Public Comment #19
BOS Rcvd. 10-14-24

From: a b <fishcbt@yahoo.com>
Sent: Saturday, October 12, 2024 8:20 AM
To: Brooke Laine; Lisa D. Watson; John Hidahl; George Turnboo; Wendy Thomas; Lori Parlin; BOS-Clerk of the Board
Subject: Re: Vacation homes on PRIVATE ROADS / NO PERMITS

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Sent from Yahoo Mail for iPhone

On Thursday, September 26, 2024, 8:27 AM, a b <fishcbt@yahoo.com> wrote:

******** AGAIN this issue has taken up more of my time to resend the letter to ALL BOARD MEMEBERS along with numerous text messages and phone calls to Ms. Laine trying to get something done 9/26/24**
Thank you for your time

From: a b <fishcbt@yahoo.com>
To: Brooke.laine@edcgov.us <brooke.laine@edcgov.us>; Lisa.watson@edcgov.us <lisa.watson@edcgov.us>
Sent: Wednesday, July 17, 2024 at 07:08:28 AM PDT
Subject: Vacation homes on PRIVATE ROADS

To who it may concern
My name is Kyle Neeser and I am resident at 6518 Dobson way in Pollock Pines for going on 25 years now. I am also 5th generation of being raised here in the county. I chose to stay here, also have and raise my family. I moved from Placerville to Pollock Pine because I wanted a little be more peace and quiet then being in Placerville. I also chose to purchase my home on a PRIVATE ROAD to give an added amount of the peace, quiet, relaxation, and added safety of a close nit neighborhood. Just before the first of July 2024 a neighbor at THE END OF OUR PRIVATE ROAD (Dobson way) actively started to run there vacation rental program. Non of us knew that this was even going to take place. Once the owners of 6523 Dobson actively pushed the vacation renting we have had a major increase in traffic up and down our road. Not just on the days they leave there home for the sole purpose to just vacation rent the home do we have added traffic. We now have people driving up our dead end road looking at the property then using neighbors driveways as a turn around and looking over OUR HOMES. These people who are driving and or staying have no regards to the residents who LIVE FULL TIME on our small PRIVATE ROAD. They drive fast and do not want to even share the road when we are coming and going from our own homes. We have children who live on this road who play outside and we all know this and we look after them the best we can for safety reasons. Now that we have this VACATION RENTAL who knows what could happen and what kind of people are coming and going from that place. This VACATION RENTAL on our road has caused nothing but stress and

discontent. I no longer can be at or in my OWN HOME and fell the safety and tranquility I use to before all this has started. Nor can I go some place over night an not worry what kind of crap has gone on while gone and what I will have to deal with once I return TO MY OWN HOME!

So the county charges a permit fee.....$$money in county pocket

County gets hotel taxes.....$$money in county pocket

County gets property tax.....$$money in county pocket

Private road.....residents are expected to PAY OUT OF POCKET the up keep of the private road

With the money the county is receiving from this vacation rental program is the county now going to start paving private roads

Is the county going to fix pot holes in private roads?

Is the county going to start snow plowing of private roads in a timely fashion (because we PAY OUT OF POCKET or do it ourself and its done right away) ?

All of us on private road are paying property taxes just like the rest of the homes in the county and they receive those and many more services from the county. Not to mention some of the laws that the Sheriff Dept and CHP will not or not able to enforce BECAUSE IT IS PRIVATE ROAD.

Is the county going to change laws to untie the hand of law enforcement so they can enforce the law like in the rest of the county?

Is the county going to give ALL RESIDENTS of PRIVATE ROAD an PROPERTY TAX BREAK when there is a VACATION RENTAL permit issued on that road ?

Why should anybody living on a private road be expected to pay out of pocket the money to take care of the roadway and pay same property taxes so another home owner can turn there house into a hotel. There are 2 HOTELS IN POLLOCK PINES alone and not receive the services that other county home owners receive. Pollock Pines is a bedroom community NOT A RESORT COMMUNITY!!! If you buy and move into a resort community you would expect this kind of thing. But that is not the case for Pollock Pines and the west slope of this county. We chose to buy and live in these community's so that we are not having to deal with the resort kind of people such as there rudeness, disrespect, and there so called entitled ways they fell as those they need. Not only do vacation rentals cause issues on PRIVATE ROADS look at the impact it has put on Safeway and CVS in Pollock Pines. Try going shopping on a Saturday or Sunday morning for the things you want and need for the next week. THE STORES ARE PICKED OVER and or OUT OF STOCK. Because these people come up here ill prepared just like when Hwy 50 is closed during snow storms. Not to mention the added people going out to eat here. How would you like to wait 45 to an hour for a pizza when it was 20 minutes. Sure restaurant owners like added business. But do they hire added staff? Not that i see. So they are making more $ while the locals deal with the added crap.

