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Exhibit B - LRP2015-00017

Proposed Land Use Ordinance Changes
For Residential Vacation Rentals
(Public Hearing Draft - September 2016)

Note: New text is shown as underlined text; proposed deleted text is shown with a strikethrough.

I. Proposed amendment to Article 8, Section 22.80.030, to add the definition of Residential Vacation Rentals:

Residential Vacation Rentals (land use). A Residential Vacation Rental is the use of an entire existing residence as a rental for transient use. This definition does not include the single tenancy rental of the entire residence for periods of thirty consecutive days or longer. Rental of a room or portion of an existing residence for less than 30 days is instead subject to Section 22.30.260 (Lodging - Bed and Breakfast Facilities) or Section 22.30.270 (Lodging - Homestays). Rental of a residential vacation rental shall not exceed four individual tenancies per calendar month.

II. Proposed amendments to Article 2, Section 22.06.030, to add Residential Vacation Rentals as an allowable use in identified land use categories.

Table 2-2 (Allowable Land Uses and Permit Requirements) would be updated to add a new row under the heading “Residential Uses for Residential Vacation Rentals,” which will be an allowable (A2) use subject to specific use standards in Section 22.30.510 in the following land use categories: Agriculture, Rural Lands, Residential Rural, Recreation, Residential Suburban, Residential Single Family, Residential Multi-Family, Office and Professional, and Commercial Retail.

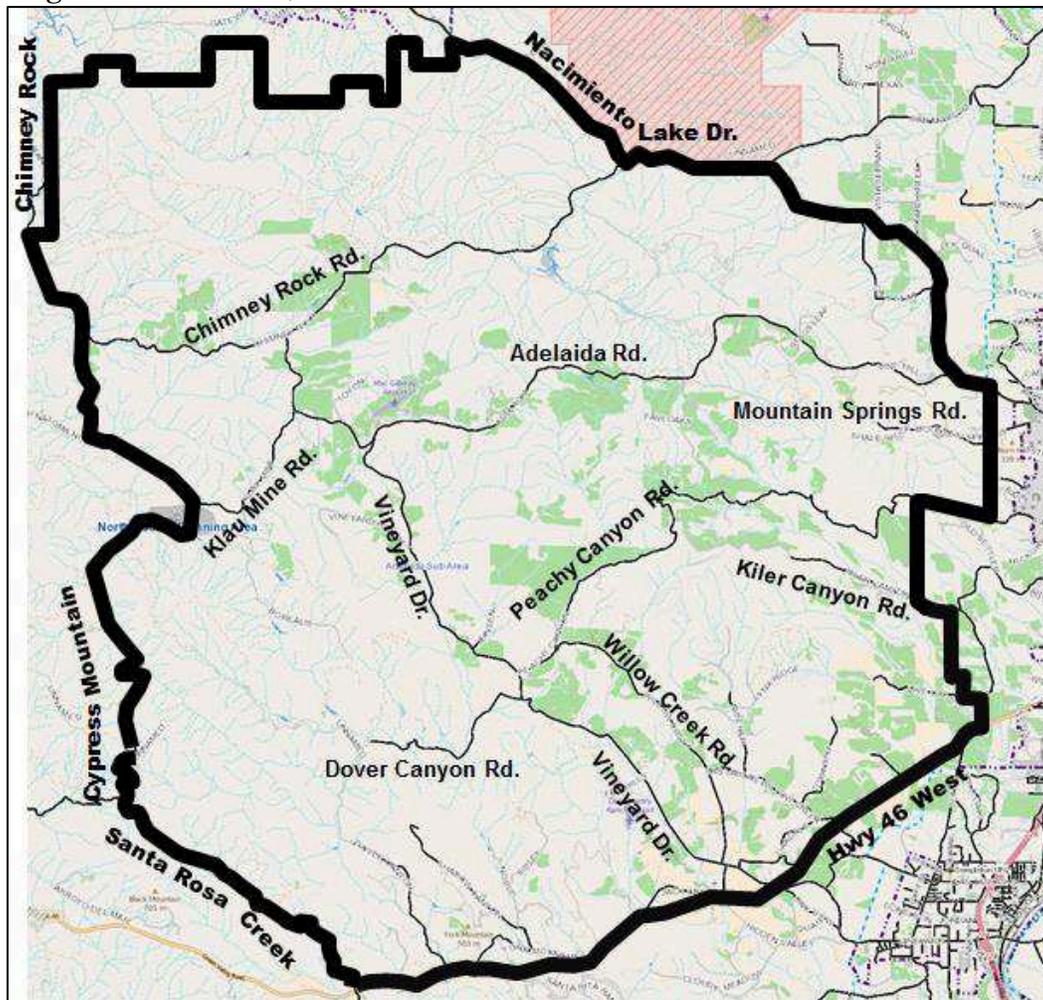
III. Proposed amendments to Article 4 to create a new Section 22.30.510 establishing land use standards for Residential Vacation Rentals.

22.30.510. Residential Vacation Rentals: Rental of a residential vacation rental shall not exceed four individual tenancies/occupancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy.

a. Permit Requirements. Zoning Clearance, Business License and Transient Occupancy Tax Registration is required for each Residential Vacation Rental.

b. Adelaida/Willow Creek Area. The following additional requirements apply to Residential Vacation Rentals in the Adelaida/Willow Creek Area shown in Figure _____, below. These requirements do not apply to Residential Vacation Rentals on parcels with direct primary access (i.e. an existing driveway) on Highway 46.

