**Article 61 Vacation Rentals**

**Sec. 10-6.6101. Purpose**

The purpose of this Article is to regulate the use of vacation rentals within the unincorporated areas of the County. The regulations are intended to minimize the potential adverse secondary effects of vacation rentals on surrounding neighborhoods, to prevent the increase and over-concentration of transient and commercial uses in residential neighborhoods and zoning districts, to impose reasonable limitations to ensure the long-term availability of housing stock in compliance with the general plan, local regulations, and other policies, and to ensure neighborhood compatibility with the vacation rental use.

**Sec. 10-6.6102. Definitions**

1. **Vacation Rental:** Shall mean the same as the definition found in Section 10-6.3602.194 of the Siskiyou County Code.
2. **Property owner:** The person or business who is the property owner of record upon the County Tax Assessor’s records.
3. **Vacation Rental Activity Permit (“VR Activity Permit”):** A permit issued by the County under the authority of this Article which permit authorizes a property owner to operate a vacation rental for a period of 30 consecutive days or less.

**Sec. 10.6.6103. Operation of a Vacation Rental without a Permit**

It is unlawful for any person, including any property owner, to establish, advertise or operate a vacation rental in the unincorporated are of the County without first obtaining a VR Activity Permit. The possession of other types of State or County licenses or permits shall not exempt the person from obtaining a VR Activity Permit under this article.

**Sec. 10.6.6104**. **Vacation Rental Regulations**

A property that is proposed to be the site of a vacation rental for which a VR Activity Permit is to be issued must meet the following conditions and standards:

1. The property is located in one of the following zoning districts: Res-1, Res-2, Res-3, Res-4, C-R, C-U, C-C, C-H, R-R, AG-1, or AG-2.
2. If the property is located in the areas of McCloud, Dunsmuir/Mount Shasta or Weed/Lake Shastina, as those areas are as shown on the map entitled “Vacation Rental Areas” which is attached to this Article as Exhibit A, the property shall be at least two and one-half (2.5) acres in size.
3. If the property is located in either the area of Dunsmuir/Mount Shasta or Weed/Lake Shastina, as those areas are as shown on the map entitled “Vacation Rental Areas” which is attached to this Article as Exhibit A, that less than five percent of the total available properties in those respective areas have a current VR Activity Permit.
4. The vacation rental structure shall be a structure described in Section 10-6.3602.194 and shall not be any of the following: an Accessory Dwelling Unit (ADU), a shipping container, an outdoor area (including tipis (teepees), yurts, and treehouses), a van or recreational vehicle, or any other structure that is unpermitted for human habitation.
5. The occupancy allowance of the vacation rental shall: (1) meet the Uniform Housing Code; and (2) meet the existing State and local water and sewage disposal regulations, including testing of the water supply as required, if provided by a private water source.
6. The maximum occupancy of the vacation rental is limited to the number and size of sleeping rooms. Each sleeping room shall have available not less than seventy (70) square feet of floor area for the first two occupants. The floor area requirement for sleeping rooms shall then increase at a rate of fifty (50) square feet per each occupant in excess of two occupants.
7. The property has one off-street parking space, plus one additional off-street parking space for each bedroom.
8. Smoke and carbon monoxide detectors are installed upon the property in accordance with current building codes.
9. Prior to the issuance of a VR Activity permit, an inspection of the proposed vacation rental shall be required by both the Building and Health Departments to determine if the facility complies with the standards specified herein. Proof of compliance is required prior to issuance of the VR Activity Permit.

**Sec. 10.6.6105. Application Process**

Applications for a VR Activity Permit may be obtained at the Siskiyou County Community Development Department. An applicant for a VR Activity Permit must be made by the property owner and presently possess no other VR Activity Permit. Applications for a VR Activity Permit shall be submitted to the Planning Department and meet the following requirements:

