

AGENDA

- I. Welcome and Introductions *by Supervisor Eddie Valero*
- II. Timeline and Process *by Board Representative Jennifer Fawkes*
- III. Short Term Rental Ordinance (STRO) presentation *by Associate Resource Management Agency Director Mike Washam*
- IV. Questions
- V. Good Night

**Board Rep Jennifer Fawkes will be in the audience with a microphone to facilitate questions.*



SHORT TERM RENTAL ORDINANCE TIMELINE

- June 13, 2024 First STRO informational meeting is held. The draft ordinance text is shared, questions are clarified, and commenting options are shared.
- June 14, 2024 STRO informational web page is shared with details from the first meeting available. Links to ways to comment on the draft STRO will be on the page.
- July 9, 2024 Draft STRO introduced to the Board of Supervisors by the Resource Management Agency. This is an informational presentation; **no vote will be taken at this time**. Public comment can be made at the meeting.
- July 23, 2024 Final STRO presented to the Board of Supervisors for vote. Public comment can be made at the meeting.

HOW CAN I MAKE MY VOICE HEARD?

- Tonight** Complete a comment form tonight. The forms will be returned to the Clerk of the Board and made available to the Board of Supervisors and the Resource Management Agency.
- Digitally** Comments on the STRO can be sent to the Clerk of the Board at clerkoftheboard@tularecounty.ca.gov. The full Notice of Public Comments Process is available at tularecounty.ca.gov/board/board-of-supervisors-meetings/public-comments-process/.
- Contact your Supervisor** Supervisor Valero is available at 559.636.5000 or evalero@tularecounty.ca.gov.
- Attend a Meeting** Attend the Board of Supervisors meetings on Tuesday, July 9 at 9:00 a.m. or Tuesday, July 23 at 9:00 a.m. at 2800 W. Burrell Ave in Visalia. Full details about Board of Supervisors meetings are available at tularecounty.ca.gov/board/board-of-supervisors-meetings/.



FREQUENTLY ASKED QUESTIONS

Q: I have a short term rental in my neighborhood that violates provisions of this ordinance. What should I do?

A: The proposed ordinance requires the property manager's contact information to be posted outside the rental. Call the manager to have the issue resolved first. If they are not able to resolve the issue, the violation can be reported at tularecounty.ca.gov/rma/code-compliance/report-a-violation/ or at 559.624.7060.

Q: I have had trespassers on my property as a result of short term rentals. How do I make them stop?

A: If someone is trespassing on your property, please call the Tulare County Sheriff's Office at 911.

Q: Traffic seems to have increased in our area. How can this be addressed?

A: Tourist destinations often become congested during peak seasons. We cannot limit the number of people driving in our communities.

Q: I have noticed more noise in my area because of short term rentals. How do I make it stop?

A: If anyone is too loud between the hours of 10:00 p.m. and 6:00 a.m., please make a noise complaint to the Tulare County Sheriff's Office non-emergency line at 559.733.6218.

Q: There are too many short term rentals. How can the County cap the number of rentals in my area?

A: Government at any level is not here to stifle legal business operations. We can set standards and inspect and correct violations.

STAFF CONTACT

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CHAPTER 33. SHORT-TERM RENTALS

6-33-1005 PURPOSE:

The geography, climate, and proximity to Sequoia & Kings National Parks and the Sequoia National Forest is a major attraction for visitors. As such, short term rentals have existed in Tulare County for many years. However, the number of short-term rentals has greatly expanded due to the abundance and ease of online rental platforms.

In adopting this Chapter, the Board of Supervisors takes legislative notice of the existence and content of the studies and opinions concerning potential adverse effects of short-term rentals in other counties and cities. The County of Tulare has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and preserving the peace and integrity of neighborhoods within the unincorporated area.

Visitors to the area may not be familiar with the specific environmental conditions that can contribute to the rapid spread of wildfires in mountainous regions, such as dry vegetation, high winds, and steep terrain. Implementing fire restrictions educates visitors about these risks and helps prevent accidental fires, protecting not only residents and visitors but also the surrounding wildlife and natural habitats.

The human-wildlife interaction is also an area of vulnerability as many visitors may not fully understand the potential consequences of attracting wildlife, such as bears, through improper waste management practices. Bear-resistant trash containers are crucial in areas where bears are present to prevent them from accessing human food sources, which can lead to habituation, property damage, and safety risks for both humans and bears.