These VACATION RENTAL CASUE PROBLEMS. Just in the time that 6523 Dobson was has actively renting we have had loud vehicles in n out all hours and not just 1 most of the time its always 2. Now there is a house cleaning service that shows up before each renter (again add road use). The home owner has now changed to the EXTRA LARGE TRASH CANS because of the renters. More added waste to land fill and weight to the trash truck driving on PRIVATE ROAD along with BEAR PROBLEMS. On the weekend of July 12-14 not just one group rented the property there was 2 different groups. The second group had over 9 cars parked at the house (3 bed 2bath home) and in the roadway blocking other driveways.(Ms. Laine has pictures of cars and law enforcement taking over the road) Along with the coming and going till after 3am, music, people walking around the neighborhood till 3am. they also had a fire in the back yard

DURING HIGH WINDS AND RED FLAG WARNING. How would you feel to smelling wood smoke in the middle of summer (where it should not be) especially after the King fire (that came so close to Dobson way) and then we had Caldor fire not to mention just a month ago the fire at the air port. Phone calls started to law enforcement at just after 6am and they did not arrive until almost 8am . Once they got here they pounded on the RENTAL door for 10 minutes to even get them to open the door it took 2 CHP and 2 Sherriff Officers until about 10am to solve this problem. Case # 24-5549 An one of the biggest issues was all the cars parked on the road blocking the other residents. We were told by law enforcement that they can not TOW AWAY CARS because IT IS A PRIVATE ROAD. There again these vacation rentals on private roads should not have even been considered when the permit process started. Now law enforcement advise adding outdoor cameras just so we fell more safe. Isn't that why people moved onto a private road to feel safe?

Why should anybody have to invest MORE MONEY AGAIN because a neighboring owner now has a VACATION RENTAL. Is the COUNTY now going to PAY FOR THE CAMERAS and MAINTAIN THEM?

This is only a short list of problems that a VACATION RENTAL causes on PRIVATE ROADS. I am sure there is a much longer list of problems. An the rules the county has put forth for these VACATION RENTALS is also flawed and ties the hands of law enforcement. Not to mention that the so called vacation rental get a 30 minute grace time to fix an issue that other wise a normal residence would have a visit of law enforcement and probably a citation. So you mean to tell me i can go rob a bank and I get 30 minutes to give it all back and not go to jail? And even when law enforcement is involved such as the case named above (case # 24-5549) and fines SHOULD BE ISSUED no fines or citations were issued to the RENTERS or OWNERS.

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SOLUTION:

No permits for ANY VACTION RENTAL of ANY KNID should be issued for ANY AND ALL PRIVATE ROAD PROPERTIES in the County of El Dorado. An ALL EXISTINING PERMITS REVOKED IMMEDATELY and the adding of this ruling be put in place to prevent this problem going forward.

So the county charges a permit fee.....$$money in county pocket

County gets hotel taxes.....$$money in county pocket

County gets property tax.....$$money in county pocket

Private road.....residents are expected to PAY OUT OF POCKET the up keep of the private road so as the county can receive $$money and the property owner can make $$money off the other owners who are EXPECTED to MAINTAIN these ROADS and pay out of pocket.

With the money the county is receiving from this vacation rental program is the county now going to start paving private roads

Is the county going to fix pot holes in private roads?

Is the county going to start snow plowing of private roads in a timely fashion (because we PAY OUT OF POCKET or do it ourself and its done right away) ?

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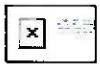
Is the county going to change laws to untie the hand of law enforcement so they can enforce the laws like in the rest of the county?

Is the county going to give ALL RESIDENTS of PRIVATE ROAD a PROPERTY TAX BREAK when there is a VACATION RENTAL permit issued on that road ?

