



**PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA**

**Meeting Agenda
Thursday, January 25, 2024
1:00 P.M.**

**Primary location:
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120**

**Secondary location:
Commission Chair Bob Broyer will be joining the meeting remotely from an alternate
location that is open to the public:**

**Board of Supervisors Conference Room
309 Diablo Rd
Danville, CA 94526**

Hybrid Meeting with Zoom Link

If you would like to participate virtually, you can click on the Zoom website link or call the phone number listed below. You will be asked to enter the Meeting ID. You do not need a participant ID to join the meeting and can press the pound key (#) to connect to the meeting.

Zoom Link:

<https://us06web.zoom.us/j/85217182876?pwd=cFdegzrRWicY5cbJvUZmGTGxf0GAA9.1>

Meeting ID: 852 1718 2876
Passcode: 607003

Dial by your location
+1 346 248 7799 US

Planning Commission

Bob Broyer, Chair
Nick Hartzell, Vice-Chair
Jim Haen
Tom Sweeney
(Vacant)

Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to Sam Booth at sbooth@alpinecountyca.gov. The Planning Commission date and "general comment" should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.

Every reasonable effort will be made to accommodate any person needing special assistance to participate in this meeting. Please contact Sam Booth at 530-694-2140 ext 425 or at sbooth@alpinecountyca.gov in advance of the meeting.

All members of the public are encouraged to participate in the discussion on any items on the agenda at the time the items come up for Commission consideration. Speakers are requested to identify themselves before speaking. Whenever possible, lengthy testimony should be presented to the Commission in writing and only pertinent points presented.

1. Call to Order

2. Planning Commission Minutes

2.1 Requested Action/Proposed Motion: Pass a motion to approve the September 28, 2023 Planning Commission meeting minutes.

3. General Public Comment

Any person may make comments during the General Public Comment period on items of interest, within the subject matter jurisdiction of the Commission, that are not listed on the posted agenda. In accordance with the Brown Act, the Planning Commission cannot deliberate or vote on any matter under general public comment.

4. Public Hearings

4.1 Request for a zone change from Agricultural to Agricultural-Preserve for 5 parcels (APNs: 001-150-057, 045, 040, 039 & 065) located East of St Highway 88, at 3295 Carson River Road, Markleeville CA owned by Ace Hereford LLC, and Gordon Real Estate, LLC. The proposal includes a request to approve a finding that the project is categorically exempt from CEQA pursuant to Section 15317, Class 17. Alpine County File # 2023-137.

5. Unfinished Business

None

6. New Business

Presentation and discussion regarding Alpine County Code 18.73 Residential Short-Term Rentals, including direction to staff regarding potential changes to be made to the code.

7. OTHER BUSINESS

7.1. Community Development Director Report

7.2. Items initiated by Commissioners

8. ADJOURNMENT



UNAPPROVED: SUBJECT TO CORRECTION

**PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120**

MINUTES

Thursday, September 28, 2023

1. CALL TO ORDER

Chair Bob Broyer called the meeting to order at 1:00 p.m. with Commissioners, Bob Broyer, Jim Haen, and Tom Sweeney present.

A quorum was established.

2. MINUTES

2.1. Request approval of regular meeting minutes of Thursday, July 27, 2023

MOTION: Haen/ SECOND: Sweeney approving the regular meeting minutes of July 27, 2023.

AYES: Broyer, Haen, Sweeney

ABSTAIN:

MOTION CARRIED

3. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

None was heard.

4. PUBLIC HEARINGS

4.1 Variance Application for 430 Snowshoe Road, Bear Valley, File # 2023-147.

Application submitted by Ian Evans to request a variance to Chapter 18.36.040 Area, Lot Width and Yard Requirements to reduce the required front yard setback of 30 feet to 26.36 feet to accommodate the construction of a new single-family dwelling; including a finding that the project is categorically exempt from CEQA pursuant to Section 15305, Class 5: Projects consisting of minor alterations in land use. The property is located at 430 Snowshoe Road, Bear Valley (005-453-004-000).

Staff Planner, Sarah Traiman introduced the item, giving a brief summary and background of the proposed variance request. Chairman Broyer asked staff to clarify about the encroachments listed in the staff report that did not require a variance request. Ms. Traiman described that Alpine County code made exceptions for structural supports and some entryways, decks to be able to encroach into setbacks. Commissioner Sweeney asked about the adjacent lots that were undeveloped or were common area, open space. Ms. Traiman described the condition of the surrounding properties and referred to the maps in the staff report.

Chairman Broyer then opened up the discussion to the applicant and Ian Evans described that the need for the request was due to the triangular shape of the lot and the curve of Snowshoe Road's right-of-way which created a curve on the front setback. He reiterated that it was a challenging site to design the home construction. Chairman Broyer asked if Mr. Evans hired a professional surveyor to

confirm the corners of the lot and radius of the front setback. Mr. Evans confirmed that he did and that the dimensions were confirmed.

Chairman Broyer then opened the hearing for public comment. Jason Smith, the contractor for Mr. Evans spoke to the Commission and mentioned that the request met all of the required findings for approval of the variance. No further comments were heard.

Commissioner Haen mentioned that he preferred to approve a variance for a fraction of a foot and would rather round to a whole foot. Mr. Booth agreed that this would be easier for measuring and provide additional space if Mr. Evans agreed.

Commissioner Haen made a motion to approve the variance without conditions and to adopt the proposed CEQA notice of exemption.

MOTION: Haen / SECOND: Broyer

AYES: Haen, Sweeney, Broyer

ABSTAIN:

MOTION CARRIED

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

None

7. OTHER BUSINESS

7.1. Director's Report – Sam Booth

Mr. Booth gave a report to the Commission and started by introducing new department staff planner Alexa Burke. He gave the Commission an update on the floodplain ordinance and mentioned that the Board approved the ordinance with revisions to remove the two foot freeboard requirement. Mr. Booth informed the Commission of an upcoming flood awareness open-house to be held in Markleeville and Bear Valley. Mr. Booth informed the Commission that the department was recently awarded a Sustainable Communities Planning Grant from Caltrans and a CalFire grant for the Biomass collection at Turtle Rock Park.

7.2 Items Initiated by Commissioners

Commissioner Haen mentioned that revisions to the zoning ordinance were important to him. Chairman Broyer requested that staff add an agenda item to a future meeting to discuss the process of updating the zoning ordinance.

8. ADJOURNMENT

The Commission adjourned to the next regular meeting.

Bob Broyer, Chair

Attest:

Sam Booth, Director
Alpine County Community Development



COUNTY OF ALPINE Community Development Department

Samuel R. Booth, AICP, Director

STAFF REPORT

TO: Planning Commission

FROM: Sarah Traiman, Community Development Department

DATE: December 14, 2023

SUBJECT: Zone Change Application for 3295 Carson River Road, Markleeville, File # 2023-137.

Review and possible recommendation to the Board of Supervisors regarding the zone change application for Ace Hererford Ranch. Currently, the parcels are zoned as Agricultural (AG 18.16). The owners request to rezone the parcels as Agricultural Preserve (AP 18.18) and enter into a Williamson Act land conservation contract with the County of Alpine (see attachment 1, Application).

RECOMMENDATION

- Approval of zone change from an Agricultural (AG) designation to an Agricultural Preserve (AP) designation and finding that project is Categorically Exempt from CEQA.

SITUATION

A. Applicant

Ace Hereford Ranch LLC & Gordon Real Estate LLC represented by
Alling and Jillson Attorneys at Law
P.O. Box 3390
Lake Tahoe, CA 89449

B. Background

Location:	3295 Carson River Road, Markleeville CA
General Plan Designation:	Agriculture (AG) and Residential Rural (RR)
Zoning Designation:	Agriculture

C. Project Description

The properties are located East of St Highway 88, at 3295 Carson River Road, Markleeville CA. The properties consist of 5 contiguous parcels (APNs: 001-150-057, 045, 040, 039 & 065) located East of St Highway 88, at 3295 Carson River Road, Markleeville CA. (see attachments 2 & 3, vicinity, and ariel maps) The combined acreage of the five parcels is approximately 929. Proposed zone change is from an Agricultural designation to an Agricultural Preserve

designation so that the owners may enter a Williamson Act contract with the county. (see attachments 4 & 5 Existing & Proposed Zoning)

The purpose of the Williamson Act of 1965 is “to protect agricultural lands for continued production of food and fiber by discouraging premature and unnecessary conversion to urban uses” (see attachment 7, Introduction of W.A.). If approved, the properties must remain under the Williamson Act contract for a minimum of 10 years. The primary incentive for property owners to request the establishment of preserves is to reduce current and future property taxes.

An additional request is proposed to include the finding that the project is categorically exempt from CEQA pursuant to Section 15317, Class 17: Establishment of agricultural preserves, making and renewal of Williamson Act contracts, and acceptance of open space property. (see attachment 9 NOE)

D. Criteria for Decision

Section 18.84.040 of the Alpine County Code (Zoning Ordinance) provides for the following action by the Planning Commission with regard to an amendment to the zoning ordinance:

- The planning commission shall make findings of fact whether the proposed amendment or zoning change is in conformance with the county General Plan and in harmony with this title and other county zoning ordinances and whether it might otherwise be detrimental to the health, safety, peace, morals, and general welfare of the county or its people.
- The planning commission shall submit a report of its findings and a summary of its hearing, together with its recommendations with respect to the proposed amendment or zone change to the board of supervisors within sixty days of the date the petition or resolution is accepted by the county planner. This time limit may be extended if an environmental impact report or General Plan amendment is required. Likewise, the time limit may be extended by mutual agreement of the applicant and the commission. (Ord. 453 § 27.03, 1985)

E. Issues & Staff Analysis

Conformance with Alpine County General Plan:

The eligibility criteria for Williamson Act contracts states “Land eligible for an agricultural preserve may be located in any rural, open space or wilderness land use designation of the Alpine County General Plan”. (see attachment 8, Section B of Williamson Act)

The Alpine County General Plan Use for the Ace Hereford parcels is Open Space and Rural Residential, with the majority of the 929 acres designated as Open Space (see attachment 6, Ace Hereford General Plan) and some acreage designated for Rural Residential (see attachment 7, Ace Hereford General Plan) on the west portion of the group of parcels, between Old CA-88 and State Route 88.

Based on the description of Open Space and Rural Residential land use classifications, The proposed zone change to Agricultural Preserve does not conflict with any of the land use designations in the General Plan nor does it introduce any new categories of land use that would conflict with the land use designations.

Whether or not the proposed change is in harmony with the zoning ordinance and other applicable County ordinances:

The purpose of Agriculturally zoned lands as defined by section 18.16 of county code is to “preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve in agricultural use land which may be suited for eventual development of other uses, pending proper timing for the economical provision of utilities, streets and other facilities, and pending other site-specific conditions or constraints.”

The purpose of Agriculture Preserve zones as defined in section 18.18 of county code is to “help ensure the continued production of agricultural commodities by encouraging preservation of productive agricultural lands and the open space, wildlife habitat and scenic corridor values that productive agricultural lands provide within Alpine County in accordance with the California Land Conservation Act of 1965 (Williamson Act) as amended. Uses allowed within the AP agricultural preserve zoning district are intended to be limited to uses which are compatible with the long-term agricultural productivity of lands within this district. Except as may be provided in this chapter, residential subdivisions, commercial uses, industrial uses and other nonagricultural uses are not permitted within this district. Additionally, the proposed zone change is in harmony with the surrounding zoning districts which are primarily Agricultural and Agricultural-Preserve.

Whether or not the proposed change might be detrimental to the health, safety, peace, morals, and general welfare of the county or its people:

The current request does not propose any physical change to the land and rather it intends to preserve the existing agricultural uses, therefore it will not be detrimental to the health, safety, peace, morals, and general welfare of the county or its people.

ENVIRONMENTAL REVIEW

The project is categorically exempt from CEQA pursuant to Section 15317, Class 17: Establishment of agricultural preserves, making and renewal of Williamson Act contracts, and acceptance of open space property.

PUBLIC NOTIFICATION

Notice of the public hearing was posted according to Alpine County Code section 18.50.030. No comments have been received as of the date of this report.

RECOMMENDATION

1. Approval of the zoning change without conditions.
2. Adopt a Notice of Exemption (Attachment 3) for the project in conformance with the requirements of the California Environmental Quality Act (CEQA).

ALTERNATE ACTIONS

1. Deny the application with specific findings addressing the criteria for decision listed in this report.
2. Continue the public hearing pending consideration of additional information necessary to make a decision.

Respectfully submitted,

Sarah Traiman
Planner II

Attachments

1. Rezone request letter from Alling & Jillson LTD
- 2 & 3. Arial vicinity maps
4. Existing zone map
5. Propozed rezone map
6. Ace Hereford General Plan map
7. Rules of Procedure for Williamson Act implementation in Alpine County
8. Section B of Williamson Act
9. Notice of Exemption
10. Complete Williamson Act

ALLING & JILLSON, LTD.
ATTORNEYS AT LAW

276 KINGSBURY GRADE, SUITE 2000
POST OFFICE BOX 3390
LAKE TAHOE, NEVADA 89449-3390
TELEPHONE (775) 588-6676
FACSIMILE (775) 588-4970
WWW.AJATTORNEYS.COM

RONALD D. ALLING
KENNETH R. JILLSON
RICHARD J. MCGUFFIN
JAMIE L. WALKER
KARA M. HAVES
JUSTIN J. SINER

August 1, 2023

Alpine County Community Development
50 Diamond Valley Road
Markleeville, Ca 96120

Re: Planning Application for Rezoning of Parcels Owned by
Ace Hereford Ranch, LLC and Gordon Real Estate, LLC

Dear Alpine County:

We have submitted with this letter the online Planning Application together with related title guarantee reports and property profiles for the below-identified parcels which the County has indicated need to be rezoned prior to the approval and implementation of a Land Conservation (Williamson) Act Contract for our clients, Ace Hereford Ranch, LLC and Gordon Real Estate, LLC. The first six five parcels are contiguous and attached to APN 001-150-057-000 under which the application is made. ~~We are also including the remaining southern parcel, APN 001-080-084-000, in this application, for a total of seven parcels for review for rezoning approval.~~ All parcels are owned by Ace Hereford Ranch, LLC, with the exception of 001-150-039-000, owned by Gordon Real Estate, LLC.

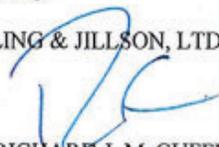
Parcel Numbers: 001-150-057-000
001-150-040-000
001-150-045-000
~~001-170-007-000~~
001-150-065-000
001-150-039-000
~~001-080-084-000~~

Also attached with the application are the property profiles and title guarantee reports together with parcel maps. We have also this date by separate letter enclosed payment of the ~~\$1,500.00~~ application fee.
\$3,000

Please contact us with if anything further is required. Thank you.