This Chapter is necessary and desirable to protect the public health, safety and environmental resources of the County; to ensure the property rights of land owners are maintained; to clarify the County's enforcement authority with respect to certain activities related to short term rentals; and, to otherwise ensure that public peace, health, safety, welfare, environmental, and nuisance factors related to the short-term rental industry are adequately addressed.

6-33-1010 INTENT:

The intent of this Chapter is to establish reasonable and uniform regulations for the use of privately owned residential dwellings as short-term rentals to minimize the potential for negative secondary effects on surrounding properties and to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood.

6-33-1015 APPLICABILITY:

The standards and procedures of this Chapter apply to all persons or business entities involved in the short-term rental of single-family residential dwelling units or portions thereof, where allowed in compliance with the Tulare County General Plan and Tulare County Zoning Ordinance.

6-33-1020 DEFINITIONS:

For the purposes of this Chapter, words and terms shall have the following meanings:

- (a) "Short term rental" shall mean the rental of a dwelling or portion thereof by the owner to another person or group of persons for occupancy, dwelling, lodging, or sleeping purposes for a period of thirty (30) or fewer consecutive calendar days. The rental of units within County-approved hotels, motels, bed and breakfasts, and timeshare projects shall not be considered to be a short-term rental.
- (b) "Owner" shall mean the person(s) or entity(ies) that holds legal or equitable title to a dwelling.

- (c) "Occupant" shall mean any individual who is physically on the short-term rental property, regardless of whether they intend to stay overnight. Occupant does not include the owner, the owner's designated agent and service providers.
- (d) "Operator" shall mean the owner or owner's designated agent (e.g., property management company) who is responsible for ensuring compliance with this section.
- (e) "Local contact person" shall mean the owner or owner's designated agent who shall be available to respond to notification of a complaint regarding the short-term rental within one (1) hour, and take the appropriate action necessary to resolve the issue.

6-33-1025 OPERATIONAL STANDARDS:

In addition to all other requirements of this Chapter, and notwithstanding any contrary provisions in this Code, short-term rentals are subject to the following operational standards:

1. All short-term rentals shall be subject to and comply with Part I, Chapter 5, Article 11, Transient Occupancy Tax of this Code.
2. The operator shall include the County-issued transient occupancy tax registration certificate number on all short-term rental agreements, and in all written advertising or on any website that promotes short-term rentals.
3. The owner of a short-term rental shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, regardless of whether such noncompliance was committed by the owner's agent, a local contact person or the occupants of the owner's short-term rental unit.
4. Only habitable interior portions of a permitted primary dwelling or accessory dwelling unit shall be utilized as a short-term rental. Garages, tents, treehouses, yurts, camper trailers, recreational vehicles, or other exterior structures or spaces are not permissible as short-term rentals or as bedrooms within short-term rental units without first securing a special use permit if allowed under the County Zoning Ordinance.
5. While a short-term rental is rented, a local contact person shall be available by telephone twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition, operation or conduct of occupants of a short-term rental. The local contact person must be on the premises of the short-term rental at the request of a county code enforcement officer or the Tulare County Sheriff's Office within one (1) hour of contact to satisfactorily correct or take remedial action necessary to resolve any complaint, alleged nuisance, or violation of this chapter by occupants occurring at the short-term rental property.
6. The owner shall limit occupancy of short-term rental property to a specific number of occupants. The following table sets forth the maximum number of occupants to two (2) persons per rental unit plus an additional two (2) persons per permitted bedroom:

| Number of Bedrooms | Total Occupants |
|--------------------|-----------------|
| Studio | 2 |
| 1 | 4 |
| 2 | 6 |
| 3 | 8 |
| 4 | 10 |
| 5 | 12 |
| 6 | 14 |