I hope that the county Board of Supervisors takes swift action AGAINST PRIVATE ROAD VACATION RENTALS and sets forth of revoking issued and future permits effective IMMEDATELY. No time to study the problem or look into this matter. That study has already take place by the county. It is now time for our respected and elected Board to take action standing for your and our families and life style of this county we so care about and trying to keep. If the folks that want the city style of life they should stay in the city and not force change to us that have lived here for generations.

SIDE NOTE:
Once again the VACTION RENTAL has disrupted my LIFE !!
I have been awake and composing this letter since 4am and it is now 7:05am 7/17/2024 ****** AGAIN this issue has taken up more of my time to resend the letter to ALL BOARD MEMEBERS along with numerous text messages and phone calls to Ms. Laine trying to get something done 9/26/24
Thank you for your time
Kyle Neeser

 Virus-free.www.avg.com

From: John Daintree <john.daintree@protechinc.com>
Sent: Monday, October 14, 2024 10:36 AM
To: BOS-Clerk of the Board
Subject: County of El Dorado - Hosted and Vacation Home Rentals Ordinance Code Objections

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Dear County of El Dorado Board of Supervisors,

I attended the last meeting of the Board of Supervisors in Placerville where the Hosted and Vacation Home Rentals Ordinance Code was discussed. I was given 2 minutes to address the Board regarding issues in the proposed ordinance that need to be addressed, and many members nodded in agreement with the changes I suggested, and the Chair even said, "That makes sense". However, none of these issues have been revised in this 2nd iteration of the ordinance, so I am putting them in writing and hope they will be addressed in the next meeting in South Lake Tahoe.

These issues all relate to Hosted Vacation Rentals where the owner lives on the property. I have been offering a portion of my home as such a Vacation Rental since 2018. In that time, I have never had a violation nor even 1 complaint from any neighbors regarding my Hosted Vacation Rental.

Ordinance states that in the Tahoe Basin, a total of one (1) sink may be included. I would like to ask what violation or problem this rule is trying to prevent? Can someone please respond to this email with an answer? If the bedroom being offered has an ensuite bathroom, the bathroom often contains a vanity with 2 sinks (His & Hers). What is the problem with that? This ordinance would mean that the 2nd sink would need to be torn out, which is ludicrous! Furthermore, if a Kitchenette (Small fridge, microwave, toaster, coffee station and sink) is provided, then there cannot be a sink in the bathroom (or vice versa). Once again, this is ludicrous, as it is unsanitary to wash dishes in a bathroom sink or do bathroom washing in a sink for dishes. Similarly, if an outdoor BBQ is provided, BBQ utensils and dishes will need to be washed in the bathroom sink which is unsanitary and impractical. Again, I ask the question: What problem is the 1 sink solving? Forcing guests to bathe, brush their teeth, and wash their dishes in the same sink seems to be creating a problem and not solving any.

Ordinance also states that each rental must provide a minimum of 2 onsite parking spaces. Surely this should be based on occupancy. If the host is offering 2 bedrooms, then 2 parking spaces are warranted, but if only 1 bedroom is being offered (max of 2 people), then only 1 parking space is needed. Hosts who only offer 1 bedroom should not have to provide 2 parking spaces. Furthermore, insisting that guest parking be on Impervious surfaces also seems unnecessary. What if the parking space is on cobblestones or air bricks? Permanent residents do not face such restrictions. My neighbor two doors down, has a three-car garage and driveway but still parks one (sometimes 2) of his cars on the dirt. He owns a construction company, and also parks two trailers, a bobcat, and various other construction equipment on the dirt around his house with no consequences. If you drive around South Lake Tahoe, you will see numerous incidents of residents parking cars on pervious surfaces (typically just the dirt). These inconsistencies seem very unfair.

Finally, when I started offering a portion of my home as a Vacation Rental in 2018, I applied for, and was issued, a Vacation Rental Permit. When I went to renew the Vacation Rental Permit in 2019, I was told I didn't need one as I was offering a Hosted Vacation Rental. I said I was happy with and wanted to keep and renew my existing Vacation Rental Permit, but County of El Dorado staff in Placerville told me they would not issue me that permit and I should get a Business License (which I did). Now that you are changing all the rules (and it seems likely you will continue to make changes to these rules), I would like to be grandfathered back to the original Vacation Rental Permit that I had in 2018 (and wanted to keep in 2019).