Figure : Adelaida/Willow Creek Area



- i. **Purpose.** The Adelaida/Willow Creek Area is an agricultural and rural residential area with limited infrastructure, narrow roadways, challenged fire service, and topography that magnifies noise and light issues. There is also a concentration of wineries, bed and breakfast inns, lodging, and events in the area. Tailored residential vacation rental standards are necessary to address these unique neighborhood compatibility and community character issues.
- ii. **Location.** No residential vacation rental shall be located on a site within a 1,500 foot radius of the property line of a site containing a permitted vacation rental. This requirement may be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required.
- iii. **Temporary Events.** Temporary events are not allowed on any site containing a residential vacation rental unless they are authorized under Section 22.30.610 (Temporary Events). Vacation rentals holding temporary events as of the effective date (INSERT) of this section shall be subject to the standards of this section, and owners of such venues shall request the required land use permits within 18 months of the effective date specified above. If the required land use permit has not been requested within the time frames set forth in this section, the penalties of Chapter 22.74

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(Enforcement) of this Title shall apply.

- iv. **Maximum Overnight Occupancy.** Maximum overnight occupancy for residential vacation rentals shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection _____ hereof, and shall not exceed two persons per bedroom plus two additional persons, excluding children under five (5) years of age. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.
- v. **Maximum Number of Guests and Daytime Visitors.** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under five (5) years of age. Daytime visitors shall not be on the property during quiet hours (10:00 PM – 7:00 AM). Vacation rentals with larger numbers of guests and visitors may only be allowed subject to approval under Section 22.30.610 (Temporary Events).
- vi. **Number and type of dwellings allowed as vacation rentals.** No more than one residential vacation rental shall be established on any single parcel. Farm support quarters and/or caretaker dwellings shall not be used as residential vacation rentals. On parcels that contain secondary dwellings, only one of the dwellings shall be used as a residential vacation rental and the owner must occupy one of the units as his or her primary residence as required by Section 22.30.470 (Residential – Secondary Dwellings). On parcels that contain two primary dwellings, only one of the dwellings shall be used as a residential vacation rental.
- vii. **Appearance, visibility and location.** The residential vacation rental shall not change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas. The address for each residential vacation rental shall be posted and clearly visible from the main access road.
- viii. **Signs.** Availability of the rental unit to the public shall not be advertised on site.
- ix. **On-site parking required.** All parking associated with a residential vacation rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection _____, above. Tenants of residential vacation rentals shall not use on-street parking at any time.
- x. **Noise.** All residential vacation rentals shall comply with the standards of Section 22.10.120 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. In addition, property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through

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field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

xi. Local contact person. All residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives in the Adelaida sub-area, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.

(1) A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, and the local fire agency; and supplied to the property owners within a 1,500 foot radius. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Zoning Clearance, Business License and Transient Occupancy Tax Certificate for the residential vacation rental.

(2) The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

xii. Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

xiii. Right to Farm Disclosure. For residential vacation rentals near agricultural land, all rental agreements for individual tenancies shall include the following disclosure language: "The County of San Luis Obispo recognizes the statewide policy to protect and encourage agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter 5.16 of the San Luis Obispo County Code protect certain, pre-existing agricultural production and processing operations ("agricultural operation") from nuisance claims. If your rental property is near an agricultural operation in the unincorporated area of the County you may at times be subject to one or more inconveniences and/or discomfort arising from that operation. Such inconveniences may include (depending upon the type of agricultural operation protected), but are not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use,

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fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts night time, lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the Right to Farm Ordinance, or concerns with an agricultural operation, please contact the San Luis Obispo County Agricultural Commissioner's Office."

xiv. **Effect on existing residential vacation rentals.** Each individual vacation rental in existence on the effective date of this section shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this section except subsection b.ii regarding location, provided the owner submits evidence showing that the vacation rental was in existence prior to [INSERT DATE]. Zoning Clearance, Business License, and Transient Occupancy Tax Registration shall be requested from the county within 120 days of the effective date specified above. If the Zoning Clearance, Business License, and Transient Occupancy Tax Registration have not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title shall apply.

xv. **Complaints.** Complaints about possible violations of these standards should first be directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaining party should contact the County Sheriff's Department (Dispatch). Sheriff Dispatch will attempt to reach the local contact person. If Sheriff Dispatch is unable to reach the local contact person because the contact person is not available or because current contact information has not been provided to the Sheriff's Department, the Sheriff's Department will inform County Code Enforcement staff.

During normal business hours, complaints may also be submitted to County Code Enforcement staff. County staff will attempt to reach the contact person or will visit the property as appropriate. Complaints about alleged violations shall be documented by a County Code Enforcement Officer. County staff shall prepare a written report which describes the nature of the violation, when it occurred and how it came to the attention of County officials. In some cases, a report may also be written by the Sheriff's deputy responding to the complaint.

xvi. **Violation - vacation rental.** It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties (including fines) and process for addressing a violation of this section are set forth in Chapter 22.74 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. Violations that will cause the processing of Zoning Clearance revocation include, but are not limited to,:

- (1) Failure to notify County staff when the contact person, or contact information, changes.
- (2) Violation of the residential vacation rental tenancy standards as set forth above.
- (3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth above.
- (4) The inability of County staff or the Sheriff's Dispatch to reach a contact person.
- (5) Failure of the local contact person, or property owner, to respond to the complaint.

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Three verified violations of subsection , as determined by a County Planning and Building staff person, within any consecutive six month period, shall also be grounds for revocation of the Zoning Clearance. Signed affidavits by members of the community may be used to verify violations. Revocation of the Zoning Clearance shall follow the same procedure used for land use permit revocation as set forth in Section 22.74.160 of the County Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.