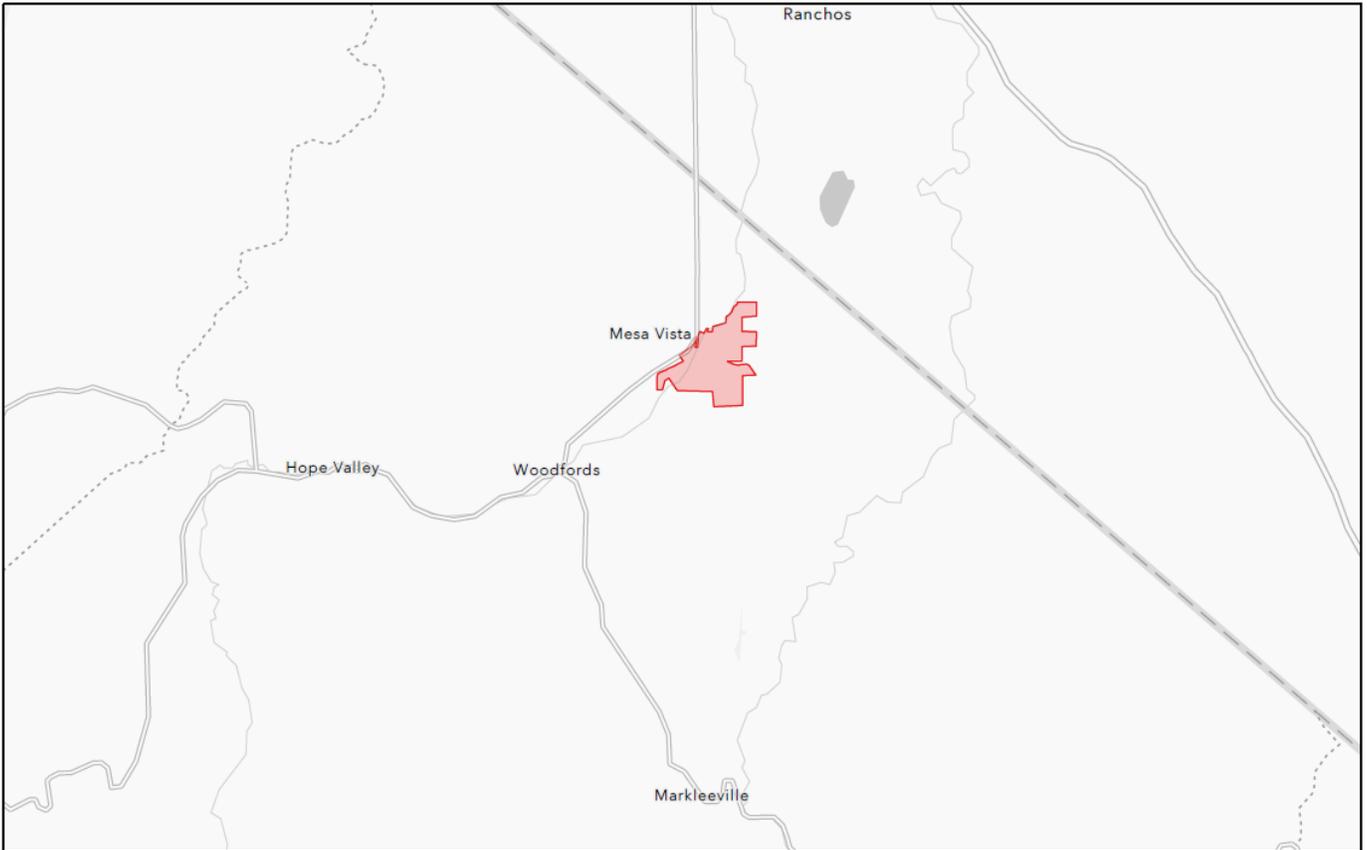
Sincerely,

ALLING & JILLSON, LTD.

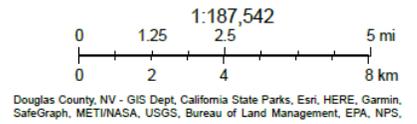
By: 
RICHARD J. MCGUFFIN, ESQ.

RJM:mp
cc: Client

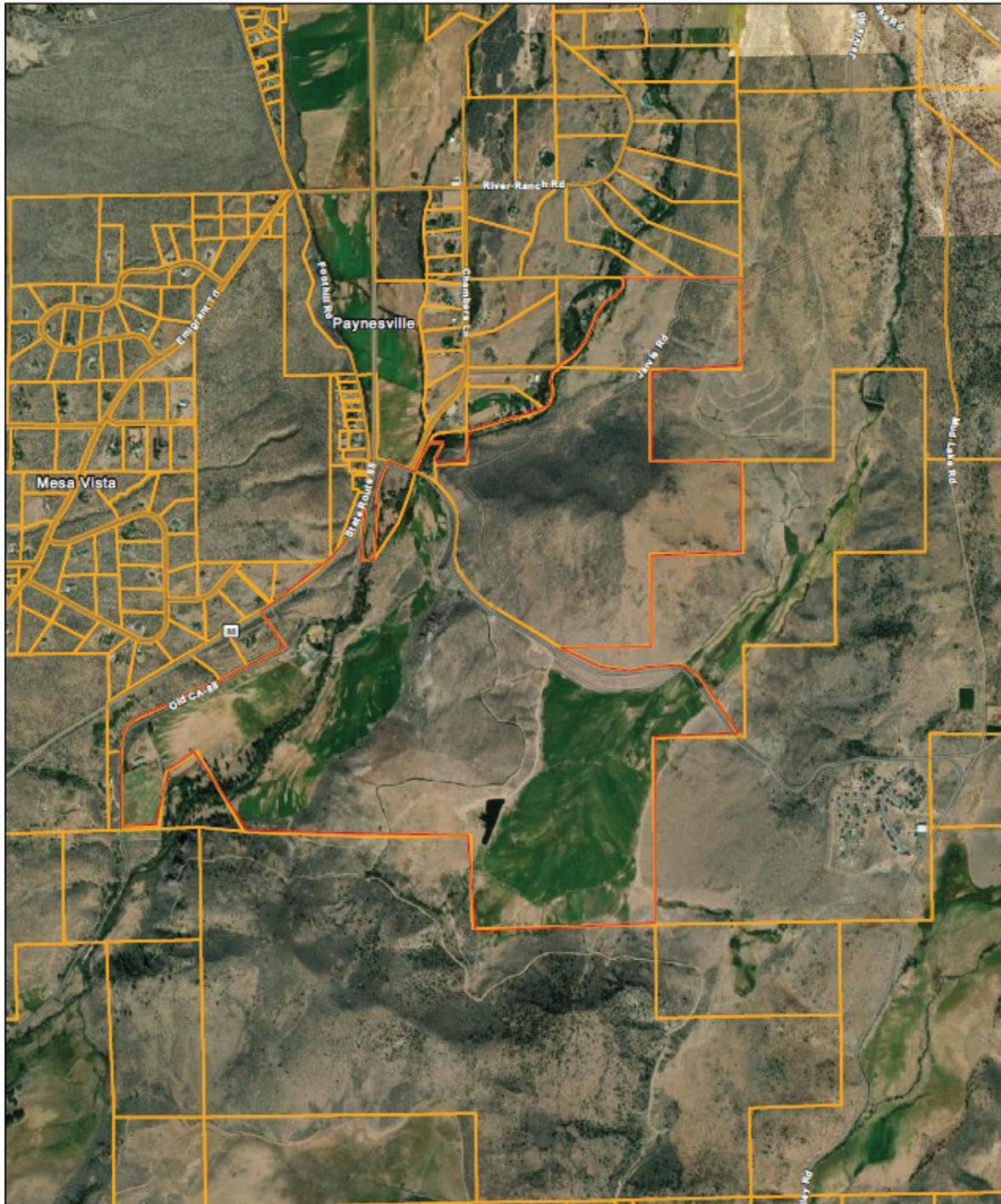
Attachment 2



12/7/2023



Ace Hereford Aerial

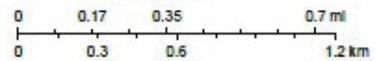


12/7/2023

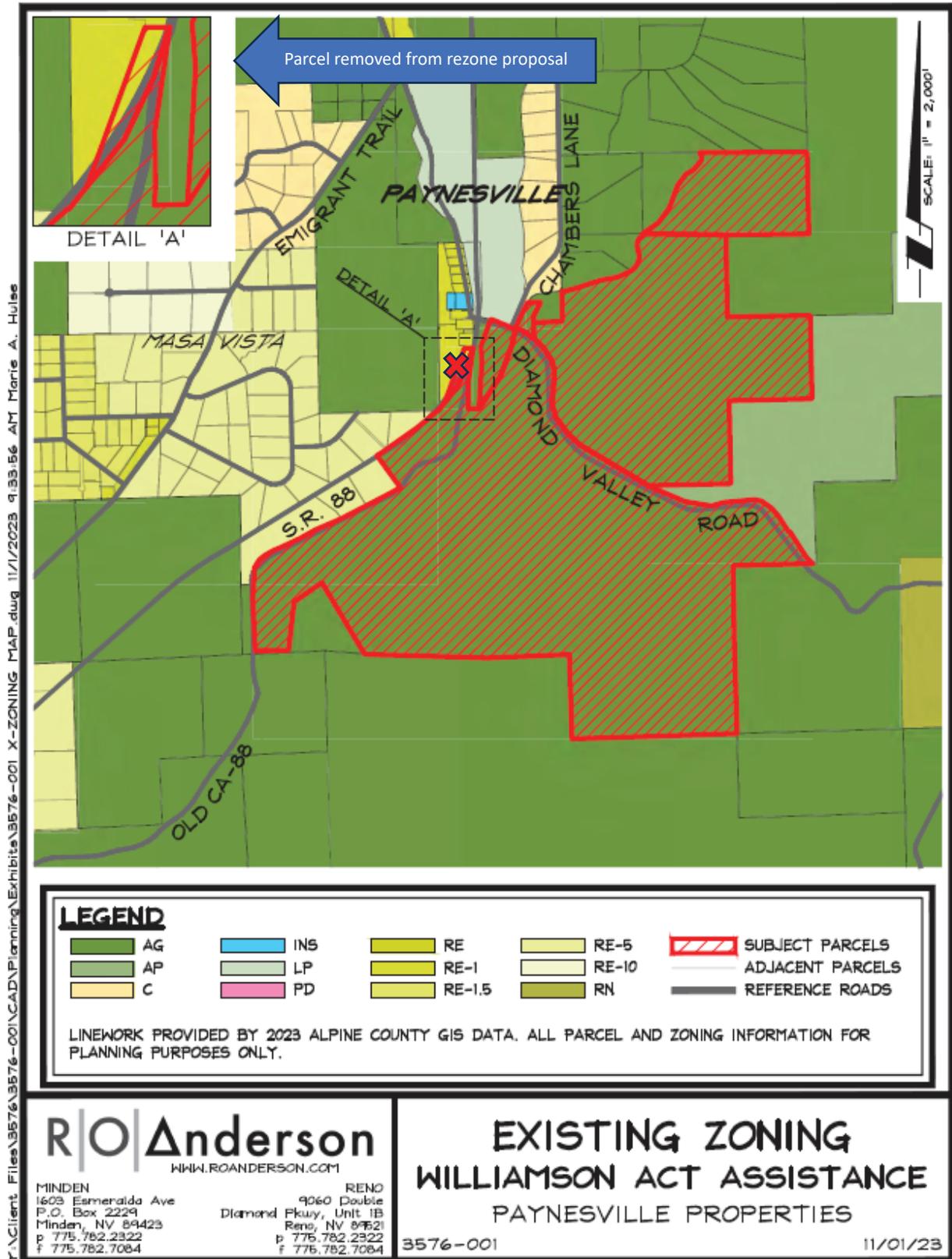
- AlpineCountyParcels22_23
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