Thank you for your consideration of this matter. If you have any questions or need any further information, please do not hesitate to contact me.

Arthur John D'Aintree
530-541-2221 (Work)
530-277-7716 (Cell)

From: Brianna Kohr <brianna.kohr@gmail.com>
Sent: Monday, October 14, 2024 3:18 PM
To: BOS-District II; BOS-District III; BOS-District I; BOS-District IV; BOS-District V; BOS-Clerk of the Board
Subject: Fwd: Proposed VHR Ordinance - Meeting Feedback
Attachments: Board of Supervisors Letter_9.9.24.pdf

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Hello Board of Supervisors,

I'm forwarding this email as public comment for tomorrow's meeting. Thank you!

---------- Forwarded message ---------
From: **Brianna Kohr** <brianna.kohr@gmail.com>
Date: Wed, Sep 11, 2024 at 1:48 AM
Subject: Proposed VHR Ordinance - Meeting Feedback
To: <bostwo@edcgov.us>, <bosthree@edcgov.us>, <bosone@edcgov.us>, <bosfour@edcgov.us>, <bosfive@edcgov.us>
Cc: BOS-Clerk of the Board <edc.cob@edcgov.us>

Dear Board of Supervisors,

Thank you for giving me the opportunity to speak at today's meeting concerning proposed amendments to the El Dorado County VHR Ordinance. I stayed on Zoom and listened to the remainder of the Board's conversation after the public comment period ended. I am writing to express my deep concern with the direction that conversation took on a few topics, as well as with the Board's lack of discussion on a few others. I apologize for the length of this email, but I do very much appreciate the time you (hopefully) take to read it considering the importance of the subject matter at issue. **I'm especially hoping to get a response back from members of the Board providing clarification of the Board's intent concerning the proposed 600 permit cap.**

600 Permit Cap Proposal
This cap proposed by Supervisor Laine after public comment closed was not one of the proposed amendments in the redline presented to the public, and therefore the public did not have any notice that it would be a topic of serious discussion, much less the opportunity to provide comments to the Board. Despite this, and despite Supervisors Parlin and Hidahl both voicing disagreement with the proposal, the Board nevertheless deferred to Supervisor Laine's request that the next draft of the amended ordinance include a 600-permit cap.

There are already 795 VHR permits issued. What is going to happen to the 195 extra permit holders under this proposal? Does the Board seek to confiscate existing permits from current VHR owners? While I do not think this is the Board's intent, the discussion was a bit too vague. It sounded as though Supervisor Laine was asking for this cap to function as a fallback mechanism preventing *new applicants* (even those with homes over 500 feet from any other VHR) from obtaining a permit unless there are fewer than 600 other active permits. It did not sound as though Supervisor Laine was proposing the cap's application be wielded against existing permit holders, nor was this a recommendation made by her own advisory committee in its written report. Nevertheless, without full clarification as to its intended application, the 600-permit cap requested by Supervisor Laine today is very alarming. Can the Board please clarify how they believe the proposed cap is intended to work?

As there was no opportunity at the meeting, I'd also like to document my opposition to the 600-permit cap proposal here. My husband and I have responsibly held our permit for four years, before the clustering ordinance was implemented. There is one other VHR within 500 feet of our home (we are grandfathered into our permit). We used to have two more VHRs within our 500-foot buffer zone, but those have been eliminated through natural attrition. To echo Supervisor Parlin and Supervisor Hidahl's comments, natural attrition is already working. And once natural attrition runs its course, which appears to be occurring quite rapidly, it won't even be possible to have more than 600 permit holders. There is simply no reason to stoke the type of fear and confusion that will be caused by adding this cap. All it will do is invite a hundred other emails and public comments like mine seeking reassurance from the Board that there is no intent to arbitrarily yank permits from law-abiding VHR owners.