1. The application shall include a site plan for the property, a diagram of the vacation rental structure itself, and specifically annotate each room intended for sleeping.
2. The application shall indicate the property is not identified for any current building or zoning violation.
3. The applicant shall indicate the proposed vacation rental complies with all the requirements set forth in Section 10-6.6104. Verification of compliance with such requirements shall be the responsibility of the applicant, who shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards.
4. The applicant shall identify: (1) which dwelling upon the property is to operate as a vacation rental if there is more than one such dwelling; (2) that the dwelling is a single or two-family dwelling unit; and (3) that there is no VR Activity Permit upon the property for any other dwelling.
5. The full name and contact information for all property owners. If the owner is a business entity or any form of legal entity, information regarding the entity, including but not limited to, a list of owners including shareholders or persons with ownership interest in the entity, its legal status, and proof of registration with the Secretary of State, as applicable.
6. Contact information for any management company or property manager responsible for the rental unit who will be available on a twenty-four-hour basis to address any problems that may be associated with the property. A duly-licensed management company or property manager shall be required. A property manager or company that is duly licensed shall maintain a California real estate license and certified property manager credentials. The owner shall immediately notify the community development department of any changes to management contact information.
7. The applicant shall provide proof that CalFire has completed inspections of the property, and the property is compliant with the requirements of Public Resources Code Sections 4290 and 4291.
8. A statement that the operation of a vacation rental is not prohibited by a restrictive covenant.
9. The applicant shall pay all required fees in full.

**Sec. 10-6.6106. Review of Applications**

1. Applications for a VR activity permit shall be reviewed and processed for approval by the Planning Department. If the Planning Director (Director) or any other department having regulatory or enforcement authority, determines at any time during this review and processing period that additional information or materials are required, then he or she shall send notice of the required/missing items or information and the property owner must provide the requested items or information before processing resumes. If any application is inactive for six months, it shall be deemed expired, and the applicant will have to re-apply should they want to establish a vacation rental.
2. Except as otherwise provided in this section, an application for a VR Activity Permit that meets the requirements of this Article will be approved ministerially by the Planning Director, unless any of the following grounds exist:
	1. The vacation rental application is incomplete.
	2. The applicant has knowingly made a false statement of material fact, or has knowingly omitted a material fact, from the application.
	3. The applicant has not paid all the required fees.
	4. The applicant is delinquent in payment of County taxes.
	5. The vacation rental does not meet the location requirements specified in Section 10-6.6104.
	6. The property received 50% or more protest letters (i.e., letters of opposition) as such letters are described in Section 10-6.6107, in which case the application shall be subject to hearing as described in this Article.
	7. A previous VR Activity Permit issued under this article involving the same owner has been revoked by the county within the two years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
	8. The owner has been determined, by an administrative hearing body or a court of competent jurisdiction, to have engaged in short term rentals in violation of state or local law within the two years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
3. An application for a VR Activity Permit that is denied may be appealed within 10 days of the denial by filing a notice of appeal with the County Clerk. Thereafter, the County Clerk shall proceed to set the matter on the next regular meeting of the Board of Supervisors for the setting of an appeal hearing.

**Sec. 10-6.6107. Notice to Neighboring Properties**

Once an application is deemed complete, the Planning Division will send notice to the surrounding property owners within 300 feet of the proposed vacation rental. A property owner will have 30 days from the date of the notice to submit to the Planning Department a letter opposing issuance of the proposed VR Activity Permit.

**Sec. 10-6.6108.**  **Hearing Before the Board of Supervisors**

1. Where the Planning Director has received letters of opposition from at least fifty percent (50%) of the surrounding properties that were provided the notice described in Section 10-6.6107, but the VR Activity Permit application otherwise meets all requirements of this Article, the Planning Director shall place the matter on the agenda for the Board of Supervisors for setting of hearing on the proposed application.
2. Upon hearing of the VR Activity Permit application, the Board of Supervisors shall grant the application if it finds that the proposed vacation rental otherwise meets the requirements of this Article and additionally finds that the issuance of a VR Activity Permit will not:
3. Adversely affect the orderly development of property within the County.
4. Adversely affect the preservation of property values and the protection of the tax base within the county.
5. Adversely affect the policy and goals as set by the general plan.
6. Create a nuisance within the local neighborhood or community.
7. The Board of Supervisors may impose conditions beyond those set forth in Section 10-6.6109 to address in approving a VR Activity Permit application. Upon issuance of a VR Activity Permit that has been approved by the Board of Supervisors, the term of the permit will be as established under Section 10-6.6111.

