



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: OCTOBER 6, 2025

FROM: ERIN VENTURA, CONTRACT PLANNER

SUBJECT: SHORT-TERM RENTALS

RECOMMENDATION:

This item is for discussion and direction only.

BACKGROUND:

In November 2019, the City began updating its Short-Term Rental (STR) Ordinance. At that time, the Ordinance was not adopted, and the City Council directed staff to return once 20 STR permits had been issued.

Staff returned to the City Council in November 2024 and reported 19 approved STR permits. In addition to STR permits, the City also had six hotel/inn establishments.

As of today, the City has:

- **8 hotel/inn establishments:** Hotel Sutter; Inn at 161; Hanford House Inn; Sutter Creek Inn; Old Hotel Antiques; Brinnwood Bed & Breakfast; Kiota Inn; Eureka Street Inn.
- **20 active short-term rentals:**
290 Gopher Flat; 70 Broad; 90 Boston Alley; 44 Badger Street; 85 Broad Street; 70 Gopher Flat Rd.; 31 Badger; 70 Greenstone Terrace; 255 Patricia Ln; 193 Badger; 60 Randolph; 86 Barney Lane; 64 Eureka Street; 171 China Gulch Rd; 335 Sutter Crest E; 80 Greenstone Terrace; 40 Mountain View Dr.; 39 Elm Street; 44 Opal Street; 70 Hayden Alley.

Pending Applications:

- 23 Main Street – Denied by PC, appealed to City Council
- 30 Bryson Drive – Denied by PC, appealed to City Council
- 110 Gopher Flat Road – On hold per the owner’s request

These numbers are based on active, registered establishments currently remitting Transient Occupancy Tax (TOT).

To date, STRs have generated minimal complaints. The City has not experienced problems with

“party houses” or absentee owners. Although interest in registering homes as STRs has increased, the total number has remained relatively stable at approximately 20 units over the last year.

If the Council were to introduce limits, we would also need a fair process to allocate permits. Most cities do that by having permits expire each year or several years, and a lottery process for renewal.

While Council directed staff to continue with the current process with some minor updates, the Planning Commission is requesting additional direction from the Council, based on their impression that the 20 units was a firm limit.

DISCUSSION:

Option 1 – Maintain Current Approach

Continue issuing CUPs with our extensive conditions for STRs. Staff would monitor the total number of STRs and return to the City Council for review once a predetermined threshold is reached. Staff will also continue to monitor for any issues, complaints or problems with existing STRs.

Option 2 – Conduct Comprehensive Research on Other Jurisdictions

Direct staff to prepare a more detailed analysis of how comparable jurisdictions regulate STRs, including permitting structures, caps, and renewal requirements.

- **Jackson:** Staff-issued permit with inspection required. Does not go to the Planning Commission.
- **Plymouth:** Short-Term Rental Use Permit renewed every three years; capped at 5% of total residential units. For Sutter Creek with 1428 housing units, that would be 71 STRs
- **Ione:** No ordinance.
- **Amador City:** Annual Short-Term Rental Permit; notice to property owners within 300 feet.
- **Amador County:** No ordinance; ADUs prohibited as STRs.
- Staff can look at best practices by Cities outside of Amador County as well

Option 3 – Adopt a Standalone STR Ordinance Based on Current Conditions of Approval

Convert existing CUP conditions into a citywide ordinance to provide clarity, consistency, and enforceability. Current Conditions of Approval:

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain XXX off-street parking spaces that are available for use by vacationing families.
3. Maintain a valid City of Sutter Creek Business License.
4. Pay the monthly Transient Occupancy Tax to the City of Sutter Creek.

5. Provide the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. Provide a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
8. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
 - A. The contact information for the operator, with 24-hour availability.
 - B. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this permit;
 - C. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;
 - D. A copy of the Chapter 10.50 of this Code concerning noise; and
 - E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.
11. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.
12. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.

13. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.
14. The owner, operator, or local contact person shall upon notification that the responsible person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond within 60 minutes and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, and/or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within 60 minutes and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the City.
15. The owner, operator, or local contact person shall report to the City Manager the name, violation, date, and time of disturbance of each person involved in *any* disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.
16. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner or operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 9.08 of the City's Municipal Code.
17. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.
18. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short-term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.
19. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of

this Code or by any other means authorized by law.

20. This is a non-transferrable permit.

The City could also have different rules for “owner occupied” short term rentals and whole building STRs. Almost all of the CUP STRs are whole building STRs, so there may not be much benefit in spending a lot of time on the owner occupied case. However, if Council were to impose limits on rentals, those limits may not need to apply in the owner occupied case.

Staff requests City Council have a discussion and make a motion on what direction they want staff to pursue.