Topics not discussed by the Board after public comment versus the broad deference to the desires of the Advisory Committee

At both this meeting and the May 2024 meeting concerning the proposed amendments, there were numerous public comments (both written and spoken) in well-founded opposition to the following major topics: **(i) the occupancy limit reduction, (ii) the unclear and subjective definition of "unreasonable noise", (iii) the overbreadth of the "event" definition, (iv) the irrational restriction limiting onsite parking to impervious surfaces, and (v) the impossible standards for snow removal.** Many members of the public took hours out of our normal workdays to prepare and deliver these comments at both this meeting and the May meeting. I personally stayed up until 4:00 AM on Sunday watching the recording of the May meeting, reviewing the 21-page redlined ordinance and the tangential materials, and drafting a thorough and considered response to the Board concerning the proposed amendments. I also missed half a workday today to attend today's meeting. I know others who spoke had to do the same.

It is extremely difficult for those of us who work full-time to disengage from our employment for several hours in the middle of a Tuesday in order to be heard by the Board for a mere sixty seconds. It also takes considerable time to draft thoughtful correspondence to the Board outlining the concerns that cannot possibly be articulated in such limited time. Given this, I was deeply disappointed that the numerous public comments made in opposition to the proposed amendments concerning occupancy, noise, events, parking and snow removal were not even dignified with subsequent discussion by the Board. Instead, these public comments went virtually ignored, while great deference was (again) paid to the list of requests made by Supervisor Laine on behalf of the fourteen-member advisory committee.

I am in no way intending to diminish the hard work and civic engagement of the committee, nor am I intending to discount the opinions of its members. I appreciate Supervisor Laine's work in bringing the committee together and including those with diverse viewpoints as participants. However, I am asking the Board to give the committee's recommendations appropriate weight insofar as they ultimately represent the consensus of only fourteen individuals. The Board already gave the committee a tremendous amount of latitude when it directed staff to use its recommendations as the framework for the first draft of the proposed amendments. This is despite the fact that very few of the committee's recommendations were supported by underlying data or even explanatory rationale as to how they were tailored to address legitimate resident complaints about VHR guests rather than arbitrarily punish VHR owners.

Meanwhile, over 150,000 residents and non-resident property owners of unincorporated El Dorado County were *not* members of the advisory committee. We are still the Board's constituents, and the substantial property (and in many cases transient occupancy) taxes we pay supplies critical funding for the County's activities. To the extent we have taken the time to address the Board with thoughtful concerns about the advisory committee's proposals, our concerns deserve your care and attention too. I sincerely hope to see some of that care and attention on display at the next meeting through a robust and thoughtful discussion by the Board on the proposals concerning occupancy, noise, events, parking, and snow removal, and the objections thereto. I have

re-attached my comments on those issues to this email for your consideration, as I'm not certain the Board had a chance to review them before today's meeting. They cite to each relevant section of the proposed amended ordinance for ease of reference, and they echo the concerns expressed by many other members of the public who wrote or spoke to the Board in May or in connection with today's meeting.

New Proposals on Parking and Penalties by Supervisor Laine

Upon request by Supervisor Laine, staff was directed to come back with an updated draft ordinance prohibiting guests from parking on the public streets at any time of the year, even when it is otherwise allowed by law. This proposal was not one of the amendments up for public discussion today, so as with the proposed 600-permit cap, the public had no opportunity to comment on it. As such, I'll make my comment here. Why should members of the public be prevented from parking on a public street? County streets are not privately owned by full-time residents. Their maintenance is funded by property taxes paid by all homeowners, including VHR owners. Unless there is some compelling data to suggest a material safety issue with VHR guests lawfully parking in a public parking spot, this type of restriction is unjustified. If this restriction *and* the restriction requiring that guests park only on impervious onsite surfaces are implemented together, there will be some VHRs that have *no* parking to offer their guests. While this won't be the case for my home, it is true of many of my fellow property owners in Tahoma whose older cabins lack garages or unpaved driveways.

Supervisor Laine also requested that staff come back with an amendment to extend the "penalty period" for violations from 18 to 24 months. Again, this request was made after the public comment period and therefore the public could not share their concerns on this topic. As such, here are mine in writing: This proposal concerns me to the extent that three complaints which are promptly resolved within a 30-minute cure period still count as a "violation." Please consider that VHR owners may do everything within their power to educate guests about the rules, and guests may still not follow them perfectly. That isn't the owner's fault, and as long as the owner or local contact rectifies the problem quickly, hasn't the ordinance's purpose been achieved? As Mr. Ferry aptly noted in discussion on this topic, the goal of these proposed amendments isn't to punish VHR owners who respect and enforce the rules, it is to create a culture of compliance. Slapping responsible owners with violations even when they quickly bring a guest's behavior into compliance is antithetical to that purpose. It should not be anyone's goal to seek VHR permit attrition this way, and yet that is what Supervisor Laine seems to have indicated she is hoping to achieve. I thought the reason for these amendments was to target bad actors, not punish good ones. When did that change?