- High Resolution 30cm Imagery
- Citations
- 4.8m Resolution Metadata

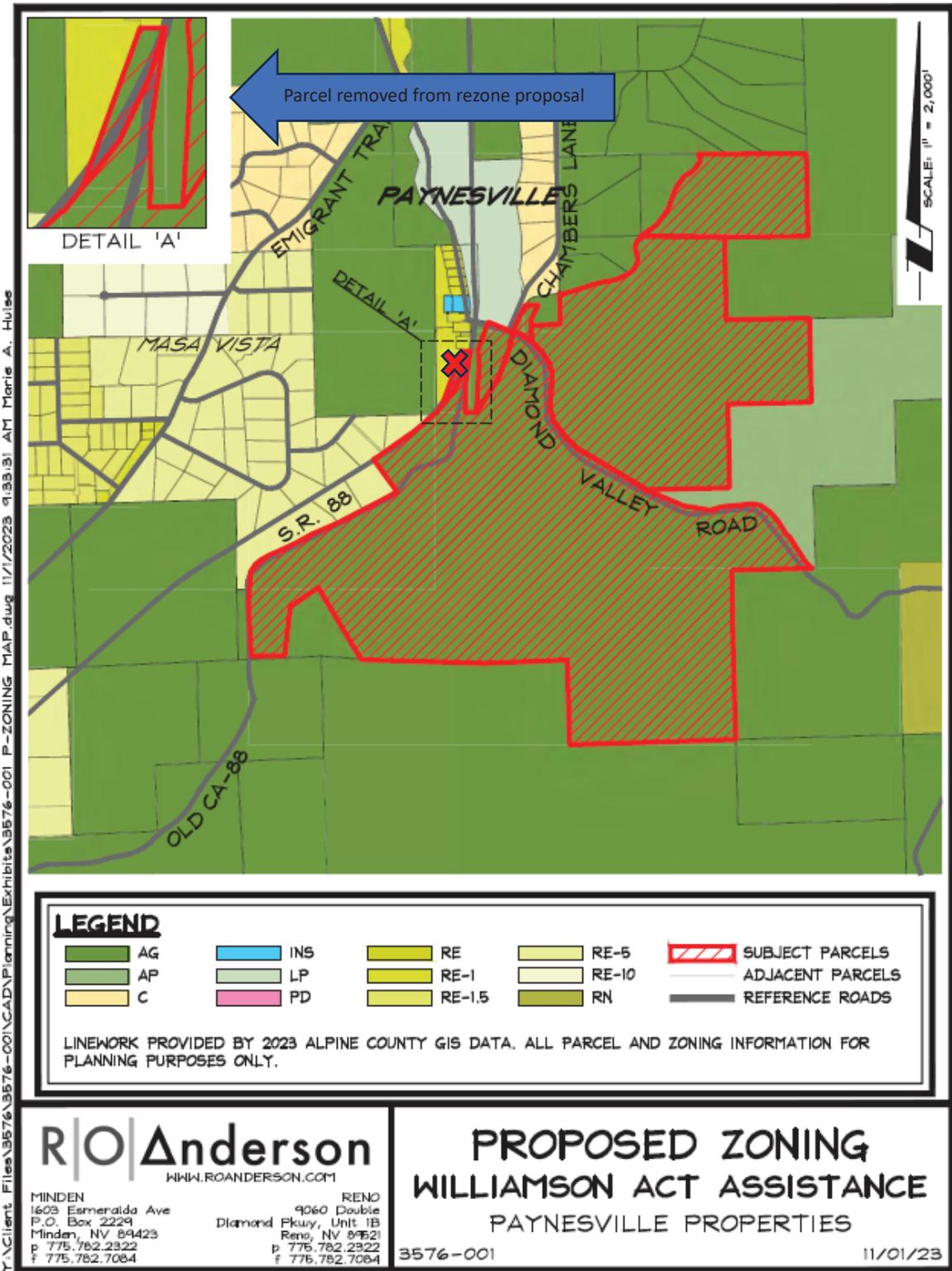
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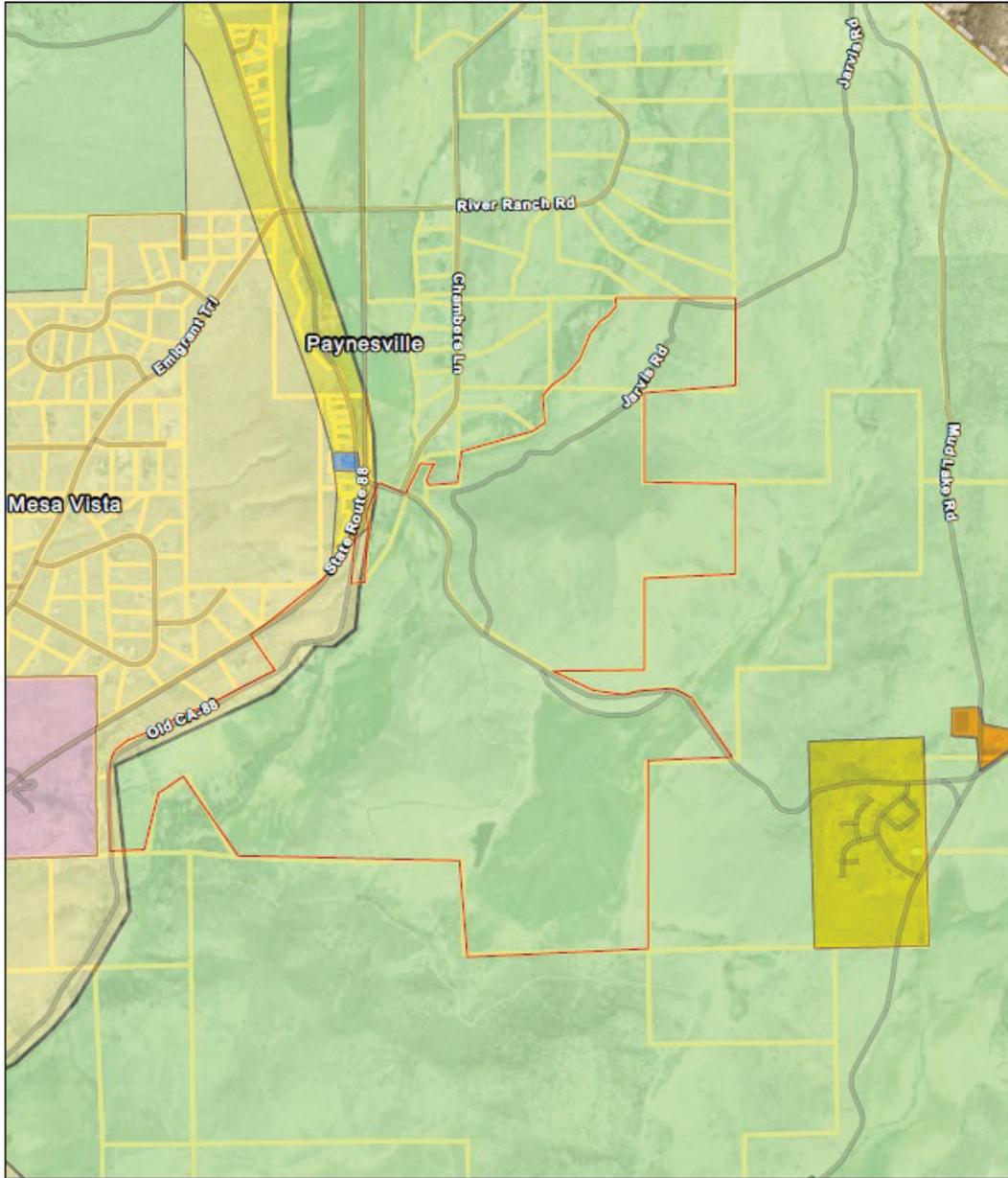
EagleView, Maxar, Douglas County, NV - GIS Dept, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/WASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA



Y:\Client Files\3576\3576-001\CAD\Planning\Exhibits\3576-001 X-ZONING MAP.dwg 11/1/2023 9:33:56 AM Marie A. Hules

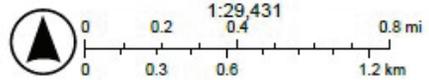


Ace Hereford General Plan



12/7/2023

- | | |
|-----------------------|------------------------------|
| General_Plan land use | AlpineCountyParcels22_23 |
| HWF | World Imagery |
| INS | Low Resolution 15m Imagery |
| NC | High Resolution 60cm Imagery |
| OS | High Resolution 30cm Imagery |
| RL | Citations |
| RM | 9.6m Resolution Metadata |
| RR | |



EagleView, Maxar, Douglas County, NV - GIS Dept, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

RULES OF PROCEDURE TO IMPLEMENT THE CALIFORNIA LAND CONSERVATION ACT OF 1965 AND THE FARMLAND SECURITY ZONE LEGISLATION OF 1998

A. INTRODUCTION

The objective of the Alpine County Williamson Act Program, as provided by the California Land Conservation Act of 1965 (also known as the Williamson Act), is to protect agricultural lands for continued production of food and fiber by discouraging premature and unnecessary conversion to urban uses. The county's Rules of Procedure to Implement the California Land Conservation Act of 1965 and the Farmland Security Zone Legislation (also known as the "Super" Williamson Act) of 1998 provides the standards for property eligibility and land use restrictions under the program. They also provide procedures for terminating contracts and monitoring the agricultural preserve program.

For a landowner to enter into a Williamson Act land conservation contract, the land under consideration must be included in an agricultural preserve. An agricultural preserve may be established by landowner request in an area devoted to an agricultural use as defined in and established in accordance with the California Land Conservation Act of 1965. A land conservation contract is a contract entered into by and between the property owner and lien holders (if any) and the county to enforceably restrict the use of the land for agricultural and compatible uses for a minimum term of 10 years for a standard Williamson Act contract or 20 years for a Farmland Security Zone (FSZ) contract. The primary incentive for property owners to request establishment of preserves and then enter into contracts is to reduce current and/or future property taxes. The program is designed for the property owner who is dedicated to the long-term use of the land for agricultural purposes.

Any landowner meeting the qualification standards may apply to form an agricultural preserve and, once the preserve is approved by the Board of Supervisors, upon consideration of the recommendation of the county Planning Department, enter into a land conservation contract with the county. Following the recording of a Williamson Act contract, land subject to a FSZ contract is valued for assessment purposes at 65% of its Williamson Act value, or its Proposition 13 value, whichever is lower. This assures the landowner that property valuations and taxes will remain at lower stable levels notwithstanding location relative to urban or other developing areas. In exchange for the tax benefits of the program, the landowner agrees to keep the land in agricultural use and in large parcel sizes related to the agricultural quality of the land or existing use.

The county Planning Department handles the processing of all agricultural preserve applications and land conservation contracts. The processing of an agricultural preserve application and land conservation contract includes the following steps:

B. AGRICULTURAL PRESERVES AND LAND CONSERVATION CONTRACTS

1. Eligibility Criteria for Agricultural Preserves and Land Conservation Contracts

This section contains the criteria for properties to qualify for agricultural preserves and land conservation contracts. The combined criteria in Subsections “a” (general plan consistency), “b” (minimum agricultural preserve size) and “c” (minimum ownership size) apply to the majority of potentially eligible lands. The criteria in Subsection “d” (special qualification provisions) apply to special or unusual circumstances.

a. General Plan Land Use Designations

Land eligible for an agricultural preserve may be located in any rural, open space or wilderness land use designation of the Alpine County General Plan if it meets preserve and ownership size eligibility requirements.

b. Agricultural Preserve Size

In accordance with Government Code Section 51230, the minimum agricultural preserve size shall be no less than 100 acres. Any size preserve may consist of either a single ownership or contiguous ownerships of at least 10 acres per ownership if each ownership meets the qualification requirements in Subsection B(1)(c).

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): Alpine County Community Development
50 Diamond Valley Rd
Markleeville CA 96120

County Clerk
County of: Alpine

(Address)

Project Title: Ace Hereford Rezone

Project Applicant: Alling & Jillson LTD

Project Location - Specific:
3295 Carson River Road, Markleeville CA 96120 APNs 001-150-057, 045, 040, 039 & 065

Project Location - City: Markleeville Project Location - County: Alpine

Description of Nature, Purpose and Beneficiaries of Project:

Proposed zone change is from an Agricultural designation to an Agricultural Preserve designation so that the owners may enter a Williamson Act contract with the county.

Name of Public Agency Approving Project: Alpine County Planning Commission and BOS

Name of Person or Agency Carrying Out Project: Alpine County, Sam Booth & Sarah Traiman

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15317
- Statutory Exemptions. State code number:

Reasons why project is exempt:

Class 17: Establishment of agricultural preserves, making and renewal of Williamson Act contracts, and acceptance of open space property

Lead Agency Contact Person: Sarah Traiman Area Code/Telephone/Extension: (530)694-1371

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

RESOLUTION OF THE COUNTY OF ALPINE,)
 STATE OF CALIFORNIA, ESTABLISHING)
 RULES OF PROCEDURE TO IMPLEMENT THE)
 CALIFORNIA LAND CONSERVATION ACT OF)
 1965 AND THE FARMLAND SECURITY ZONE)
 LEGISLATION OF 1998)

RESOLUTION NO. R2002-62

WHEREAS, the implementation of the California Land Conservation Act of 1965 and the Farmland Security Zone Legislation of 1998 ("Williamson Act program") in Alpine County will facilitate protection of agricultural lands for the continued production of food and fiber; and,

WHEREAS, implementation of a Williamson Act program in Alpine County is a stated policy of Alpine County pursuant to General Plan Goal No. 10 and Objective No. 10 of the Alpine County General Plan.,

NOW THEREFORE, the Board of Supervisors of the County of Alpine, State of California does hereby adopt rules of procedure to implement the California Land Conservation Act of 1965 and the Farmland Security Zone Legislation of 1998 as contained in the attached Exhibit A.

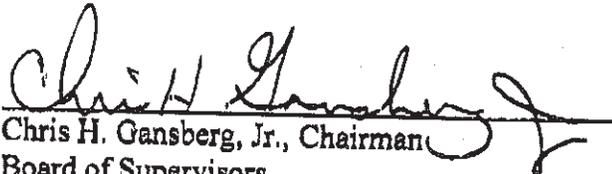
PASSED AND ADOPTED this 3rd day of December, 2002 by the following vote:

AYES: Supervisors Donald M. Jardine, Herman Zellmer, Mark A. Silverstone, Chris H. Gansberg, Jr.

NOES: None

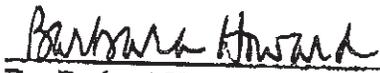
ABSENT: None

VACANT: Supervisor District 3


 Chris H. Gansberg, Jr., Chairman
 Board of Supervisors

ATTEST:

Barbara Jones, County Clerk
 and ex-officio Clerk of the
 Board of Supervisors


 By: Barbara Howard, Deputy

APPROVED AS TO FORM:

Dennis Crabb
Dennis Crabb, County Counsel

COUNTY OF ALPINE

**RULES OF PROCEDURE TO
IMPLEMENT THE
CALIFORNIA LAND
CONSERVATION ACT OF 1965
AND THE
FARMLAND SECURITY ZONE
LEGISLATION OF 1998**

**EXHIBIT A
ADOPTED BY
THE ALPINE COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. R2002-62**

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RULES OF PROCEDURE TO IMPLEMENT THE CALIFORNIA LAND CONSERVATION ACT OF 1965 AND THE FARMLAND SECURITY ZONE LEGISLATION OF 1998

A. INTRODUCTION

The objective of the Alpine County Williamson Act Program, as provided by the California Land Conservation Act of 1965 (also known as the Williamson Act), is to protect agricultural lands for continued production of food and fiber by discouraging premature and unnecessary conversion to urban uses. The county's Rules of Procedure to Implement the California Land Conservation Act of 1965 and the Farmland Security Zone Legislation (also known as the "Super" Williamson Act) of 1998 provides the standards for property eligibility and land use restrictions under the program. They also provide procedures for terminating contracts and monitoring the agricultural preserve program.

For a landowner to enter into a Williamson Act land conservation contract, the land under consideration must be included in an agricultural preserve. An agricultural preserve may be established by landowner request in an area devoted to an agricultural use as defined in and established in accordance with the California Land Conservation Act of 1965. A land conservation contract is a contract entered into by and between the property owner and lien holders (if any) and the county to enforceably restrict the use of the land for agricultural and compatible uses for a minimum term of 10 years for a standard Williamson Act contract or 20 years for a Farmland Security Zone (FSZ) contract. The primary incentive for property owners to request establishment of preserves and then enter into contracts is to reduce current and/or future property taxes. The program is designed for the property owner who is dedicated to the long-term use of the land for agricultural purposes.

Any landowner meeting the qualification standards may apply to form an agricultural preserve and, once the preserve is approved by the Board of Supervisors, upon consideration of the recommendation of the county Planning Department, enter into a land conservation contract with the county. Following the recording of a Williamson Act contract, land subject to a FSZ contract is valued for assessment purposes at 65% of its Williamson Act value, or its Proposition 13 value, whichever is lower. This assures the landowner that property valuations and taxes will remain at lower stable levels notwithstanding location relative to urban or other developing areas. In exchange for the tax benefits of the program, the landowner agrees to keep the land in agricultural use and in large parcel sizes related to the agricultural quality of the land or existing use.

The county Planning Department handles the processing of all agricultural preserve applications and land conservation contracts. The processing of an agricultural preserve application and land conservation contract includes the following steps:

Application Review Procedure:

- 1) Pre-application conference between county staff and applicant. A conference can be requested by staff or the applicant for complex applications or for an application that may generate significant public controversy.
- 2) Application package submitted to the Planning Department.
- 3) Staff review of the application package. If the application is determined to be incomplete, the applicant will be notified of the deficiencies. If the application is deemed complete, the applicant will be sent the Land Conservation (Williamson) Act contract and, if necessary, the appropriate paperwork to apply for designation of a new Agricultural Preserve.
- 4) Completed Land Conservation (Williamson) Act contract submitted to Planning Department. If the land under contract is within an already-designated Agricultural Preserve, and the landowner does not wish to initiate a FSZ contract, then the process is complete at this point. If the landowner wishes to enter into a FSZ contract, then the Williamson Act contract will be superseded by the FSZ contract. If a new Agricultural Preserve is to be designated, then in addition to the Williamson Act contract, the applicant must also provide the supporting documentation as defined in the Agricultural Preserve paperwork. The Planning Division will then schedule a public hearing for the designation of a new Agricultural Preserve. Every attempt will be made to schedule the hearing within 30 days of receipt of completed applications.
- 5) If a new Agricultural Preserve is to be designated, then in addition to the Williamson Act contract, an application to change the zoning on the subject property Agricultural Preserve must be submitted to the Planning Department. An application packet and information regarding the process for changing zoning to Agricultural Preserve is available from the Planning Department and should be made available to the applicant at the pre-application conference as described above.
- 6) Planning Commission public hearing. Following a staff presentation and additional public testimony, the Alpine County Planning Commission will make a recommendation to the Board of Supervisors regarding the application to change zoning on the subject property to Agricultural Preserve.
- 7) Board of Supervisors public hearing. Following a Staff presentation and additional public testimony, the Board will make their determination on the designation of a new Agricultural Preserve. Upon approval, the applicant's Williamson Act contract (or FSZ contract) may then be finalized and recorded. The applicant's attendance at the hearing is vital to provide the Board with additional information and to answer questions.

