



M E M O R A N D U M
COMMUNITY DEVELOPMENT RESOURCE AGENCY
ADMINISTRATION
County of Placer

TO: Board of Supervisors **DATE:** July 27, 2021
FROM: Steve Pedretti, Agency Director
BY: Eric Brumfield, Deputy County Counsel
SUBJECT: Short Term Rental Appeal Hearing – Brett Williams for Agate Bay Realty, Appellant

ACTION REQUESTED

1. Conduct a public hearing to consider an appeal filed by Brett Williams (Agate Bay Realty) over the County Hearing Officer's decision to uphold a citation of \$16,500 for renting 33 properties on a short-term basis without the benefit of a permit pursuant to Section 9.42.060(C)(5) of the Placer County Code.

BACKGROUND

Placer County's Short Term Rental Ordinance (Article 9.42 of the Placer County Code) requires all individuals and entities who operate vacation rentals in the County to obtain a permit prior to renting a property. The Ordinance includes provisions allowing for the imposition of fines on operators who fail to obtain a permit and provides for an appeal process that ends with a hearing in front of the Board of Supervisors, if requested by either party.

In accordance with Placer County Code Chapter 9, Article 9.42, Section 9.42.030:

It is unlawful for any person to advertise, maintain, operate or use a short-term rental in the Eastern Placer County Short-Term Rental Area without a short-term rental permit.

Mr. Williams is a certified property manager and participant in the Placer County Short Term Rental program. He actively rented 33 properties represented by his agency, Agate Bay Realty, prior to the issuance of valid Short-Term Rental permits for the properties. Based on Mr. Williams' failure to obtain permits prior to renting, the owners of the violating properties were fined \$500 each. The determination was made in accordance with Placer County Code, Section 9.42.060(A), which provides:

Fines. The fine for code violations(s) pursuant to this section may be an administrative penalty of up to five hundred dollars (\$500) per day for each violation contained in a first administrative citation, and up to one thousand (\$1000) per day for each violation contained in a second or subsequent administrative citation.

Mr. Williams advised the Community Development Resource Agency (CDRA) Department that he (Agate Bay Realty) would assume responsibility for the citations as the permit process was part of the services provided to his clients. Mr. Williams requested an appeal of the citations on December 10, 2020 in accordance with Placer County Code Section 9.42.060(C). The appeal was heard by the Hearing Officer on March 17, 2021, and a decision was issued on March 24, 2021 that upheld all citations. Thereafter, Mr. Williams appealed the Hearing Officer's decision to the Board of Supervisors in accordance with Placer County Code Section 9.42.060(C)(5).

Pursuant to the provisions of Placer County Code Section 9.42.060, Mr. Williams and CDRA have the right to argue their respective positions, to be represented by counsel, and to refer to documents or testimony given at the hearing held by the Hearing Officer. However, the parties are not allowed to introduce any new

documents, testimony, or other evidence unless the party offering the new evidence can show good cause as to why the new evidence was not presented at the prior hearing before the Hearing Officer.

During the hearing, the Board may request additional briefing of any issue and may continue the hearing as deemed necessary. The Board shall issue a decision on the appeal at the conclusion of the hearing, and may sustain, modify, or reverse the decision of the Hearing Officer. Any amount determined to be due shall be due and payable upon the decision of the Board. This hearing is the final level of administrative appeal.

On File with the Clerk of the Board

- All Exhibits
- Hearing transcript – March 17, 2021
- Hearing Officer's decision