Thank you for taking my comments into consideration. I look forward to a response clarifying the 600 permit cap proposal as soon as possible, and a thoughtful discussion of the other issues on October 15th.

Respectfully,
Brianna

Dear Supervisors,

My name is Brianna Cuave (Kohr), and I write this letter for public comment on behalf of myself and my husband, Hunter. We have owned our home in Tahoma, California since June of 2020. We are responsible vacation rental hosts who take pride in maintaining our home to the highest standard and ensuring that our rental activities are respectful of our full-time resident neighbors, many of whom have become our close personal friends.

We have been operating our home as a vacation rental since January 2021. For the entirety of our time as hosts, we have maintained a five star rating on Airbnb, and not once have our guests caused a problem for our neighbors. In fact, our neighbors often tell us that they appreciate that we have "good guests". We attribute this high degree of satisfaction from both guests and neighbors to the fact that we educate our guests about the many stringent regulations that are *already* imposed on vacation rental operators and guests in unincorporated El Dorado County, and that we educate ourselves and make any necessary adjustments when these regulations (frequently) change. In short, we respect the rule of law.

As a lawyer by trade, I particularly appreciate when laws are clear, administrable, fair, and serve a rational purpose. Unfortunately, a number of the proposed changes to the existing vacation home rental ordinance appear to fall short of these important guideposts, as highlighted below:

Proposed Amendment to Occupancy Limits

The draft amended ordinance proposes to change the definition of occupancy, reducing the permitted occupancy of a vacation home rental from two persons per bedroom plus two additional persons (not including children five and under), to two persons per bedroom (not including children five and under). The materials made available prior to the September 10, 2024 meeting do not cite any rationale for this change, and indeed, there does not appear to be one.

The current occupancy limitations have been deemed safe from a fire and life safety standpoint for the entirety of the time we have been hosting. There has been no change in fire and life safety standards in relation to occupancy during time, so why would the ordinance change? Section 5.56.090(A)(1) of the existing ordinance already empowers the Fire Department to lower the allowed occupancy for particular properties "pursuant to the outcome of the fire and life safety inspection" that is required of each home bi-annually. If there are certain properties with unique floor plans or architectural features that do not safely support existing occupancy limits, the Fire Department can and should reduce the permitted occupancy for those properties. This narrowly tailored approach appropriately balances the rights of homeowners and the safety of the public. By contrast, the proposed wholesale reduction in permitted occupancy, including on homes that can otherwise safely and comfortably support the existing allowances, is arbitrary and capricious.

To the extent the Board wishes to add “occupancy” as a defined term, we kindly request that the Board maintains the occupancy limitations of current ordinance without modification and clarifies that the definition of occupancy specifically refers to *overnight* occupants, consistent with Sections 5.56.090(A)(1) and 5.56.070(C) of the ordinance.

Modifications to Definitions and Regulations Concerning Noise

The draft amended ordinance proposes to add “unreasonable noise” as a defined term, classifying it as “loud and raucous noise, or amplified music heard at the property line, which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons in neighboring property or public ways within the County in accordance with Chapter 9.16—Noise.” This language is echoed in the proposed amendment to Section 5.56.090(A)(2), which demands that guests of vacation rentals refrain from creating unreasonable noise, as well as Section 5.56.120, which concerns noise associated with events.

The problem with this definition is its lack of clarity, and the problem with using an unclear definition throughout the proposed amended ordinance is that it will make the ordinance impossible to fairly administer. Taken at face value, the proposed language concerning “unreasonable noise” would lead to absurd results. For example, it would be a violation of the ordinance if the laughter of children playing in a backyard is audible from the property line, simply because one hypersensitive neighbor decided the laughter was interfering with their peace and quiet.