Applications must be submitted to the county Planning Department to allow sufficient time for contracts to be recorded prior to the end of December. The last day of December is the annual deadline for ensuring property reassessments and property tax reductions that become effective for the following tax year. To accommodate these time requirements and allow sufficient time for the necessary review of the application and public hearings, it is recommended that applications be submitted to the Planning Department by September 1.

In addition to land conservation contracts and new agricultural preserve applications, the county Planning Department also handles the processing of notices of non-renewal of land conservation contracts and contract cancellation requests. The department will provide an informational handout with appropriate instructions and forms for each type of application on request.

The Office of County Counsel provides legal counsel and the Planning Department provides staff support for all matters relating to the implementation of the California Land Conservation Act of 1965.

B. AGRICULTURAL PRESERVES AND LAND CONSERVATION CONTRACTS

1. Eligibility Criteria for Agricultural Preserves and Land Conservation Contracts

This section contains the criteria for properties to qualify for agricultural preserves and land conservation contracts. The combined criteria in Subsections "a" (general plan consistency), "b" (minimum agricultural preserve size) and "c" (minimum ownership size) apply to the majority of potentially eligible lands. The criteria in Subsection "d" (special qualification provisions) apply to special or unusual circumstances.

a. General Plan Land Use Designations

Land eligible for an agricultural preserve may be located in any rural, open space or wilderness land use designation of the Alpine County General Plan if it meets preserve and ownership size eligibility requirements.

b. Agricultural Preserve Size

In accordance with Government Code Section 51230, the minimum agricultural preserve size shall be no less than 100 acres. Any size preserve may consist of either a single ownership or contiguous ownerships of at least 10 acres per ownership if each ownership meets the qualification requirements in Subsection B(1)(c).

~~The definition of prime land, and non-prime land shall be as set forth in the Land Conservation Act.~~

c. Qualification Requirements for Individual Ownerships

An individual property must satisfy the minimum standard of 100 acres in order to be considered for establishment of an agricultural preserve. Contiguous ownerships of at least 10 acres per ownership that, when added together, total at least 100 acres will also be considered. These standards apply to the eligibility of land, not to land division (see Section B(2) of the Rules of Procedure for land division).

d. Land Conservation Contract Parcel Size

The minimum parcel size eligible for entry into a land conservation contract is 40 acres. Alpine County may consider contract lands on parcels smaller than 40 acres on a case-by-case basis.

e. Special Qualification Provisions

- 1) **Property adjacent to an existing agricultural preserve.** A landowner whose property qualifies for the program but does not meet the separate preserve size requirement may have the property annexed to an existing adjacent agricultural preserve by amending the county ordinance that established that preserve. After annexation to the agricultural preserve, the landowner may enter into a land conservation contract.
- 2) **Addition of land to an existing preserve and contract.** A property owner under contract who acquires adjacent parcels of any size may add this land by changing the zoning on the adjacent parcels to agricultural preserve and amending the existing contract. The contract amendment is to recognize the remaining term of the original contract but in no event less than 10 years.
- 3) **Review of applications by the Planning Division.** All applications to establish agricultural preserves or to amend existing agricultural preserves and land conservation contracts shall be presented to the Planning Department for their recommendations to the county Planning Commission and Board of Supervisors. The Planning Department shall review requests for land conservation contracts or contract amendments if more than two years have elapsed since establishment or amendment of the agricultural preserve and eligibility or minimum parcel size applied to the preserve is questionable in relation to standards in the current Rules of Procedure. The Planning Department shall also review the eligibility of properties in existing agricultural preserves in which landowners have not entered into land conservation contracts to determine if any action is needed to disestablish or alter the boundaries of agricultural preserves.
- 4) **Ordinance Compliance.** No agricultural preserve application or land conservation contract shall be approved for any land where an existing land use or parcel is being maintained in violation of any applicable provision of the Subdivision Map Act, the County Code, or any condition of approval of a land use permit where the violation is identified prior to the filing of an agricultural preserve application and a notice of violation has been recorded or a citation has been issued.

2. Agriculture and Compatible Uses

Agriculture and compatible uses are as defined in Section 18.18 of the Alpine County Zoning Ordinance.

Assembly Bill 1944 amending Government Code Section 51238.3 was approved during the 1999-2000 California Legislative session. The following section would be relevant to land conservation contracts initiated in Alpine County:

"For purposes of this chapter, a compatible use is considered to be expressly specified within the contract only if it is specifically enumerated within the four corners of the Williamson Act contract either without the benefit of referenced documents, or with respect to Williamson Act contracts signed on or before June 7, 1997, with the benefit of referenced documents as those documents existed at the time the Williamson Act contract was initially signed."

This means that all compatible uses must be delineated in a County Williamson Act contract at the time the contract is signed. Any deviation from uses specified in the contract would be cause for either amending the contract or initiating non-renewal of the contract.

3. Terms of Land Conservation Contracts

The minimum term of land conservation contracts shall be 10 years. If a property owner has served a notice of non-renewal of land conservation contract on the county and the same owner or a successor wishes to reinstate the ongoing contract status to negate the effect of the non-renewal, the owner will need to apply for a new contract for a term of 10 years as provided above.

4. Termination of Land Conservation Contracts

Methods for terminating land conservation contracts include non-renewal, cancellation, and public acquisition. Beginning the first year following execution of each 10-year contract, a year is automatically added for each year that elapses. This maintains an ongoing 10-year term unless a notice of non-renewal is served.

Unless the landowner or the county serves notice of non-renewal on the other party, or the contract is terminated by one of the other allowed methods, a contract continues indefinitely.

a. Non-renewal

Non-renewal is the guaranteed and by far the most common method for a landowner or the county to terminate a land conservation contract. All that is required is for the landowner or the county to serve a notice of non-renewal in a timely manner (see below).

- 1) **Service and termination dates.** To terminate a land conservation contract by non-renewal, the landowner or the county must serve a notice of non-renewal by the required deadline in any given year. Once a notice of non-renewal is served on a contract with 10 years remaining, it takes 9 to 10 years for the contract to expire. Examples of filing deadlines and termination dates for 10-year contracts are provided in Appendix D.

- 2) **Full or partial non-renewal.** Any landowner under contract may terminate the contract on his property by serving a notice of non-renewal of contract on the county. A contract can also be terminated by the county serving the notice of non-renewal on a property owner.

County review and approval of a landowner-initiated notice is required only for a notice of partial non-renewal of contract as follows:

- 1) The landowner acquired a portion of a larger property subject to a contract. The county policy is to approve such notices since the California Land Conservation Act of 1965 provides that any landowner, independent of other landowners subject to the same contract, may serve a notice of non-renewal. However, such notices will trigger county review of other properties subject to the same contract to determine their continuing eligibility and to consider if and when the county should serve notices of non-renewal on other property owners under the contract.
- 2) The landowner requests non-renewal of contract on a portion of his property. The request will be reviewed to determine if the portion to remain in the program (subject to continued annual renewal) complies with the program's eligibility requirements. If not, the property owner would need to decide whether to continue the entire property under the program or serve notice of non-renewal on the entire property.

An informational handout describing non-renewal procedures and property tax impacts can be obtained from the county Planning Department.

b. Cancellation

A property owner (but not the county) may request cancellation of a land conservation contract to terminate the contract on all or a portion of the property within one year after an application is accepted for processing. However, cancellation can be approved only under extraordinary circumstances as provided in the California Land Conservation Act of 1965. The Board of Supervisors, through public hearings, must make all of the findings under one of the following two sets of findings to approve a cancellation request:

- 1) The cancellation is consistent with the purposes of the California Land Conservation Act of 1965:
 - a) A notice of non-renewal has been served.
 - b) Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - c) An alternative use is proposed which is consistent with the county general plan.
 - d) Cancellation will not result in discontinuous patterns of urban development.
 - e) There is no proximate noncontracted land which is both available and suitable for the proposed alternative use, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land, which is sufficiently close to the contracted land that it can

serve as a practical alternative for the use which is proposed for the contracted land.

- 2) The cancellation is in the public interest, where other public concerns substantially outweigh the objectives of the California Land Conservation Act of 1965.

The following provision applies to both alternatives: (1) the uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract, and (2) the uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

Assembly Bill 1944 clarifying Government Code Section 51282 (excerpted above) and adding Section 51284.1 was passed during the 1999-2000 California Legislative session. Government Code Section 51284.1 reads as follows:

"a) When a landowner petitions a board or council for the tentative cancellation of a contract and when the board or council accepts the application as complete pursuant to Section 65943, the board or council shall immediately mail a notice to the Director of Conservation. The notice shall include all of the following:

- 1) A copy of the petition.
- 2) A copy of the contract.
- 3) A general description, in text or by diagram, of the land that is the subject of the proposed cancellation.
- 4) The deadline for submitting comments regarding the proposed cancellation. That deadline shall be consistent with the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7), but in no case less than 30 days prior to the scheduled action by the board or council.

b) The Director of Conservation shall review the proposed cancellation and submit comments to the board or council by the deadline specified in paragraph 4 of subdivision a. Any comments submitted shall advise the board or council on the findings required by Section 51282 with respect to the proposed cancellation.

c) Prior to acting on the proposed cancellation, the board or council shall consider the comments by the Director of Conservation, if submitted."

Cancellation is an expensive method to seek termination of contracts. Processing fees are high due to the need to prepare detailed staff reports, the possible requirement for an environmental impact report, and public hearings. If a cancellation request is tentatively approved by the Board of Supervisors, the applicant must pay a cancellation fee of 12.5% of the current fair market value of the property as if it were not subject to contract within one year after tentative approval of cancellation. This fee will be transmitted from the county treasurer to the State of California upon collection. In addition, the County Board of Supervisors has levied a fee of \$1000 for consideration of a request to cancel a contract or any portion thereof.

The cancellation application form can be obtained from the county Community Development Department.

c. Public Acquisition

Land conservation contracts become void for land that is acquired by a federal, state or local government agency for necessary public uses and facilities. The California Land Conservation Act of 1965 contains policies and restrictions to avoid public acquisition of lands if in agricultural preserves, with special emphasis on restricting acquisition of land subject to land conservation contracts or containing prime agricultural land. State and local government agencies are required to refer proposals to acquire land in agricultural preserves to the State Department of Conservation for their review and response prior to acquisition.

5. Disestablishment of Agricultural Preserves

The same procedures used to establish an agricultural preserve apply to the disestablishment or alteration of boundaries of an agricultural preserve. The following are circumstances under which the county will consider full or partial disestablishment of an agricultural preserve:

a. Landowner-Initiated

A landowner request to remove their property from an agricultural preserve will be considered only upon termination of his land conservation contract or if they or prior owners never entered into a contract. In the event that a land conservation contract is canceled, the County shall process in good faith an application by the landowner to have the property subject to the canceled contract rezoned in a manner consistent with the zoning allowed on the property prior to entry into the contract.

b. County-Initiated

The county will remove lands from agricultural preserves that are acquired by a public agency for public purposes.

6. Monitoring the Agricultural Preserve Program

The county shall actively monitor the agricultural preserve program by periodically reviewing the continuing eligibility of properties and checking for contract violations. Methods for identifying and reviewing the continuing eligibility of properties include:

- 1) Planning Department review of referrals (e.g., new property transfers) by the Assessor's Office or other sources and annual audit of computer printouts consisting of parcel acreages and alphabetical listings of all property owners under contract.
- 2) Field check of properties, particularly those which are smaller than 100 acres, for either existing agricultural uses and land capability to determine if they comply with qualification standards or a determination as to whether any contract violations have occurred.

a. Planning Department

The Planning Department's role in monitoring the agricultural preserve program includes review of new agricultural preserve applications, amendments to existing preserves and contracts, county-initiated notices of non-renewal or cancellation of contracts, contract violation matters, notices of partial non-renewal, disestablishment of agricultural preserves, and development proposals and other matters that may significantly affect the agricultural preserve program. Direct involvement with the implementation of the program, in turn, provides the Planning Department with the opportunity to continuously monitor the effectiveness of the Rules of Procedure.

b. Renegotiation of Contracts

Properties that have inadequate contract restrictions shall be identified and property owners shall be given the option of either renegotiating contracts to bring them into conformance with current standards or be subject to county-initiated notices of non-renewal.

c. County-Initiated Notices of Non-renewal

When a property owner serves notice of non-renewal of contract within an agricultural preserve that was established or enlarged on the basis of multiple ownerships being necessary to meet minimum agricultural preserve size requirements, the other properties will continue to remain under contract within the preserve until and unless the county serves notices of non-renewal on those other property owners under the circumstances described below. The California Land Conservation Act of 1965 does not require the county to immediately serve notices of non-renewal on other property owners since the agricultural preserve continues to exist until the contract is terminated and the owner or the county takes action to remove the property from the agricultural preserve. The following are circumstances under which the county should consider serving notices of non-renewal on other property owners within an agricultural preserve after one of the owners has served notice:

- 1) One or more of the other properties in the preserve do not meet the current qualification standards in the Rules of Procedure.
- 2) The owner or succeeding owner of the property subject to non-renewal is unlikely to enter into a new contract because the property has significantly greater development potential if not under contract (e.g., it consists of existing small parcels of record that could be individually sold as rural residential homesites or is located adjacent to a land use category allowing more intensive development).
- 3) Property owners adjacent to the existing agricultural preserve are unlikely to apply for addition of their properties to the preserve to compensate for the property subject to non-renewal.

The county shall serve notices of non-renewal of land conservation contracts on property owners if the Board of Supervisors through a public hearing finds that the conditions under which they originally qualified for the agricultural preserve program have been substantially diminished as indicated by the following:

- 1) Conveyance of an existing parcel or parcels to new landowners that are smaller than the minimum parcel size applied to the agricultural preserve in cases where the contract does not specifically prohibit such conveyances.
- 2) For preserves smaller than 100 acres, changes in land use where an intensive agricultural use which originally qualified a small property has been terminated and the owner has made no effort to re-establish a productive agricultural use. Examples are orchards that have been destroyed by frost or drought, orchards that are no longer being maintained due to neglect or declining productivity, or animal specialty uses which have been terminated on small properties.
- 3) Once a contract is terminated by non-renewal and the county approves the owner's request to remove the property from the agricultural preserve in conjunction with a general plan amendment to change the land use category for a more intensive use, the county will serve notices of non-renewal on the other property owners if the remaining land does not meet the minimum preserve size requirements in the Rules of Procedure.

d. Enforcement of Contracts

The county shall monitor the agricultural preserve program for contract violations and take necessary actions to restrain breaches of contract or compel compliance with the terms of contracts. Two major types of enforcement problems are: (1) conveyance of parcels which result in violation of the terms of the contract, and (2) changes in use that violate the contract provisions (either intensity or noncompliance).