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7. In any advertisement concerning the availability of a dwelling as a short-term rental shall include the maximum number of occupants allowed to occupy the short-term rental.
8. All vehicles of the occupants shall be parked on short-term rental property, such as garage, carport, driveway, or otherwise off the public roadway. There shall be no parking on unimproved surfaces and all on-site parking areas shall be kept free from any obstructions that would prevent the parking of vehicles.
9. The primary purpose of a short-term rental is to provide overnight lodging. Short-term rentals shall not be used for activities exceeding the established occupancy limits, such as weddings, receptions, parties, commercial functions, advertised conferences, commercial filming, or other similar gatherings that are unrelated to lodging, without first obtaining a special use permit, if permitted by the County Zoning Ordinance.
10. Pets, if allowed by the operator, shall always be secured while on the property. Continuous barking and other animal nuisances will be enforced pursuant to Part 4, Chapter 7, Article 3, Licensing, Vaccinations, Animal Ownership and Responsibilities of this Code.
11. Street address of the short-term rental must be clearly visible from the roadway and meet the requirements of the Tulare County Fire Department.
12. All fireworks, including Safe and Sane, are illegal during the period of July 5 to noon on June 28 of each year within the Local Responsibility Area (LRA) designated by Cal Fire on the valley floor, pursuant to Part 4, Chapter 5, Article 3 of this Code.
13. Outdoor fires during the months of November, December, January, and February, are permitted on approved burn day(s) as regulated by San Joaquin Air Pollution Control District, and only if allowed by the operator. All outdoor fires shall be contained within a designated fire pit in compliance with applicable state and local laws.
14. Lighting standards and guidelines, as feasible and appropriate, for minimizing light pollution and preserving dark skies:
 - (a) Outdoor light fixtures to be fully shielded helping prevent light from being emitted upward or outward, reducing light pollution and glare.
 - (b) The use of motion sensors for security purposes instead of continuously operating security lights to minimize unnecessary light and energy usage while still providing adequate illumination when needed.
 - (c) Encourage occupants to turn off lights when not in use.
 - (d) The use of lights during nighttime hours should focus on providing indirect, non-glaring lighting to enhance visibility, safety, and aesthetics while minimizing light pollution and impacts on neighboring properties.
15. It is the responsibility of the short-term rental operator to properly operate and maintain the septic tank/sewage disposal system and/or water system, as applicable, to provide sufficient capacity to support the maximum allowed occupancy or limit the occupancy to a level that is sustainable by the existing system(s).
16. Pursuant to Part 5, Chapter 1, Article 7 of this Code, short-term rentals are prohibited from exceeding sixty-five (65) decibels at any time of the day, as measured at the property boundary of the short-term rental.
17. Trash shall not be stored within public view, except in proper containers designated for collection. There shall be no accumulation or storage of trash and/or debris on the property or within the short-term rental. In the event wildlife causes debris to be scattered on or around the property, an animal-proof trash bin enclosure is required to prevent future occurrences.

18. Every short-term rental shall have a clearly visible notice posted within the unit on or adjacent to the front door. The notice shall contain at a minimum, the following information:
 - (a) The address of the unit and phone number of local emergency medical and law enforcement services.
 - (b) The name and phone number of the local contact person.
 - (c) The maximum number of occupants.
 - (d) A property site plan that clearly identifies onsite parking spaces and property boundaries.
 - (e) Location of utility service connections, including how to access service connections and instructions, including any tools necessary to disconnect the residential rental unit from utility services in the event of an emergency.
 - (f) Instructions on the proper handling and disposal of trash or refuse in accordance with the terms of the County Ordinance Code.
19. A sign with the operator's name and contact information shall be placed within the front yard or attached to the front of the dwelling. The sign should be no larger than 18 x 24 inches in size.

6-33-1030 ADDITIONAL STANDARDS WITHIN THE FOOTHILL AND MOUNTAIN AREAS:

In addition to all other requirements of this Chapter, and notwithstanding any contrary provisions in this Code, short-term rentals located within the State Responsibility Area (SRA) designated by Cal Fire in the foothills and mountains of the County are subject to these additional operational standards:

1. All fireworks, including Safe and Sane, are illegal within the SRA of the County pursuant to Part 4, Chapter 5, Article 3 of this Code.
2. Outdoor wood-burning fire pits and fireplaces (also known as chimineas) are prohibited for short-term rentals within the SRA of the County. However, gas fire pits are allowed.
3. All short-term rentals shall have bear-resistant garbage container(s) approved for servicing by the local franchised waste hauler.

6-33-1035 VIOLATIONS:

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor or an infraction and shall be punishable as provided in section 125 of this Ordinance Code.