When we enjoy dinner on our back deck in Tahoma with our family, our immediate neighbors can hear our conversation even if spoken at respectful indoor volumes. We can hear them if they so much as sneeze. Essentially all outdoor noise can be heard from the property line. This is a normal and reasonable expectation of home ownership in a neighborhood featuring rectangular lots of approximately 0.2 acres, organized adjacent to each other in a grid system. Are we seriously expected to tell our guests that they cannot eat on the deck or play in the yard for fear of offending a neighbor who happens to have the sensitivity of an eggshell?

The unclear definition of “unreasonable noise” is unfair to vacation rental owners and guests, who are consigned to living in fear that the most basic enjoyment of outdoor activities at their rental might trigger a call to code compliance by someone with a grudge. It is also unfair to residents who have legitimate noise grievances, as the language in this ordinance supplies no objective way to distinguish their complaints from the ones brought by unreasonable curmudgeons. Finally, it is unfair to code enforcement officers, who are foisted into the middle of these disputes with no clear benchmark for what constitutes a violation and what does not.

Noise is a serious issue. It deserves a well-crafted solution that is logical, administrable and fair to all parties. As such, we implore the Board to set an objective standard for what constitutes unreasonable noise (i.e. a decibel limit) and require that noise complaints be supported by evidence that the limit was both exceeded and remained uncured for at least thirty minutes after a code compliance warning before a citation is issued.

Restrictions on "Events"

The draft amended ordinance proposes to add "event" as a defined term meaning "a gathering or occurrence for socializing or celebrating including, but not limited to, wedding, reception, gathering, bachelor/bachelorette party, commercial filming, concert and/or any other similar happening." This definition is then used in various parts of the proposed amended ordinance, including (i) Section 5.56.100(G), which requires owners to notify guests that "events" are a violation of the ordinance, (ii) Section 5.56.120 ("Noise and Events"), a section which seems duplicative and unnecessary given that Section 5.56.090(A)(2) already addresses noise globally, and (iii) Section 5.56.130, which requires local contacts be available to abate various infractions such as events.

We appreciate the intent behind the proposed "event" ban and wholeheartedly agree that vacation rentals are generally not the appropriate setting for weddings, concerts or the filming of the next season of Love Is Blind, this is yet another example of what happens when a poorly crafted definition infects an ordinance.

The extreme overbreadth of the proposed "event" definition goes well beyond a ban on large formal events like weddings and concerts[1], prohibiting all "gatherings" (mentioned twice), "occurrences for socializing or celebrating" or "any other similar happening." If adopted, this proposed language would lead to highly irrational results. The definition effectively eliminates any acceptable use case for guests of a vacation home rental.

Webster defines "gathering" as a "coming together of people in a group," which is precisely what happens when people rent a vacation home in Lake Tahoe. They socialize, reconnect, and sometimes they even enjoy life's milestones with their friends and family. The vast majority of these gatherings, whether they are to celebrate baby's first birthday with grandma and grandpa or a good friend's last few weeks as a single woman, are benign. To the extent a few bad apples happen to "gather" and violate rules around occupancy, noise, quiet hours, trash or other regulations, the existing ordinance and some of the proposed amendments thoroughly address those issues, backed by a robust enforcement regime and penalties.

The only thing the poorly constructed "event" definition and ban would accomplish is a muddying of the water in the determination of what are acceptable versus unacceptable uses of a vacation rental. Is code compliance really going to tell someone they can't sing happy birthday to their kid in the backyard or hand out a citation because a nosey passerby spotted someone wearing her bachelorette tiara through a window? The ordinance should target and penalize underlying bad behavior rather than attempt to legislate the life circumstances under which people can enjoy their time together.

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[1] Weddings, commercial filming and concerts already require special permits. Given that penalties and fines already exist for conducting these activities in violation of law, a special call-out in the vacation home rental ordinance is not necessary.

Parking

The draft amended ordinance also proposes the addition of a requirement that all parking within the Tahoe Basin be on an impervious surface. This requirement appears in Sections 5.56.070 and 5.56.110(1) of the proposed ordinance. We'd like to point out that if this requirement were extended to many of our full-time resident neighbors, they would not be able to park anywhere on their properties. One of our neighbors parks his four lifted trucks in various patches of dirt between trees in his front yard. "Rules for thee, not for me" is generally not a recommended method of governance.