**Sec. 10-6.6109. Issuance and Conditions of Permit**

1. When the application is tentatively approved, either by the Planning Department or the Board of Supervisors, the applicant shall obtain a business license and transit occupancy tax certificate before issuance of the VR Activity Permit.
2. Upon issuance of a VR Activity Permit, the permit shall contain the following conditions, violation of which can constitute grounds for revocation:
3. The permittee shall operate the vacation rental in compliance with all required permits, licenses and regulations.
4. The permittee shall pay and stay current with all required inspection fees, permits and taxes.
5. The permittee shall be directly responsible for the management of the vacation rental or shall have a professional property management firm located in Siskiyou County, and such firm shall be available on a twenty-four (24) hour basis.
6. Upon any transfer of ownership of the property where the permittee does not remain on title, the permit shall terminate automatically upon transfer.
7. The maximum rental period for each occupancy shall be thirty (30) consecutive days.
8. Pools, spas, saunas, and shared laundry facilities, if provided, are considered to be public facilities and shall be subject to Health and Building Department review and inspection for compliance with State and local regulations for public pools and laundries.
9. One non-illuminated sign indicating the property is a vacation rental, not in excess of two (2) square feet in area, shall be permitted.
10. With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of a vacation rental at any time is prohibited. Weekly trash collection must be provided for each vacation rental. Each rental must provide one (1) bear-proof trash receptable.
11. The permittee shall include and reference their VR Activity permit number on any written advertisement for the vacation rental, including online advertisements.
12. The following notices shall be posted on or next to the front door within the subject vacation rental at all times that the property is being used as a vacation rental and shall conform in communicating the required information:
	1. The complete VR Activity Permit that was approved and issued by the Siskiyou County Planning Division for the subject vacation rental; and
	2. A notice that details the following information, including but not limited to:
		1. Parking restrictions.
		2. Prohibition of all outdoor burning.
		3. Prohibition of the use of firearms or fireworks upon the property at any time by the vacation renter.
		4. Emergency contact information, including the Siskiyou County Public Health Department, the 24-hour contact information for the property manager and plumber in the event of an emergency.
		5. A list of unacceptable items for disposal in the septic system such as diapers, feminine napkins, paper towels, etc.
		6. Emergency exits and emergency escape diagram.
		7. Refuse collection regulations and collection times.
		8. Restrictions on loud noise (i.e., music, parties) after 10 P.M.
		9. A site diagram showing the water shutoff valve location, location of the shutoff tool(s), if any, and a narrative of how to shut off these valves if necessary.
13. The applicant shall provide and properly maintain at least one fire extinguisher in the vacation rental.
14. Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
15. At any time while the property is in use as a vacation rental, the use of firearms or fireworks upon the property by the vacation renter is prohibited.
16. All outdoor burning is prohibited. Cooking fires contained within an enclosed grill, smoker, or similar device are exempt from the prohibition.
17. The permittee shall allow for County inspection of the vacation rental upon 48-hours’ notice of the proposed inspection.

**Sec. 10-6.6110. Remedies**

The Planning Director may revoke a VR Activity Permit by issuing a written notice of revocation, stating the reasons therefor, and serving the notice, upon the permittee by both certified mail (return receipt requested) and first-class mail. The revocation shall become effective fifteen (15) days after the date the revocation was mailed unless the permittee files an appeal with the Planning Director within that 15-day period. If an appeal is filed, the Planning Director shall place the appeal on the calendar of the Board of Supervisors for scheduling of a hearing. The revocation shall not become effective until the appeal is decided by the Board of Supervisors. Nothing shall preclude an immediate revocation if the public health and safety are threatened.

The County may additionally seek compliance with this Article by any remedy allowed under this Code, including, but not limited to, imposition of administrative fines, civil actions, and any other remedy allowed with law.

**Sec. 10-6.611. Term and renewal of permits**

1. VR Activity Permit issued under this Article is a three-year permit and shall expire on December 31st of the third year from the date of issuance.
2. A permittee shall submit an application for renewal of a VR Activity Permit, including any required renewal fee, at least two months before the VR Activity Permit’s expiration date.  The timely receipt of an application and fee will renew the VR Activity Permit for another three years with no further review process, so long as there are no pending code violations upon the property.  If a VR Activity Permit has expired, then an application must be submitted for a new VR Activity Permit and undergo the review process described in Section 10-6.6105.