- 1) **Enforcement of Terms of Conveyance.** Land-use restrictions specified in a land conservation contract are binding on the owner who entered into the contract or a succeeding owner as long as the contract remains in effect. The owner is obligated to maintain the land in a condition that will not diminish the use or characteristics which originally qualified the property for the agricultural preserve program. Government Code Section 51240 specifically stresses that:

"Any city or county may by contract limit the use of agricultural land for the purpose of preserving such land pursuant and subject to the conditions set forth in the contract and in this chapter. A contract may provide for restrictions, terms, and conditions, including payments and fees, more restrictive than or in addition to those required by this chapter."

It is the responsibility of the county Planning Department to monitor all cuts and combinations (e.g., land divisions, lot line adjustments, reconfigurations, etc.) involving properties under contract. The Planning Department is also responsible for monitoring the conveyance of water rights associated with land within an agricultural preserve. It is the responsibility of the Assessor's Office to monitor all transfers of contracted properties, particularly regarding minimum parcel size.

If there is a violation, the property is to be reconveyed to the prior owner. Any conveyance, contract or authorization (whether oral or written) by the owner or his/her successors in interest which would permit use of the property contrary to the terms of the contract may be declared void by the Board of Supervisors; such declaration or the provisions of the contract may be enforced by the county by an action filed in the Superior Court of the county for the purpose of compelling compliance or restraining breach thereof. These remedies are non-exclusive and the county may take any other action legally available to enforce the terms of the contract. Alternatively or in addition, non-renewal of the contract by the county may be initiated if deemed appropriate. Any such action shall not affect the contracts of other owners in the same preserve.

- 2) **Enforcement of Terms of Land Use and Noncompliance.** It is the responsibility of the Planning Department to monitor noncomplying uses of Williamson Act properties (i.e., those uses not indicated as "compatible" by Section 18.18 of the Alpine County Zoning Ordinance). In case of a violation, the property owner shall have a period of 90 days from the date of discovery to remove the noncomplying use. If it is not removed, non-renewal may be initiated by the county, or the Board of Supervisors may authorize the initiation of an action in Superior Court to compel removal of the noncomplying use.

In all cases, when non-renewal is to be initiated by the county, it will be the responsibility of the Planning Department to do so.

e. **Notification**

There are no requirements for public notification or public hearings for land conservation contracts. For establishment, amendment, or disestablishment of agricultural preserves, however, Government Code 51233 requires a written notice to the Local Agency Formation Commission (LAFCO) and to every incorporated city within 1 mile of the exterior boundaries of the proposed preserve at least 2 weeks prior to the public hearing before the Board of Supervisors.

C. FARMLAND SECURITY ZONES

1. **Overview of the Farmland Security Zone (FSZ) Legislation**

In August of 1998, the California Legislature enhanced the Williamson Act by providing a vehicle for increased protection of agricultural land in exchange for increased tax benefits for landowners interested in establishing FSZ contracts. The FSZ legislation authorizes landowners to petition the Board of Supervisors to rescind their existing Williamson Act contract in favor of a new FSZ contract. For land not currently in a Williamson Act contract, the Board may allow enrollment of the land into a standard Williamson Act contract, then authorize the immediate rescission of that contract in favor of an FSZ contract.

Land subject to a FSZ contract is valued at 65% of its Williamson Act value, or its (1978) Proposition 13 value, whichever is lower. In addition to the 65% assessment value, the FSZ legislation requires that new special taxes for urban-related services be levied at an unspecified

reduced rate on land enrolled in a FSZ contract, unless the tax directly benefits the land or the living improvements on the land.

The FSZ legislation prohibits the annexation of land enrolled in a FSZ contract to a city or a special district that provides non-agricultural services or for use as a public school site. Additionally, a local agency formation commission (LAFCO) is prohibited from annexing or otherwise obtaining control of land subject to a FSZ contract, except under very limited circumstances.

A FSZ contract is for a minimum period of 20 years. Like a Williamson Act contract, the contract is automatically renewed each year, providing for a rolling 20-year contract. Also like Williamson Act contracts, a FSZ contract may be non-renewed, with the termination period being 20 years rather than 10. A FSZ contract may also be cancelled, but the provisions are stricter and the penalty fee much higher than for a standard Williamson Act contract.

2. Land that Qualifies for Enrollment in FSZ Contracts

The following four conditions must be met in order for land to qualify for a FSZ contract:

- 1) Land currently must be enrolled in a Williamson Act contract.
- 2) Only the landowner may request initiation of a FSZ contract.
- 3) The land under contract must be designated on the Important Farmland Series maps as predominantly prime farmland; farmland of statewide significance; unique farmland; farmland of local importance; or be defined as prime agricultural land under Government Code 51201.
- 4) Land located within a city's sphere of influence may not be included in a FSZ unless expressly approved by resolution by the city with jurisdiction within the sphere.

Parcel size for land to be considered for a FSZ contract is the same as for a standard Williamson Act land conservation contract.

3. Implementation

For land not yet in a Williamson Act contract, the landowner may file applications for both a Williamson Act contract and a FSZ contract simultaneously. The Williamson Act contract will immediately be rescinded in favor of the FSZ contract, and all actions will be recorded by the county. If the property is already in a Williamson Act contract, then the landowner only needs to file a FSZ contract. The timeline for all procedures is the same given in Section A of these Rules of Procedure.

4. Non-renewal

Non-renewal procedures are the same as those for standard Williamson Act contracts; the only difference is the period of non-renewal. As with standard contracts, the present worth value becomes greater as the years remaining under the FSZ contract become fewer. In situations

where the landowner serves the notice of non-renewal, or the landowner fails to protest a notice of non-renewal provided by the county, the increase in property valuation applies immediately upon the service of the non-renewal notice. If the county provides the notice of non-renewal and the landowner objects, then the increase in property valuation applies only when fewer than six years remain until the termination of the period for which the land is enforceably restricted.

5. Cancellation

Prior to passage of California State Senate Bill 649 in 1999, cancellation of FSZ contracts was not allowed. With the passage of SB 649, however, the following provisions from Government Code Section 51296(k) are made allowing cancellation of a FSZ contract:

"k) A petition for cancellation of a farmland security zone contract created under this article may be filed only by the landowner with the city or county within which the contracted land is located. The city or county may grant a petition only in accordance with the procedures provided for in Article 5 (commencing with Section 51280) and only if all the following requirements are met:

- 1) The city or county shall make both of the findings specified in paragraphs 1 and 2 of subdivision of a Section 51282, based on substantial evidence in the record. Subdivisions b to e, inclusive, of Section 51282 shall apply to the findings made by the city or county.
- 2) In its resolution tentatively approving cancellation of the contract, the city or county shall find all of the following:
 - a) That no beneficial public purpose would be served by the continuation of the contract.
 - b) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.
 - c) That the landowner has paid a cancellation fee equal to 25% of the cancellation valuation calculated in accordance with subdivision b of Section 51283.
- 3) The Director of Conservation approves the cancellation. The director may approve the cancellation after reviewing the record of the tentative cancellation provided by the city or county, only if he or she finds both of the following:
 - a) That there is substantial evidence in the record supporting the decision.
 - b) That no beneficial public purpose would be served by the continuation of the contract.
- 4) A finding that no authorized use may be made of a remnant contract parcel of five acres or less left by public acquisition pursuant to Section 51295, may be substituted for the finding in paragraph 1."

As with a standard Williamson Act contract, cancellation is an expensive method to seek termination of a contract. If a cancellation request is tentatively approved by the Board of Supervisors, the applicant must pay a cancellation fee of 25% of the current fair market value of the property as if it were not subject to contract within one year after tentative approval of cancellation. This fee will be transmitted from the county treasurer to the State of California

upon collection. In addition, the County Board of Supervisors has levied a fee of \$1000 for consideration of a request to cancel a contract or any portion thereof.

The cancellation application form can be obtained from the county Community Development Department.

D. APPENDIX

1. Examples of Filing Deadlines for Landowner-Initiated Notices of Non-renewal and Contract Termination Dates

A contract continues indefinitely unless the landowner or the county serves notice of non-renewal on the other party to terminate the contract. For any 10-year contract, the annual deadline for a landowner to serve notice is 90 days prior to the January 1 anniversary date specified in all county contracts; otherwise, a year will be automatically added for each year that elapses to maintain an on-going ten-year term. The annual deadline varies between September 30 and October 3 in different years due to the effect of county offices being closed on weekends. For a county-initiated notice of non-renewal, the annual deadline is 60 days prior to the January 1 anniversary date, or approximately the end of October.

The following is an example of filing deadlines and termination dates for landowner-initiated notices of non-renewal:

EXAMPLE 1: 10-YEAR CONTRACT
Date owner entered into contract: February 14, 2003

Date owner serves notice of non-renewal	Termination Date
On or before 10/01/2005	01/01/2015
Between 10/02/2005 and 10/01/2006	01/01/2016
Between 10/02/2006 and 10/01/2007	01/01/2017

EXAMPLE 2: 20-YEAR CONTRACT
Date owner entered into contract: February 14, 2003

Date owner serves notice of non-renewal	Termination Date
On or before 10/01/2005	01/01/2025
Between 10/02/2005 and 10/01/2006	01/01/2026
Between 10/02/2006 and 10/01/2007	01/01/2027

2. Other Methods for Protecting Agricultural Lands

The traditional method for protecting agricultural land from unwise or premature development is by general plan and zoning control over land use. Most of the productive agricultural land in the county is included in the Open Space land use category of the Land Use Element, and some marginal agricultural land is included in other rural land use categories. The land use categories are subject to standards in the Land Use Element and County Zoning and Subdivision Ordinances to limit the range of allowable use, limit minimum parcel sizes for new land division, mitigate the impacts of allowable development to protect significant agricultural uses, avoid conflict in land uses, and provide protection from natural hazards. The major emphasis is on the identification and protection of important agricultural land from the increasing growth and development pressures being experienced by the county and promoting orderly patterns of urban and rural residential development through the use of numerous policies and criteria to control conversion of agricultural land to more intensive uses.

3. Annotated References

The following are the essential state statutes pertaining to the California Land Conservation Act of 1965. These codes and their latest amendments are available for reference use at the Alpine County offices in Markleeville.

Land Conservation Act of 1965; California Government Code Sections 51200 et seq.

Title	Commencing with Section
General Provisions	51200
Declaration	51220
Agricultural Preserves	51230
Contracts	51240
Cancellation	51280
Eminent Domain or Other Acquisition	51290
Farmland Security Zone	51296

Valuation of Open-space Land Subject to an Enforceable Restriction; California Revenue and Taxation Code Sections 421 et seq.

Section 423: Valuation of land subject to a land conservation contract or other enforceable restriction.

Section 426: Valuation of land after a notice of non-renewal has been served.

Open Space Subventions; California Government Code Sections 16140 et seq.

This code provides for state payments to local governments as partial compensation for tax revenue losses resulting from the reduction of property taxes for properties subject to land conservation contracts and assessed under Section 423 of the Revenue and Taxation Code.

STAFF REPORT

TO: Planning Commission

FROM: Community Development Staff

DATE: January 25, 2024

SUBJECT: **Residential Short-Term Rental Code Changes**

Discussion and presentation from staff regarding current short-term rental code to discuss issues on current code language and potential changes. (Alpine County Code Section 18.73) Report on the outcome of the Community Development Residential Short-Term Rental Workshop held 12/12/2023.

SITUATION

A. Applicant

Alpine County Community Development Department

B. Subject

Community Development staff have identified issues with existing county code regarding residential short-term rentals. Through the process of bringing properties into compliance with county code, the following issues have been identified and are presented here for review and discussion. Others have been brought to our attention by those renting their properties and neighboring owners as well.

C. Project Description

In an effort to gain input and help educate the public, Community Development staff hosted a residential short-term rental public workshop in December 2023. Staff presented current code regulations, issues, and potential solutions. A survey was made available for attendees at the workshop and posted on our website for remote attendees and public participation.

Staff has taken the identified issues and comments and created a list of topics addressed in the Short Term Rental Code that need to be considered for modification. Below is a list of the problematic sections, detailing what the issues are along with potential solutions.

D. Issues

1. Existing Noise Limitations
2. The use of Accessory Dwelling Units (ADUs) as short-term rentals if built prior to 2017.
3. Waitlist (East Slope)
4. Short-term rentals in commercially zoned areas
5. Special Events Related to and Hosted at STR's
6. Demonstrate property was rented annually.
7. No posting of property without first obtaining a permit
8. Waste disposal
9. Fines
10. Emergency contact

E. Staff Analysis**1. Existing Noise Limitations.****Current Code:**

No activity at any time shall produce sounds measured in excess of the standards as stated in Section [18.68.090](#)(B) of this code. Outdoor amplified sound is prohibited.

Occupants and/or guests of the rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct, and shall not produce noise such that neighboring properties are disturbed between the hours of nine p.m. and seven a.m.

Problem:

Responding to noise complaints is difficult because we are a small county with no code enforcement. If after hours police can be contacted but cannot always make it there quickly and may not have the equipment to measure the decibel level.

Currently no outdoor amplified sound is allowed at short-term rental at any time. Owners have complained this is too restrictive.

Solutions:

- Stricter requirements – enforcement is still a problem, response and ability to measure db(A)
- Noise Monitoring System: Could be required to install in leu of paying a noise fine, protects homeowner and neighbors – Units run around \$100 with a \$10-\$15 monthly fee
- Online complaint system to make county aware of ongoing noise violations.

- Current code states, upon first violation of the standards the property receives written warning, second violation \$500 fine. If the violations are for noise we could offer a 50% reduction of fine if a noise monitor is installed on the property.
- Add that outdoor amplified sound is limited to county noise level standards at all times of the day (not exempt for daytime hours).

2. The use of Accessory Dwelling Units (ADUs) as short-term rentals if built prior to 2017

Current County Code:

Short-term rentals are prohibited in accessory (secondary) dwelling units or junior accessory dwelling units.

Current State Code:

In 2017 California Legislature passed laws streamline the process for property owners to build ADU's. They did this after ADU's were identified as a valuable form of affordable housing and will be an essential component of helping meet California its housing demands.

Government Code 65852.21, subd.(e)(5) "A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days."

Problem:

Alpine county code is more restrictive than state code, altogether prohibiting use of ADUs for short term rent. There are established short-term rentals in ADUs throughout Alpine County that are in violation of our code but not state code.

Solutions:

Adopt the same language the state has, and only ADU's build after 2017 would be unable to operate as STR's.

3. Waitlist (East Slope)

Current Code:

No current language in the code. Staff has recognized the need for an official waitlist for properties on the East Slope.