The underlying purpose of this proposed new regulation is unclear from the materials made available in advance of this meeting. If it is an attempt to reduce the number of vehicles driven by visitors, we believe it is misguided. During the summer months, this regulation will have the unintended consequence of pushing guests to park their cars on the street rather than in previously available off-street parking spaces made of compacted dirt or gravel. On streets in Tahoma, navigating around a proliferation of street-parked cars will be annoying to residents and make it harder for critical service vehicles like fire trucks, ambulances and police to quickly maneuver in the area.

Snow Removal

While well intentioned, we fear that Section 5.56.090(A)(6), which proposes new requirements concerning snow removal, ignores the realities of mother nature. While it is certainly reasonable to expect that snow be cleared sufficiently to allow ingress and egress from a vacation rental, the requirement that the driveway be clear "at all times" is completely impractical. As responsible owners, we engage one of our neighbors who runs a private plow service each winter. Like other private plow companies, he plows the driveway whenever over six inches of snow has accumulated, but for obvious reasons, he will not do this in the middle of a large snow storm as it would be a fruitless exercise. In those cases, he arrives within 24 hours of the storm's cessation. If the driveway had to remain clear "at all times", people would have to be stationed in the driveway with shovels 24/7 to keep it that way. A more logical and reasonable requirement would be that vacation rental owners engage a snow plow company to ensure driveways are regularly plowed when the home is rented.

Exterior Signage

Likewise, while the proposed new exterior signage rules of Section 5.56.105 might be well-intentioned, we find the requirement to attach the sign to a bear box highly impractical in winter months, when even the most relentless snow shovelers have trouble keeping the sides of their bear boxes fully exposed to public view. We ask that the County consider a solution that has served us well for many years, which is to permit the hanging of this sign in another area that is visible from the street but less likely to be buried by the relentless snowfall often experienced in winter or bleached by the bright sun. For us, this has been the window of the front vestibule of our home. We also ask that if the signage is to be issued by the County, it be generated in a

material that is not easily destroyed by sun, rain and snow (such as metal). Finally, given the very high registration fees and taxes that vacation rental owners already pay, we ask that the purchase requirement be waived and the fees for this administrative exercise be supplied by TOT.

Closing Thoughts

Over the past four years, we've quietly observed as the existing vacation home rental ordinance has evolved and expanded. Each time, we've made any necessary adjustments and paid the ever-increasing fees without complaint. We are happy to take measures that reasonably protect the safety of our neighbors and the sanctity of their property rights, while respecting ours as well. While we do not object to all of the proposed amendments, the specific proposals highlighted above are a bridge too far. They are unfair to vacation rental owners and guests, they are not appropriately tailored to address the real issues faced by full-time residents, and they will create an administrative nightmare for code compliance. Rather than the reasoned initiatives of a diverse group, these particular proposals read more like the byproduct of a few resentful individuals who believe that just because they live in Lake Tahoe full time, they are the only ones entitled to experience one of this state's great public resources. Nowhere is this more palpable than in the proposed "Visiting Guest Guidelines", which in some sections takes a downright infantilizing tone towards anyone who doesn't have the great privilege of living here year-round. Perhaps someone should gently remind the authors of this document that they moved to a world-class tourist destination, and as such, sharing the destination with tourists is to be expected.

We'd like to close by noting that Lake Tahoe has been a vacation and resort destination since the mid-1800s. Vacation home rentals have formed an essential part of the region's tourist infrastructure for at least the last fifty years. Tourism is the backbone of Lake Tahoe's economy and either supplies or supplements the livelihood of many full-time residents. For example, our neighbor across the street is both the cleaner and designated local contact for a number of vacation rentals including our own. Caring for our rental home and others like it has allowed her to start her own business, which in turn provides work to other local cleaners. Tourism is what keeps the doors to many Tahoe businesses open, particularly its restaurants. These businesses are an important source of tax revenue and jobs for the Board's constituents.

The often maligned "second home owners" of Lake Tahoe will not be the only group to suffer if the increasingly heavy-handed and irrational regulation of a well-established industry continues to drive away vacation rental owners and guests. We encourage the Board to keep this in mind when considering the proposed changes to the VHR ordinance, and we respectfully suggest that the Board focus its attention on the enforcement of the robust set of regulations already in place.

Respectfully,

Brianna and Hunter Cuave

7274 3rd Ave.
Tahoma, CA