

John Ford, Director of Planning,
Members of the Planning Commission,

October 2, 2023

With the back drop of the recent economic down turn in Southern and rural Humboldt and the need to encourage new economic platforms, please do not restrict Short Term Rentals (STR) in the rural sections of the county.

Please, make the rural permit process be simple, without building codes or road restrictions:

*Collect the bed tax, yes.

*Require a business license, yes.

*Have operators sign noise, light and parking agreements, yes.

*The Good Neighbor Agreement for immediate neighbors within 500 ft is sensible, yes.

*Simplify permitting by using self-regulations rather than County onsite inspections.

*Designate rural STRs as “unregulated” to test the waters, and revisit permit regulations in two years.

Thank you for allowing the public to continue to comment of the Short Term Rental (STR) ordinance you are proposing. The current Ordinance proposal is certainly better than originally proposed. But a “Two Tiered Approach” has not been addressed: one for urban areas one for rural and coastal areas.

In a ruling about Santa Barbara’s restriction on coastal STRs, the California Coastal Commission has required affordable accommodations to be available to the public in the coastal zone. The Coastal Commission has also become more involved in local regulation of vacation rentals in recent years, often supporting short-term rentals as essential to public access.

With these Santa Barbara rulings and the Coastal Commissions interest in keeping the coast and tourist sites available for short-term housing, this could be convincing for Planning not to impose restrictions on rural STRs in Humboldt County. You have already agreed that Shelter Cove STRs have special considerations relative to the STR ordinance. As the Coastal Commission has insisted Santa Barbara comply for public access to the coast, please consider the argument that access to State Parks, BLM sites, the Avenue of the Giants, the So Hum Community Park and other rural parts of Humboldt County should be encouraged. As the ordinance is written it will restricted STRs. No, you are not banning STRs, only imposing permitting restrictions, road category mandates and limiting numbers of STRs. Many of the existing STRs will not be able to upscale to the Building Department requirements of electrical, mechanical, plumbing, septic and structural certifications. Other rural land owners, looking to augment their incomes by providing tourist housing and hospitality will thus not encourage tourism and nor generate local economies.

Why not allow the existing rural STR operators to continue as “unregulated”, as the Coastal Commission has insisted of Santa Barbara? The Coastal Commission legal precedent could open up the County for law suits to protect existing STR’s not only in the Humboldt coastal areas, but also in rural Humboldt. One size does not fit all. As you have heard in every public meeting, this is a lifeline for small, rural STR operators, an economic engine for tourism and a gateway beyond the cannabis economy.

That’s all you have to do now. Let the rural STR market regulate itself. If egregious operators or problems arise, County can authorize Code Enforcement to shut them down if there are credible and substantive complaints.

In the very first Zoom meeting, a “Lawyer from Trinidad” suggested this two-tiered approach: permits for urban neighborhoods and “unregulated” for rural. Another presenter at the Garberville public meeting also suggested that all of Southern Humboldt is a “recreation zone similar to Shelter Cove” and should have less restrictive permit regulations to allow for greater tourism, bringing an economic rebound and allowing existing STR operators to continue their livelihood of hospitality.

Regulation of short-term vacation rentals in the coastal zone was limited by a court judgement by California Appeals Court Judge Steven Perren in a 2021 ruling. As such, Santa Barbara now limits STR’s in their inland zones, but STRs in the Coastal zone remain “unregulated”.

ONE SIZE DOESN'T FIT ALL. RURAL AREAS ARE DIFFERENT FROM "URBAN NEIGHBORHOODS".

We propose including Self-certification as a basic concept to the Short Term Rental ordinances. Such a self-certification program will allow for operator confirmation of basic guidelines outlined by the county, but not require on-site County inspections. The proposed Good Neighbor Guide is an example of "self-certification" and does not require county inspections. The "safety inspections" of STRs should also be self-certified, not require County inspections unless bono fide complaints are lodged.

We propose such a Short Term Rental self-certification system be similar as to how the Safe Homes Program provides for self-certifications. In rural areas and parcels in excess of 20 acres, STRs would be principally approved with an over-the-counter, one page "Application to Operate a Short Term Rental" while agreeing to self certify: a "Good Neighbor Agreement" and "A Health and Safety Agreement" with annual reports to be submitted to the Planning Department.

We also propose that the term limit for STR permits be extended to at least 5 years. Additionally, allow for transference of those permits to follow property ownership and not require new owners to reapply upon change of ownership. The new owner would still be required to submit annual reports and then reapply when the 5 years has expired.

We understand that the existing AOB Ordinance only allows for owner occupancy, thus disqualifying AOB owners from the STR industry. An "Unrestricted rural" designation for AOB owners would allow them to be exempt from this.

Thank you for including in the proposed County Ordinances “Farm Stay” (314-154). We also ask that RVs and tent pads be approved into this Farm Stay ordinance section.

Such a proposed Farm Stay should allow for small-scale short-term rentals, RV sites and tent platforms. Permitted activities could be educational workshops, overnight and short-term stays for tourists, including facilities for weddings, private parties and workshops. Themes for these Farm Stays should be based around regenerative agriculture, sustainable forestry and permaculture education using organic gardening, forestry and farming practices.

Thank you for considering these suggestions. We look forward to more discourse and to you responses to these proposals. Please keep us informed of any future workshops or Zoom conferences on this subject of STRs....

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