Problem:

Some properties have already been blocked from receiving permits because of the 100ft buffer. In the future this list can be used if we reach the 35 property limit on the East Slope.

Solution:

Establish an official waitlist for properties that are blocked by east slope restrictions. This list would allow staff to track these properties that have been blocked from receiving a permit and allow those properties to be notified first if a permit becomes available.

4. Short-term rentals in commercially zoned areas**Current Code:**

18.73.020 Residential short-term rentals may be located in any zone that allows residential use; provided, that the residential short-term rental complies with all the requirements of this chapter.

Problem:

Some properties on the East Slope that operate as short-term rentals are located in commercial zones. Do these properties count toward the 35 permit max and follow the 100ft buffer rule.

Solution:

Clearly state that properties in the East Slope in commercial zoning do not fall under the 100ft buffer or 35 max requirements.

5. Special Events Related to and Hosted at STR's**Current Code:**

No current language in the code.

Problem:

There are no restrictions on holding special events at short-term rentals, or on the number of guests allowed at short-term rentals.

Solution:

- Decide if the county wants events to be allowed at short-term rentals.
 - If allowed determine how to regulate size. Eg Maximum Occupancy only? Maximum Occupancy plus 50% (if max occupancy is 10, occupancy for an event would be limited to 15)
 - If a property owner is allowing their short-term rental to be used for special events, this would be considered a separate business and the property owner would be required to obtain an expanded home occupation permit from the county. This type of permit requires neighbors to be notified and planning commission approval.

- Collect the number of bedrooms, bathrooms, and maximum occupancy on the short-term rental application.
- Owner stipulates to renter if events are allowed to be held on the property.

5. Demonstrate that Property was Rented

Current County Code:

18.73.090 Transient lodging tax proof of payment

On or before April 1st of each year, payment in full of all transient lodging taxes due for the preceding calendar year shall be confirmed by the community development department.

18.73.180 License renewal

The short-term rental license shall automatically renew upon payment of the short-term rental license renewal fee and all required transient occupancy tax remittance documents associated with the short-term rental license.

Problem:

Some properties remit \$0 on the TOT documents. While this does meet the letter of the code, this can create a situation on the East Slope where a property is holding a STR license, not using it and blocking another property from obtaining an STR license.

Solution:

Add language to code that requires properties show proof of being rented for license renewal.

6. No Posting of Property Without a Permit

Current County Code:

STR 18.73.120 License required

No person shall rent, offer to rent, or advertise for rent a residential unit to another person or persons for a short-term rental without a license approved and issued in a manner provided for by this chapter. Only owners of a residential unit are eligible to apply for and receive a short-term rental license. Licenses for operation of a short-term rental shall be issued pursuant to an administrative policy developed by the county planner and/or his designee. (Ord. 740-21 § 1, 2021)

Problem:

Some properties are listed on rental sites with all their dates marked as unavailable, so they are not technically available to rent.

Solution:

Add language to code that properties cannot be listed on rental sites without an STR license.

7. Waste disposal

Current County Code:

18.73.070 Standards

J.3. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from six p.m. of the day prior to trash pickup to six p.m. on the day designated for trash pickup and that failure to utilize the provided garbage can enclosure, unless otherwise exempted, is a violation of this chapter.

Problem:

Allows trash to be placed outside 6pm the day prior to pick up. Leaving trash overnight with bears in the area attracts them to these houses and they can become a nuisance.

Solution:

Change language for trash to be put out morning of pick up, exceptions for properties with bear boxes.

8. Fines

Do we want to adjust the fines?

Current:

1st violation – notification

2nd violation - \$500

3rd violation - \$750

4th violation - \$1000 and license revoked.

Operation without a license - \$1000

9. Emergency Contact

Current County Code:

18.73.070 Standards

N. Local Contact. The property owner shall designate a local contact. The local contact may be a professional property manager, realtor, property owner, or other designated person who is available twenty-four hours per day, seven days per week during all times that the property is rented, and has access and authority to assume management of the unit and take remedial measures. The local contact shall be required to abate a nuisance relating to noise, trash, or parking within one hour after being notified of the existence of a potential violation of this

chapter. The local contact shall be located within one hour driving distance of the short-term rental.

Problem:

Some property owners prefer to be notified of the problem, so they can then contact the appropriate person to resolve the issue.

Solution:

Allow property owner to be emergency contact but give proof of a local contact they can call on.

If there is a violation and it is not resolved within 60 min, a local contact is required to physically be present within 60 minutes of complaint for a period of 1 year after the violation takes place.

=====

RECOMMENDATION

Review topics discussed today. Staff would like direction on proposed solutions to each of the topics listed or other topics withing the short-term rental code that need modification.

Staff will then prepare formal code amendments to bring back at a subsequent Planning Commission meeting for consideration.

Any code amendments require recommendation for the Planning Commission and approval from the Board of Supervisors.

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Respectfully submitted,

Community Development Staff

- Attachments: 1. Alpine County Residential Short-Term Rental Code
- 2. Survey Results from Short-Term Rental Public Workshop

ATTACHMENT 1

ALPINE COUNTY RESIDENTIAL SHORT-TERM RENTAL CODE

ATTACHMENT 1

**Chapter 18.73
RESIDENTIAL SHORT-TERM RENTALS**

Sections:

[18.73.010 Purpose.](#)

[18.73.020 Applicability.](#)

[18.73.030 Exemptions.](#)

[18.73.060 Notification of residential short-term rental.](#)

[18.73.070 Standards.](#)

[18.73.080 Enforcement and penalties.](#)

[18.73.090 Transient lodging tax proof of payment.](#)

[18.73.100 Preexisting short-term rental uses.](#)

[18.73.110 No property rights conferred.](#)

[18.73.120 License required.](#)

[18.73.130 Application requirements.](#)

[18.73.140 Requirements for license issuance.](#)

[18.73.150 License form and period of validity.](#)

[18.73.160 License issuance and nontransferability.](#)

[18.73.170 Term of license—Expiration.](#)

[18.73.180 License renewal.](#)

[18.73.190 Cessation of use of a residential unit as a short-term rental.](#)

[18.73.200 License revocation.](#)

[18.73.210 License revocation notice.](#)

[18.73.220 Appeal from denial or revocation of license.](#)

18.73.230 Fee.

18.73.010 Purpose.

The purpose of this chapter is to provide a fair, equitable and streamlined means of allowing residential short-term rentals throughout Alpine County in a manner that provides for the health and safety of the occupants and does not create a public nuisance. (Ord. 740-21 § 1, 2021; Ord. 723 § 1(1), 2017)

18.73.020 Applicability.

Residential short-term rentals may be located in any zone that allows residential use; provided, that the residential short-term rental complies with all the requirements of this chapter. Residential short-term rental means the use of a dwelling unit by any person or persons for the purpose of providing overnight lodging in exchange for payment for a period of less than thirty consecutive days. Short-term rentals also include owner-occupied short-term rentals, but do not include bed and breakfasts, inns, hotels and motels. Short-term rentals are prohibited in accessory (secondary) dwelling units or junior accessory dwelling units (Government Code 65852.2). (Ord. 740-21 § 1, 2021; Ord. 723 § 1(2), 2017)

18.73.030 Exemptions.

A. Five Nights/Year. Residential short-term rentals offered or used up to a maximum of five nights per calendar year are exempt from the requirements of this chapter except that the owner or operator shall pay all applicable transient lodging taxes as required by county code.

B. One Bedroom in an Owner-Occupied Residence. One bedroom in an owner-occupied residence accommodating no more than three overnight guests is exempt from the requirements of this chapter except that the owner or operator shall pay all applicable transient lodging taxes as required by county code. (Ord. 740-21 § 1, 2021; Ord. 723 § 1(3), 2017)

18.73.060 Notification of residential short-term rental.

Upon approval of a license and prior to offering the residential short-term rental, the property owner or their agent shall send a notification to all property owners shown on the latest equalized assessment roles as owning real property within three hundred feet of the property where the residential short-term rental is located. Notices shall contain the property owner's and, if applicable, the rental agent's name, telephone number and mailing address; street address of the residential short-term rental unit, description of the residential short-term rental use, name and phone number for a local twenty-four/seven emergency contact.

This notification requirement does not apply to residential short-term rentals located within the Kirkwood Specific Plan and Bear Valley Master Plan areas. (Ord. 740-21 § 1, 2021; Ord. 723 § 1(6), 2017)

18.73.070 Standards.

A. Limitation on Structures. A residential short-term rental may be conducted only within a legally established

residential unit or portion thereof.

B. Noise Limitations. No activity at any time shall produce sounds measured in excess of the standards as stated in Section 18.68.090(B) of this code. Outdoor amplified sound is prohibited.

C. Outdoor Fires. Outdoor fires are limited pursuant to Chapter 8.16 regarding outdoor burning and fire control.

1. East Slope properties which violate the standards of Chapter 8.16 for outdoor fire will be prohibited from all future outdoor burning with the exception of propane fuel barbeques and appliances.

D. Solid Waste. Solid waste storage and disposal shall not become a nuisance. The property owner shall not fail to adequately provide for appropriate refuse collection and/or storage. Solid waste violations include failure to secure waste from wildlife, leaving waste out for excessive time, and failure to secure waste from weather.

1. East Slope properties which violate the standard for solid waste shall be required to install a wildlife-proof solid waste receptacle or bear box.

E. Parking. No additional parking in excess of what is required for the residential use of the property shall be required.

F. Signs. One single, nonilluminated sign of not more than six square feet in area is permitted. In addition, each residential short-term rental shall have an address placard displayed on the building or land in such manner as to be clearly visible from the street or road on which the residential short-term rental is located. The address placard shall comply with the requirements of the California Fire Code.

G. Life Safety Measures. The following life safety measures are required to be in place within the area to be used for the residential short-term rental:

1. Operating smoke detector(s) and carbon monoxide detector(s) installed in accordance with state law;
2. At least one functioning fire extinguisher in an easily accessed location inside the space;
3. Written information available to the occupant in a conspicuous location inside the space containing twenty-four/seven emergency contact information for a representative of the property owner or rental agent, law enforcement, fire department, and ambulance services.

H. Confinement of Pets. Guests of residential short-term rentals shall confine pets per the requirements of Section 6.04.160.

I. Outdoor Lighting. For all exterior lighting the light source shall be fully shielded from neighboring properties and directed downward. All light fixtures, including security lighting, shall be aimed and shielded so that the direct

illumination shall be confined to the property boundaries of the source. Motion-sensing light fixtures shall be fully shielded from neighboring properties and properly adjusted to turn off when detected motion ceases.

J. Interior Notice Requirements. Each rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

1. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis.
2. The number and location of on-site parking spaces and the parking rules for seasonal snow removal.
3. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from six p.m. of the day prior to trash pickup to six p.m. on the day designated for trash pickup and that failure to utilize the provided garbage can enclosure, unless otherwise exempted, is a violation of this chapter.
4. Occupants and/or guests of the rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct, and shall not produce noise such that neighboring properties are disturbed between the hours of nine p.m. and seven a.m.
5. Occupants may be cited and fined for violating any provisions of the Alpine County Code.

L. Compliance with Other Codes, Laws and Regulations. The residential short-term rental shall be conducted in compliance with other applicable codes, laws and regulations including, but not limited to, all applicable provisions of the Alpine County Code.

M. Public Nuisance. The residential short-term rental shall not be operated in a manner that creates a public nuisance.

N. Local Contact. The property owner shall designate a local contact. The local contact may be a professional property manager, realtor, property owner, or other designated person who is available twenty-four hours per day, seven days per week during all times that the property is rented, and has access and authority to assume management of the unit and take remedial measures. The local contact shall be required to abate a nuisance relating to noise, trash, or parking within one hour after being notified of the existence of a potential violation of this chapter. The local contact shall be located within one hour driving distance of the short-term rental.

O. Advertisement. The residential short-term rental shall post the license identification number issued by the county within all online listings or other advertisements of the property for rent. (Ord. 740-1 § 1, 2021; Ord. 723 § 1(7), 2017)

18.73.080 Enforcement and penalties.

A. Upon violation of the standards the responsible party and property owner will receive a written warning that additional violations of the standards will result in an administrative fine.

B. The second successive violation of the standards will cause an administrative fine not to exceed five hundred dollars. The third successive violation of the standards will cause an administrative fine not to exceed seven hundred fifty dollars. The fourth violation will cause an administrative fine not to exceed one thousand dollars and the license to conduct short-term rental use shall be revoked and the property shall be prohibited from future short-term rental use. Successive violation means there have been three upheld fines for violations which fines were issued during three separate events and/or calls at the property within any twenty-four-month period.

C. Operation of a residential short-term rental without a valid license will result in an immediate administrative fine not to exceed one thousand dollars. (Ord. 740-21 § 1, 2021)

18.73.090 Transient lodging tax proof of payment.

On or before April 1st of each year, payment in full of all transient lodging taxes due for the preceding calendar year shall be confirmed by the community development department. Nonpayment of transient lodging taxes is a violation of this chapter and the county may take action against the property owner and/or operator of the residential short-term rental pursuant to the applicable sections of the Alpine County Code. (Ord. 740-21 § 1, 2021; Ord. 723 § 1(8), 2017. Formerly 17.83.080)

18.73.100 Preexisting short-term rental uses.

A. Effective July 1, 2021, all short-term rentals in residential dwellings in existence shall obtain a license and comply with all of the requirements for residential short-term rentals as described in this chapter.

