



Mariposa County

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The Planning Department



HOUSING PROGRAMS ADVISORY COMMITTEE *FINAL* ACTION SUMMARY MINUTES

MARCH 4, 2024

TIME: 4:00 P.M.

LOCATION: GOVERNMENT CENTER

**UPPER FLOOR; BOARD OF
SUPERVISORS CHAMBERS**

5100 BULLION STREET, MARIPOSA

1. Call to Order and Roll Call

Seeing a quorum, the regular meeting of the Housing Programs Advisory Committee (HPAC) meeting was called to order by Ben Goger at 4:04 PM

Present: Kim Tucker, Dana Swarth, Kevin Spach, Heath Harris (term expired), Roger Powell (term expired)

Excused: Karen Smith, Hal Nolen

Staff: Ben Goger, Polina Pivak

2. Approval of Minutes

- a. Meeting of August 19th, 2020

Approval of minutes was tabled until the next meeting due to expired member terms and absent members.

- b. Meeting of February 15th, 2024

Approval of minutes was tabled until the next meeting due to expired member terms and absent members.

3. Public Comment on Non-Agenda Items

4. Committee Business

- a. Election of Officers

Election of officers was tabled until the next meeting due to expired member terms and absent members.

5. Discussion and Possible Action

- a. Discussion and Recommendation to the Board of Supervisors on the Mariposa County Short Term Rental Study Update

Goger introduced the item and explained the complexity of the discussion due to competing interests. Goger explained the sharp drop in housing stock listed in the memo, which was due to new census data and Oak Fire housing losses. After the current Short-Term Rental (STR) applications have been processed we will have over 900 STRs in the County, which is approximately 9.5% of our housing stock.

Tucker asked whether there is data that breaks down the type of units that are STRs. Goger stated this is shown in the Housing Element.

Goger summarized the history surrounding the issue and the STR study.

Harris asked about statistics for STRs that do not operate or are inactive. Goger stated we have that data, and this relates to one of the recommendations of the STR study. Goger

estimates that 18% of STRs are inactive.

Spach asked for clarification on whether there was ever a pause on STRs. Goger said the moratorium was never implemented.

Goger stated the County receives a large amount of revenue from the Transient Occupancy Tax (TOT).

Tucker stated the newspaper indicated that revenue from TOT decreased this year and Goger affirmed.

Goger stated that most survey responses indicate that they are struggling with the housing market. Harris stated that anything to do with the housing market has been difficult. Goger agreed and stated that STRs are only part of the problem when it comes to the housing crisis.

Tucker asked if there have been surveys of employers regarding this issue. Goger and Swarth agreed and pointed to the body of the STR study.

Goger summarized the survey results and formal STR study findings.

Tucker asked if anyone has forecast how the Yosemite reservation system will affect the STR market. Goger stated this has not been forecast, however, STR owners indicate that Yosemite National Park closures are one of the main concerns, therefore the reservation system will affect the market and is worth tracking.

Goger stated that Mariposa County has a high vacancy rate, meaning many people have second homes without renting them out short-term, therefore that is also affecting the availability of housing. Goger explained the functional vacancy statistic, which indicates how competitiveness of the market.

Goger explained the recommendations and asked how the HPAC would like to proceed with establishing their recommendations. Spach stated that the HPAC needs to decide whether they would like to amend the recommendations made by the Planning Commission (PC). Goger said that HPAC does not need to follow PC recommendations.

Swarth stated that the survey data shows that the public would like to limit the number of STRs.

Tucker stated the PC has commissioners who are STR owners.

Goger summarized each recommendation.

Harris asked why STRs are limited to 3-bedrooms. Goger explained that there was an ordinance to reduce the number of bedrooms for STRs due to California Building Code restrictions on septic systems. Harris stated that people will try to cram more into the house and overload the septic system anyway. Goger said to amend the number of bedrooms in the STR code is one of the PC recommendations.

Tucker asked if it would be legal to limit people from establishing STRs. Goger said no, the Dormant Housing Clause states that you cannot limit interstate commerce. However, you can create certain limits, like a “cool-down” period after new home purchases. Harris mentioned that people could establish an LLC to bypass any fractional ownership limitations.

Tucker stated that although Park adjacent communities have a lot of STRs, there are still many who do not have housing in those areas due to STRs.

Goger summarized the PC recommendations.

Spach asked what the planning areas are and how they will be affected by any recommendations made by HPAC. Goger explained that the Board of Supervisors is the ultimate regulatory authority, however each area has their own plan.

Tucker asked how peer community regulations were accounted and catered for Mariposa County. Goger stated this was done during the preparation of the recommendations as part of the STR study.

Harris stated that a housing trust fund would increase the costs of projects. Goger stated that a local financing mechanism would not be as regulated as other projects.

Spach asked why the PC recommends a flat dollar amount and not an additional percentage applied to TOT to contribute to the housing trust fund. Goger affirmed a percent would be more effective.

Tucker asked whether hotels would have to pay the additional TOT. Goger stated that would be up to decisionmakers. Goger stated the current TOT is 13.5%. Harris stated an increase in TOT would be unsustainable and either the consumer or owner would have to pay. Spach stated this would help limit the market, though. Harris said we must be careful in limiting the market to prevent adverse effects. Tucker said the reservation system would help determine the best course of action for STR regulation once the market adjusts.

Goger directed the conversation to potential recommendations.

Powell believes that many people base their opinion on misinformation and that HPAC needs to focus on the main objectives. Powell stated the objective should be to create housing for those that need it and proposed to limit STRs within houses that are priced below \$450,000, which is affordable to people in the County. Goger stated that that is a type of eligibility standard and would need to be investigated in terms of legality. Goger also mentioned this has not been implemented in other peer communities.

Harris said investigating the effect of firefall visitation in Yosemite on the STR market may help analyze the recommendations. Goger said he would inform the Board of Supervisors of this point.

Goger asked if HPAC agrees with the Administrative and Process Updates recommendations. Harris affirmed that updating the definition of an STR is important.

Tucker stated that leveraging STRs to facilitate new home construction would be difficult.

Spach asked about the value of requiring permit numbers on advertisements. Goger said it would make compliance quicker and more accurate.

Powell and Tucker stated that the HPAC needs more time to review the information and develop recommendations.

Tucker asked about Tenants Rights Reform and does not think it is within the purview of the HPAC.

Goger said the perfect solution is not necessary.

Spach said he supports Section D “Geographic Targeting and Density Limits” recommendations. Powell and Spach supports recommendation No. 25 Establish a Local Funding Source for Housing Programs. Spach supports Recommendation No. 24 Expand and Diversify Housing Supply.

HPAC discussion ensued about next steps and direction in developing recommendations.

Spach made a motion to accept recommendations nos. 16, 17, 24, & 25; Swarth seconded. Motion passed.

RESULT: (3-2)

Ayes: Swarth, Spach, Powell

Nays: Harris, Tucker

6. Future Agenda Items

The HPAC direct staff to include the following items on the agenda for the next meeting:

- Letter to Joe for NPS data
- Discussion on smaller lot sizes in Mariposa TPA
- STR study recommendations

7. Adjournment

There being no further business, the HPAC meeting was adjourned by Ben Goger at 6:05 PM.

Minutes Submitted by,

Polina Pivak, Housing and Community Development Specialist