential lots for peace and quiet for themselves and their livestock. Second, recall that the number of non-resident guests to an STVR is only limited by available onsite parking. Such parking could accommodate hundreds of guests on a large agricultural property in the RA or A1 zone. All one has to do is mow the weeds. Also, unsupervised STVRs on isolated 100-acre parcels in the A1 zone may invite ordinance violations. They may also pose safety and wildfire risks at locations that have both with very high fire risks, and are very isolated from emergency services. There are many other Ag. tourism opportunities in agricultural zones, including special events, agricultural home stays and dude ranches. Please reconsider allowing unsupervised STVRs in the RA and A1 zones.

It is not clear to whom one would complain at the County when a STVRO violation is in progress, and there is nothing the on-call manager can or will do about it. The phone number of the County contact need NOT be on the sign outside the STVR. Violations with regard to large or late parties are likely to happen at night and on weekends. Will Calaveras County Code Compliance enforce the ordinance after regular business hours and on the weekends? Will the Sheriff? Are they equipped with decibel meters to enforce the noise ordinance? Please consider adding to the sign outside the STVR the phone number of the County's enforcement staff.

There is no requirement that the STVR owner have liability insurance to cover harm done to the property of neighbors by the vacation residents or their guests. Please consider requiring liability insurance of this sort.

**3) The Initial Study and Negative Declaration are insufficient for approval of the draft STVR Ordinance, which is not consistent with the Housing Element.**

The STVRO ordinance poses significant environmental impacts not anticipated at the time the County completed the General Plan EIR. The two potentially significant impacts of the STVRO ordinance are related to land use planning and to affordable housing.

The intent of the Housing Element was to deal with the affordable housing implications of STVRs. The ordinance does not do that. In fact, it allows the new and existing STVRs to get permanent permits running with the land. Thus, even if the STVRs are interfering with affordable housing, the ordinance is cementing that problem in place across the landscape for the long-term. There is no way that is consistent with the intent of the Housing Element.

The intent of the Housing Element was to deal with the impacts of STVRs on the neighborhoods. While many aspects of the STVRO do address many of the impacts on the neighborhoods, one of the most relevant planning impacts is the physical change in the neighborhood associated with changing the land use to permit multiple permanent STVRs on one residential street or in one residential area.

The impact of this physical change can be measured in the environmental, social and economic impacts that result. Our many unincorporated towns with tourism-based economies rely on both tourists and the local workforce that serves tourist. When STVRs pull rental houses off the market in our towns with tourism-based economies, then rents increase for workers, workers have to live elsewhere, and worker must drive polluting vehicles longer distances to commute to work. In addition, a key aspect of neighborhood safety and security is knowing who your neighbors are. If there is one STVR in the neighborhood, you can tell your kids not to play near that house or interact with those unknown temporary residents. On the other hand, if every-other house on the street is a STVR, your once safe residential neighborhood becomes constantly compromised by unknown visitors.

It is not uncommon to regulate land uses that have shifting costs and benefits by providing space between the uses. For example, in some places people like neighborhood bars that facilitate patrons leaving by walking instead of by getting behind the wheel of a car. On the other hand, the benefits of a neighborhood bar diminish if there are too many bars, as they can pose noise and public safety problems. In some places, the solution has been to permit neighborhood bars but only if they are 1,000 feet apart. In that same light, please consider including a requirement to spatially separate STVRs.

Finally, the Housing Element intended the County to study the issues of affordable housing and neighborhood impacts prior to drafting an ordinance to address the problems of STVRs. As the findings acknowledge, the study is going to happen at some indefinite time after the ordinance is approved and after the permanent STVR permits are in place. Even if the study identifies

affordable housing impacts from STVRs, it will be too late to do anything about it, because the permanent permits will have been issued. It is hard to conceive of a greater violation of the intent of the Housing Element's STVR provision than passing an ordinance that cements in permanent STVRs with permits prior to studying the issues of affordable housing and STVR concentration. It is like closing the barn door after the horse has bolted.

To partially address this problem, please consider limiting the duration of the STVR permits. Then, any results of the future STRV study can be incorporated into an amended STVR ordinance. Then that amended ordinance would regulate both first time and subsequent permit applications.

Thank you for considering our comments.

With Gratitude,

A handwritten signature in cursive script that reads "Thomas P. Infusino".

Thomas P. Infusino, Facilitator

Calaveras Planning Coalition

Cc. Planning Commission, Board of Supervisors, Deputy County Counsel, Code Compliance, Sheriff, HCD