B. Effective July 1, 2021, East Slope residential short-term rentals are required to meet the operational standards of this section and are subject to enforcement provisions including immediate administrative citations for violation of operational standards. (Ord. 740-21 § 1, 2021)

18.73.110 No property rights conferred.

Residential short-term rental licenses shall not be construed as providing property rights or vested interests and entitlements in continued operation of a short-term rental. Residential short-term rental licenses are revocable. Residential short-term rental licenses shall not run with the land. (Ord. 740-21 § 1, 2021)

18.73.120 License required.

No person shall rent, offer to rent, or advertise for rent a residential unit to another person or persons for a short-term rental without a license approved and issued in a manner provided for by this chapter. Only owners of a residential unit are eligible to apply for and receive a short-term rental license. Licenses for operation of a short-term rental shall be issued pursuant to an administrative policy developed by the county planner and/or his designee. (Ord. 740-21 § 1, 2021)

18.73.130 Application requirements.

Prior to renting, offering to rent or advertising the rental of a residential unit for a short-term rental, the property owner shall make an application to the county on a form provided by the county. The application shall be filed by the owner and include the following information:

- A. The full true name under which the business will be conducted.
- B. The address and assessor parcel number where the short-term rental is to be conducted. Where multiple units are located on the same parcel, each unit's address shall be provided on a separate application.
- C. The owner's full, true name, mailing address, email address and telephone number.
- D. In the case that a separate management company or person shall assume responsibility of the short-term rental for the owner, the management company or contact person's name, phone number, mailing address and email address shall be provided in addition to the owner. (Ord. 740-21 § 1, 2021)

18.73.140 Requirements for license issuance.

The county shall consider the information included in a submitted application in order to determine whether the issuance of the license for the short-term rental is consistent with the provisions of this chapter. Upon determination by the county that the following criteria have been met, the county shall approve the license:

- A. The number of licensed short-term rentals within the East Slope short-term rental overlay district does not exceed thirty-five;
- B. The property is not within one hundred feet distance as measured from the property boundary to a licensed short-term rental property in the residential neighborhood or residential estate zoning district or within one hundred feet of a dwelling unit for a licensed property in the agriculture zoning district. For property in the agriculture zoning district the dwelling unit shall not be within one hundred feet of a licensed short-term rental property. Properties with a valid registration or transient lodging home occupancy permit approved prior to March 17, 2020, are not required to meet the one-hundred-foot distance requirement if the owner applies for license prior to July 1, 2021. Legal nonconforming uses which do not meet the one-hundred-foot distance requirement are allowed to continue short-term rental use by maintaining an annual license. Legal nonconforming status with the one-hundred-foot distance requirement shall be rescinded if a legal nonconforming use changes ownership, fails to renew the annual license, the license is revoked by the county, or upon cessation of use. The limits of this section apply only to properties within the East Slope;
- C. A license for a short-term rental use for the residential unit has not been revoked in the prior twenty-four month period;
- D. The premises or residential unit is not currently the subject of an active compliance order or administrative

citation for violation of this code;

E. An administrative citation has not been issued, regarding a violation on the site, in the past twelve months;

F. The property owner has demonstrated, through an application filed to the county, the ability to meet the requirements outlined in this chapter. (Ord. 740-21 § 1, 2021)

18.73.150 License form and period of validity.

All licenses for short-term rental uses shall be made on forms furnished by the community development department and shall be issued for a period of one year. Licenses shall be issued for the period of time beginning on July 1st of each year and shall conclude on June 30th of the following year. Applications made during the year shall be issued for a prorated period to conclude on June 30th. (Ord. 740-21 § 1, 2021)

18.73.160 License issuance and nontransferability.

The short-term rental license issued under this chapter shall be issued to the owner of record of the residential unit and no license may be assigned, transferred or loaned to any other person, entity, location or establishment. (Ord. 740-21 § 1, 2021)

18.73.170 Term of license—Expiration.

The short-term rental license shall be personal to the applicant/owner and shall automatically expire upon sale or transfer of the premises or residential unit, or if not renewed pursuant to Section [18.73.180](#). The license may be revoked for failure to comply with the requirements of the Alpine County Code, subject to the administrative and revocation procedures outlined in Section [18.73.200](#), unless otherwise specified by this chapter. (Ord. 740-21 § 1, 2021)

18.73.180 License renewal.

The short-term rental license shall automatically renew upon payment of the short-term rental license renewal fee and all required transient occupancy tax remittance documents associated with the short-term rental license. Nonrenewal prior to the expiration date will result in expiration of the short-term rental license and will require that a new application be made subject to Sections [18.73.130](#) and [18.73.140](#) and all other requirements of this code. (Ord. 740-21 § 1, 2021)

18.73.190 Cessation of use of a residential unit as a short-term rental.

A. Where the owner of a premises or residential unit used and occupied as a short-term rental pursuant to a short-term rental license approved and issued in the manner provided by this chapter fails to remit transient occupancy tax for a period of twelve consecutive months as determined by the county, the short-term rental license shall be deemed to have automatically expired and shall be forfeited.

B. Where the owner of a premises or residential unit used and occupied as a short-term rental pursuant to a short-term rental license approved and issued in the manner provided by this chapter intends to cease such use

and abandon the short-term rental license for the residential unit, the owner shall promptly cause a notice of cessation to be filed with the county. The short-term rental license for the unit shall expire immediately upon receipt by the county of the notice of cessation. (Ord. 740-21 § 1, 2021)

18.73.200 License revocation.

A short-term rental license issued under the provisions of this chapter may be revoked by the county planner or his/her designee after notice and hearing, as provided in Section [18.73.210](#), for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application;
- B. Fraud, misrepresentation or false statement made in the course of carrying on a short-term rental as regulated by this chapter;
- C. Any violation of any of the provisions of this chapter or of any other provision of this code;
- D. Any violation of any provision of federal, state or local laws; or
- E. Cessation of use. (Ord. 740-21 § 1, 2021)

18.73.210 License revocation notice.

Before revoking a short-term rental license, the county planner or his/her designee shall give the owner notice in writing ten days prior to the revocation action. (Ord. 740-21 § 1, 2021)

18.73.220 Appeal from denial or revocation of license.

Any person whose application has been denied by the county planner or his/her designee or any person who has had a short-term rental license revoked by the county planner or his/her designee shall have the right to appeal per Chapter 18.88. (Ord. 740-21 § 1, 2021)

18.73.230 Fee.

- A. The county shall collect an annual fee of one hundred dollars for every application.
- B. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of the ordinance codified in this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.
 - 1. If, based on the results of the fee study, the fee needs to be increased, the county may increase the fee by way of resolution for any new or renewed registrations.
 - 2. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter, the county shall decrease the fee by way of a resolution and shall also reimburse applicants their proportional share of overpayment. (Ord. 740-21 § 1, 2021)

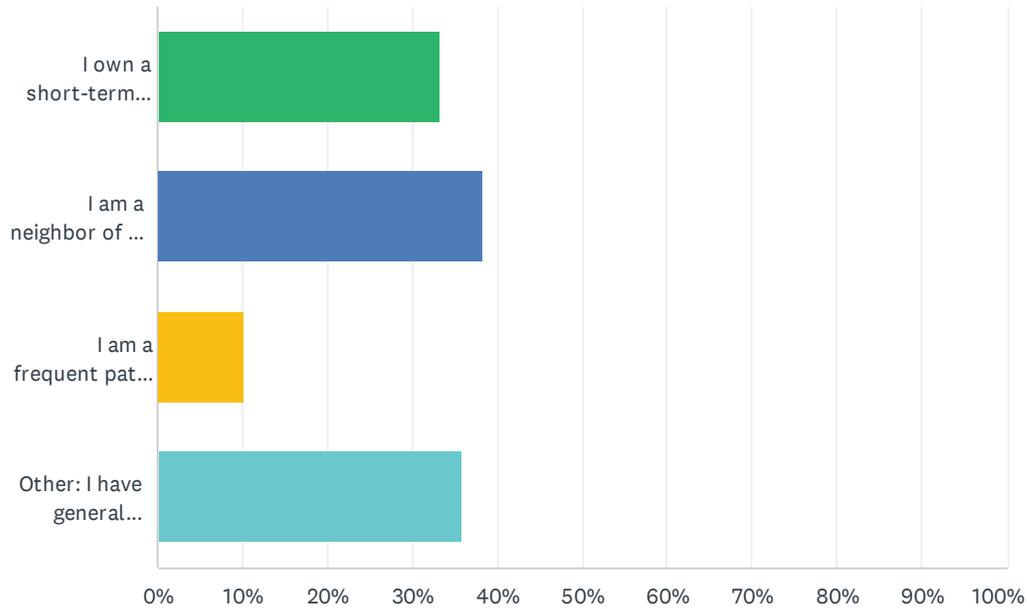
ATTACHMENT 2

SURVEY RESULTS FROM SHORT-TERM RENTAL PUBLIC WORKSHOP

ATTACHMENT 2

Q1 Please select the option that best represents your interest in residential short-term rentals.

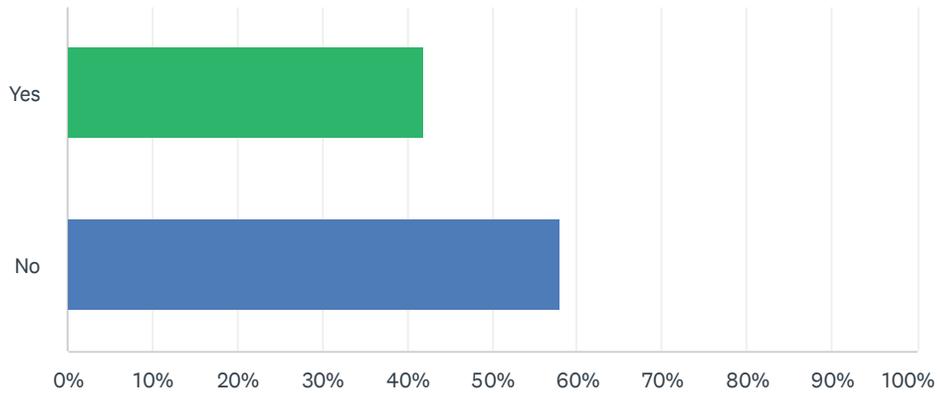
Answered: 39 Skipped: 0



ANSWER CHOICES	RESPONSES	
I own a short-term rental property in Alpine County	33.33%	13
I am a neighbor of a short-term rental property in Alpine County	38.46%	15
I am a frequent patron at residential short-term rental properties.	10.26%	4
Other: I have general interest in the process.	35.90%	14
Total Respondents: 39		

Q2 In 2021, were you informed of the changes to the short-term rental application which requires a rental license in addition to the business license and Transit Occupancy Tax registration?

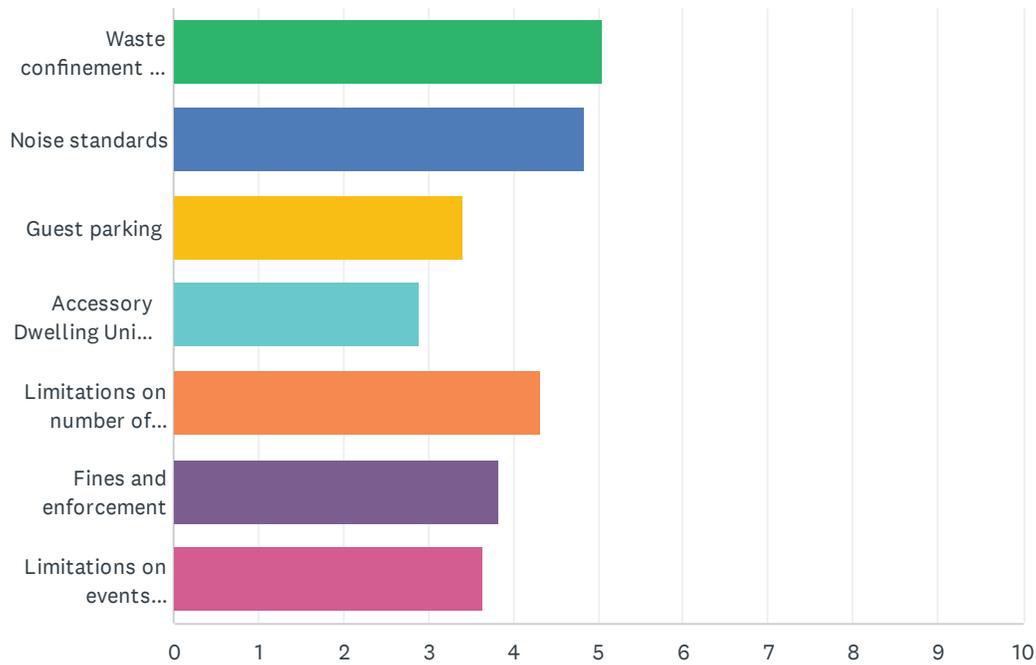
Answered: 38 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	42.11%	16
No	57.89%	22
Total Respondents: 38		

Q3 Please rank the issues below in terms of importance to you.

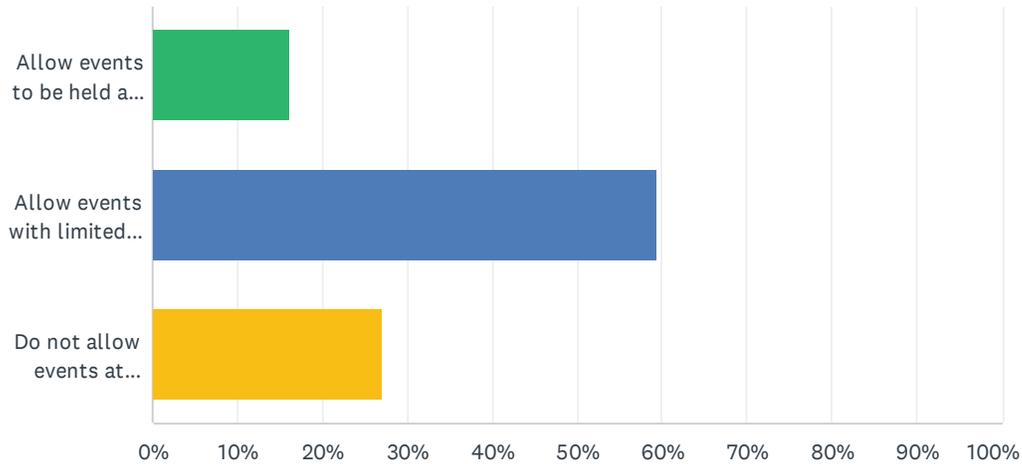
Answered: 37 Skipped: 2



	1	2	3	4	5	6	7	TOTAL	SCORE
Waste confinement and disposal	24.32% 9	32.43% 12	2.70% 1	18.92% 7	10.81% 4	8.11% 3	2.70% 1	37	5.05
Noise standards	10.81% 4	29.73% 11	21.62% 8	13.51% 5	18.92% 7	5.41% 2	0.00% 0	37	4.84
Guest parking	5.41% 2	2.70% 1	16.22% 6	18.92% 7	21.62% 8	29.73% 11	5.41% 2	37	3.41
Accessory Dwelling Units used for short-term rentals	8.11% 3	5.41% 2	10.81% 4	8.11% 3	13.51% 5	18.92% 7	35.14% 13	37	2.89
Limitations on number of occupants	13.51% 5	16.22% 6	21.62% 8	16.22% 6	13.51% 5	8.11% 3	10.81% 4	37	4.32
Fines and enforcement	16.22% 6	5.41% 2	16.22% 6	16.22% 6	16.22% 6	13.51% 5	16.22% 6	37	3.84
Limitations on events (weddings, parties, reunions etc.) at short-term rental properties	21.62% 8	8.11% 3	10.81% 4	8.11% 3	5.41% 2	16.22% 6	29.73% 11	37	3.65

Q4 How should the county regulate events held at short-term rental properties.

