



## Legislation Details (With Text)

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**File created:** 1/25/2021      **In control:** Board of Supervisors

**On agenda:** 2/9/2021      **Final action:** 2/9/2021

**Title:** Planning and Building Department, Tahoe Stormwater and Planning Division, recommending the Board receive a presentation on options to address Vacation Home Rental clusters in the Tahoe Basin and provide direction to staff.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Slide Deck, 2. Public Comment BOS Rcvd 2-9-2021

Date	Ver.	Action By	Action	Result
2/9/2021	1	Board of Supervisors	Direction Provided (See Minutes)	

Planning and Building Department, Tahoe Stormwater and Planning Division, recommending the Board receive a presentation on options to address Vacation Home Rental clusters in the Tahoe Basin and provide direction to staff.

**FUNDING:** N/A

**DISCUSSION / BACKGROUND**

At the December 2, 2020 meeting of the Board of Supervisors, the Board approved final passage of Ordinance 5135, amending Title 5 - County Business License Ordinance of the El Dorado County Ordinance Code, Chapter 5.56 - Vacation Home Rentals, making clarifying updates to the code for the purpose of program implementation and introducing a cap of 900 permits total in the Tahoe Basin. At that meeting and the previous Board meeting of November 17, 2020, the Board directed staff to return in 90 days and present options on introducing additional locational criteria into the County's VHR Ordinance. This item will do just that and will provide the Board with four distinct buffering options to choose from.

Staff will utilize spatial tools to present a 150', 300' and 500' buffer around existing VHRs, where no other VHRs would be allowed. Staff will also present an option to have 1,000' buffer around large VHRs with 12 or more occupants, where no other large VHRs would be allowed.

These different buffering options essentially place a cap on VHRs, although it is difficult to determine exactly what that cap would be due to the multitude of permutations that come with different VHR and parcel size scenarios. Therefore, the VHR Maximum number in the following table is an estimate and does not take into account that current eligible lots are not evenly distributed.

Buffer	Existing	Candidate	Potential	Eligible	Average Buffer Maximum

Distance	VHRs*	VHRs	VHRs	VHRs	Impact	No. of VHRs
none	707	7,995	1,037	9,739	n/a	9,739
150 ft	707	4,167	500	5,374	6.17	1,577
300 ft	707	2,365	249	3,321	9.08	1,073
500 ft	707	1,407	112	2,226	10.63	916

\*Estimate

The following are definitions on the terms in the table above on VHRs within the County's Lake Tahoe Basin jurisdiction:

- 'Existing VHRs' are lots with current VHR permits (active or pending).
- 'Candidate VHRs' are parcels with an existing residential dwelling. One cannot pull a VHR permit unless there's a dwelling.
- 'Potential VHRs' are those lots that are vacant and buildable (per the Tahoe Regional Planning Agency) and have a vacant residential use in the Assessor data.
- 'Eligible VHRs' = Existing + Candidates + Potential VHRs. This changes at each buffer level.
- 'Average Buffer Impact' is the total Eligible lots without any buffer constraints less the Eligible VHRs at the given buffer, then divided by the number of Existing VHRs. This estimates the number of parcels that are eliminated from having a VHR Permit at each buffer level.
- 'Maximum No. of VHRs' = 'Eligible VHRs' divided by the Average Buffer Impact.

It is important to note that if the Board ultimately selects and implements a preferred buffering option, existing VHRs will phase out through attrition and will not automatically lose a VHR permit if they are within a buffer.

If the Board wishes to implement a VHR clustering policy or other locational amendments to the VHR Ordinance, additional resources will be needed. For instance, currently the County's VHR Permit tracking system, TRAKiT, does not allow for automated communication to the County's Geographic Information System (GIS), and therefore up-to-date spatial information on VHR location is not possible without manual staff analysis. Resources will be needed to allow for automatic updating between GIS and TRAKiT so that real time information is available for staff and the public to be able to determine if an applicant can apply for a VHR permit, or if their property lies within an existing buffer.

Additionally, it is probable that with the new cap and a potential buffering policy, that additional VHR team staff resources will be needed for administrative support. Finally, due to the additional Board policy and the added programmatic complexity, additional Code Enforcement staff will mostly likely be needed.

Staff is looking for direction from the Board on which of the presented options, or an alternate option

not presented, that staff should explore further and bring back to the Board for a final recommendation and approval.

### **ALTERNATIVES**

The Board could choose to retain the current ordinance, direct staff to bring back a final recommendation on one of the alternatives presented, or make additional recommendations.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Treasurer-Tax Collector, Chief Administrative Office, County Counsel, Surveyor, Sheriff's Office, Fire Districts

### **CAO RECOMMENDATION**

Receive and file the presentation and provide direction to staff.

### **FINANCIAL IMPACT**

There are no immediate financial impacts associated with this item. Ultimately, the limit on permits due to clustering may result in a decrease in permit revenue, however, since the 'cap' is above the current number of permits in effect this is not anticipated to result in substantial financial impact. Total costs of permitting and enforcement are continuing to be monitored and analyzed. Staff will provide the Board with recommendations for cost recovery, which may include increasing permit fees.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

### **STRATEGIC PLAN COMPONENT**

Good Governance

### **CONTACT**

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