Answered: 37 Skipped: 2

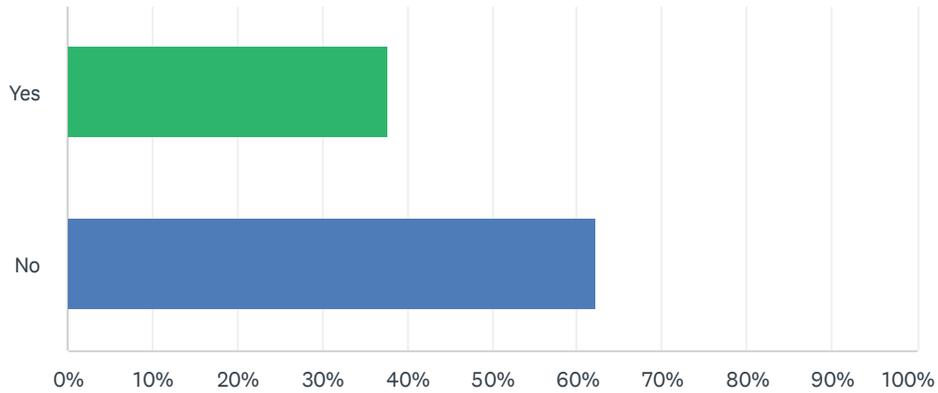


ANSWER CHOICES	RESPONSES	
Allow events to be held at rental properties unregulated.	16.22%	6
Allow events with limited attendance. For example, overnight occupants, plus additional guests allowed based on the size and location of the property.	59.46%	22
Do not allow events at short-term rental properties.	27.03%	10
Total Respondents: 37		

#	OTHER (PLEASE SPECIFY)	DATE
1	Events at residential properties should include 24 hour notification to adjacent properties	12/29/2023 2:53 PM
2	Regulate where these STR are located. Don't have more than 2 on one street not having high impact. Enforce rules and monitor nonpermitted properties.	12/15/2023 2:26 PM
3	I am not in favor of restricting the rights of a property owner. I believe a property owner should be able to have an event with more people that the house can accommodate overnight as long as the guests leave after the event so that the overnight number of guests does not exceed the max allowed for the home. I don't believe we should treat an event held by a vacation rental home, e.g. birthday party, any different than you would treat an event held by a fulltime resident. If it is something you would restrict on a full-time resident then I think all ordinances/laws should be applied equally. Would you tell a full-time resident they can't have more than ten people at their child's birthday party but then put that same restriction on a vacation rental? I think if they are following the ordinances that are on the books, including any noise ordinance then they are being a good neighbor and should be able to operate with the same bundle of rights that any other property enjoys. I believe enforcement is the key to get rid of any bad actors and not let them renew but everyone else should not suffer an unfair consequence just because there may be a couple of bad actors.	12/15/2023 1:48 PM

Q5 Should East Slope short-term rental properties in commercial zones be required to meet the 100ft buffer and 35 cap requirements?

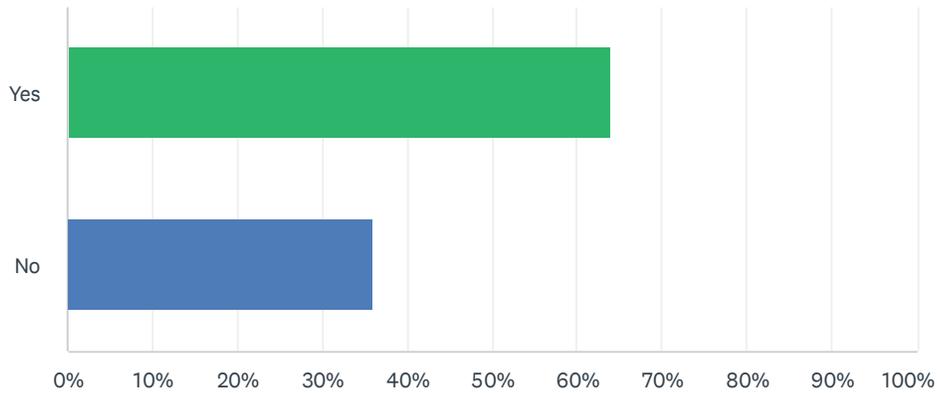
Answered: 37 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	37.84%	14
No	62.16%	23
Total Respondents: 37		

Q6 Current county code prohibits all Accessory Dwelling Units from being used as short-term rentals. Should the county adopt state policy and allow ADUs constructed prior to 2017 to operate as short-term rentals?

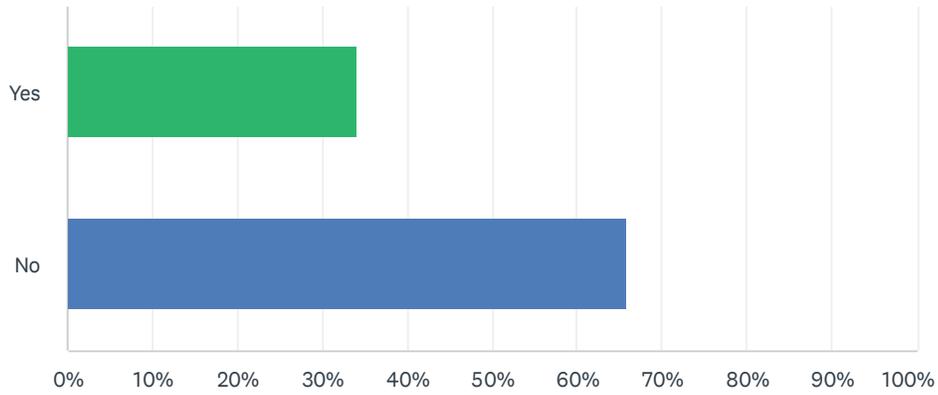
Answered: 36 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	63.89%	23
No	36.11%	13
Total Respondents: 36		

Q7 Have you experienced nuisance behavior as a result of short-term rental usage?

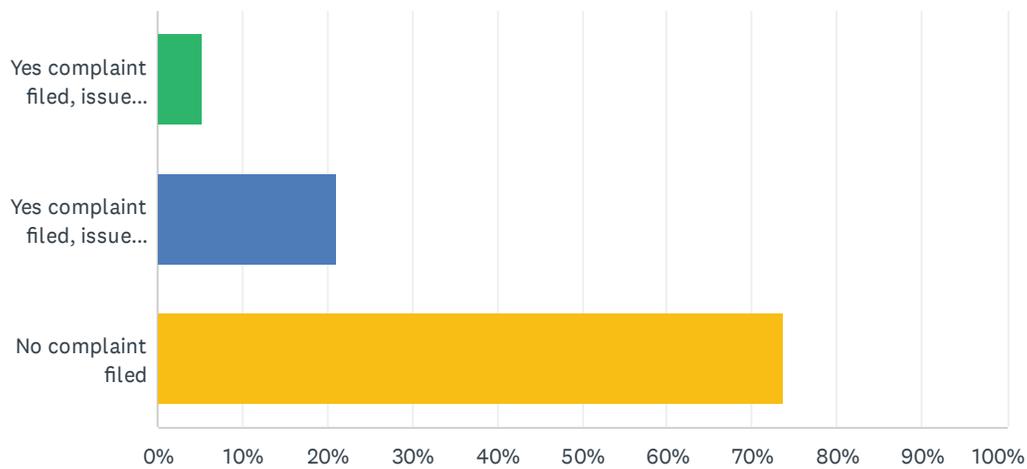
Answered: 38 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	34.21%	13
No	65.79%	25
Total Respondents: 38		

Q8 If you answered yes to the above question did you file a complaint?

Answered: 19 Skipped: 20



ANSWER CHOICES	RESPONSES	
Yes complaint filed, issue was resolved	5.26%	1
Yes complaint filed, issue is ongoing	21.05%	4
No complaint filed	73.68%	14
TOTAL		19

Q9 If there are other topics not addressed, please provide suggestions and any other feedback below.

Answered: 22 Skipped: 17

#	RESPONSES	DATE
1	I have many concerns but not enough paper to write. As someone who wants to move here, prices are way to high for a family of 5. Luckily the family own's a place here to rent out to family, friends, and rental guests. Renting out the home when were not here is what pay's for our grandmother medical expenses. (Every Rental Property should have a Bear Box)	1/2/2024 9:48 AM
2	Concerns about the loss of affordable long-term rentals, loss of volunteers, loss of community character, loss of school children etc.	1/2/2024 9:39 AM
3	There should be a limit on total number of STR in each neighborhood. For instance if all 35 STR were in Markleevillage or Alpine Village it would be overwhelming. An example would be that only 10% of homes in a neighborhood can be STR. If I understand the current 100ft rule you could end up with 50% STR within a community. That possibility is unacceptable.	1/1/2024 9:34 AM
4	I believe ordinances should be focused on reasonable and thoughtful behavior by ALL people regardless of status.	12/29/2023 2:53 PM
5	Short term rentals are needed due to lack of hotels/motels. With more short term rentals. County will earn more taxes and with more tourists, more business will boom creating job opportunities for locals. With short term rental restrictions, economy will have reverse effect.	12/26/2023 6:12 PM
6	Trash was mentioned but not at length. I see this as the more pertinent issue with short term rentals and the occupants safe interface with wildlife.	12/20/2023 8:13 PM
7	I think there is a compromise ground between policy enforcement, the total number of permits issued and County revenue optimization. If the County would enact and enforce stricter rules on STRs, it would be possible to weed out the small handful of license holders that are not complying with the county code. Doing so would change public perception of STRs as a nuisance (if the codes aren't being violated, residents wouldn't have anything to complain about) and perhaps the public would be willing to allow more licenses in the county. More licenses means more revenue for the County. Additionally with these properties renting for thousands of \$s a night, the fees for licences and code violations need to go WAY up which in turn can pay for enforcing of existing codes.	12/19/2023 11:48 AM
8	The county should allow owner occupied or primary homes for residents to be rented as additional income without further restrictions and fees. Fees should be limited to second or vacation homes only. Residents should not be punished for trying to survive where they live by making a supplemental income, even if the county simply justifies the cost as being passed on to the customer.	12/18/2023 6:35 PM
9	Most STR's are not problematic but occasionally there are and those situations require immediate attention so for me it's all about enforcing the rules promptly.	12/17/2023 10:31 PM
10	You need to raise the fines, raise the fees, and put the responsibility on STR owners to manage their properties. STR owners are currently taking advantage of the system. There needs to be stricter enforcement of the policies. Neighboring properties are having to deal with the burden of irresponsible owners. An STR property owner receives a written warning for their first violation. Is a warning necessary? Shouldn't the property owner be aware of standards? In 18.73.080 it states, "The second successive violation of the standards will cause an administrative fine not to exceed five hundred dollars. The third successive violation of the standards will cause an administrative fine not to exceed seven hundred fifty dollars." The county should consider charging the max amount for a fine or increasing the fine. The county could issue more licenses and increase revenue if the policies were regulated better. Are you hiring a code enforcement officer? Neighboring counties, Eldorado and Douglas have a home occupancy limit for STRs/ VHRs. To determine a structure's home occupancy limit Alpine County should look at septic, water, square footage, bedroom, etc. Registration for a STR is 100 dollars. It is good for a year. The county should consider raising the cost of registration.	12/16/2023 5:14 PM

Alpine County Residential Short-Term Rental Public Workshop Survey

Alpine County should mail out a notice of permit requests to neighbors directly involved 60 days prior to permitting. Not after the permit is issued. This allows residents to voice their opinion on permitting. This would create a dialogue before any issues arise. There should not be weddings or special event permitting allowed at an STR. Permitting for resort style STRs including a pool, volleyball court, pickleball court, basketball court, outdoor bar, tennis court, should not be approved.

11	In your FAQs information if a HOA does not allow for VHRs then they supersede your rules.	12/16/2023 8:28 AM
12	This has not been a big problem in Markleevillage, but the county should enforce and receive appropriate revenues.	12/15/2023 7:06 PM
13	I would like to have a map of current STR properties in Markleeville. I've called and told the county of not permitted being rented on websites with no resolution. Why? There are at least 5 properties on my street with only 12 properties. Why are you giving permits in such a high rate of rental. 100 feet does not get to the impact to the neighborhood. Please let us know why accountability to nonpermitted properties is not being addressed. With \$750.0 from fees why not hire someone to do this?	12/15/2023 2:26 PM
14	Guest knowledge of, and adherence to, fire risk mitigation issues. No Fireworks. No outside fires when prevented in relation to fire risk (summer or fall especially). Maintaining appropriate trash storage to prevent nuisance animal behaviors (packrat, racoon, bear). Noise control. Find a way to enforce all these issues. Thank you	12/15/2023 1:57 PM
15	People can choose to stay anywhere in the world that they want and they choose to stay in Alpine County. I think that is a special thing that should be respected. My family uses vacation rentals in many areas we travel and we hate to see them go away. I feel like having clear guidelines/regulations is a great idea but they need to be enforced and the bad actors should not be allowed subsequent licenses and should be subject to losing a current permit if they are too loud and disruptive outside of reasonable hours. I think you should require any vacation rental to be professionally managed by an agent within so many miles of the home. Maybe something like an hour away so if there is any problem the management company could show up within a reasonable amount of time to assess the situatoin and assist in a remedy? The management information should be on file for any compliance officer or deputy to access. It should also be posted for neighbors to contact. If the neighbor has to notify people within 300 yards then if the permit is approved then maybe the notice should go out to those people within 300 yards stating who, within an hours response time, is managing the property. The more rights you take away from home ownership in this area the more it impacts property values. Well managed vacation rentals should not have a negative impact on property values or the quiet enjoyment of adjacent properties. I recently returned from a trip to Palm Desert and I was given a document that I needed to read and sign regarding expectations before I was even approved for the rental. I suggest vacation rental homeowners have such a document to send to the responsible party and this signed document should be required for every rental. That way if law enforcement is called the renting party cannot claim they did not know they could not do...whatever it is they are doing that resulted in a call.	12/15/2023 1:48 PM
16	I am the General Manager for Bear Valley Vacation Rentals so anything pertaining to the Bear Valley Area and or associated to Property Management there of is a concern to me.	12/15/2023 1:42 PM
17	Short term rentals is a way to expose the great things about Alpine County to more people. As more people visit and use STR's it will help business owners with more people spending more dollars that otherwise would go to another county.	12/15/2023 12:36 PM
18	Before a county permit is issued to an applicant the county should have direct neighbors view their opinions for consideration of granting a permit. Have a specific person to issue violations on the weekends as that's when the short-term rentals issues happen. Rules and property boundaries displayed at front door as to not bother neighbors for trespassing on others property. The county as well as the short-term rental property owner should send out notices after a opportunity of neighbors who life's will be changes having strangers live next door to them losing the continuity of a neighborhood. Involving the planning commission and a public meeting advising the whole area of a permit, business license application. Having the Countys Enviromental health dept official evaluate the occupancy allowed of each applicant to be rented. consider the septic tank usage and cleaning. schedule .. Put special requirements on a pool and water for the pool. Drainage of said pool water have to be clean when depositing in the underground water system. Aquafer. Hot line for weekend problems. Weddings NOT permitted and make sure the information is on Air B & B and other sites one is using to rent	12/14/2023 3:35 PM

Alpine County Residential Short-Term Rental Public Workshop Survey

their property. The NOT special events allowed and made it Mandatory on their permit. As Residential areas is not a good place to have weddings or music Receptions.

19	Understanding the guidelines for the number of occupants in a STR is important and should take into account the length of stay of the renter.	12/12/2023 5:52 PM
20	Annual license registration is excessive, this should be at least biannual or every 5 years.	12/12/2023 5:14 PM
21	I would like to request the Short Term Rental Ordinance for Noise match exactly what the County Ordinance says which is it 92 decibels during the day and 62 decibels at night. Currently, the STR Ordinance only says "no amplified music".	12/12/2023 4:07 PM
22	The vague ordinance "No Amplified Music" needs to be outlined and clarified. Possibly to match the decibel levels of the County ordinance which seem to be fair and reasonable noise levels. A small blue tooth speaker if not up too loud should not be considered a violation.	12/12/2023 3:00 PM