# Staff Report

Meeting Date: February 20, 2024

To: Siskiyou County Board of Supervisors

From: Hailey Lang, Planning Director

Subject: Proposed zoning ordinance update to the Siskiyou County Code regarding operation of vacation rentals

## Background

Staff has had a longstanding discussion on updating the vacation rental ordinance, which is now to be known as the vacation rental ordinance, with both the Planning Commission and the Board of Supervisors dating back to September 2022. At the November 14, 2023, Board of Supervisors meeting, staff presented the final draft of the vacation rental ordinance, now known as Article 61 of the Siskiyou County Code.

The final regional policy recommendations are as follows:

**Policy Matrix: Vacation Rental Policy Recommendations**

| *Region* | *2.5-acre minimum* | *CUP or Activity Permit* | *Inspection* | *Cap on Permits\** |
| --- | --- | --- | --- | --- |
| McCloud | Yes | Activity Permit \*\* | Every 3 years | No |
| South County: Dunsmuir/Mount Shasta, Weed/Lake Shastina | Yes | Activity Permit \*\* | Every 3 years | 5% |
| North County: Yreka, Happy Camp/Seiad Valley Klamath River/North Yreka, Scott Valley, Butte Valley | No | Activity Permit\*\* | Every 3 years | No |

\*Vacancy rate caps will be reviewed every 5 years

\*\*An “activity permit” is an administratively issued permit by staff if the proposed property meets objective requirements for use as a vacation rental.

At the January 17, 2024, Planning Commission meeting, staff presented the draft vacation rental ordinance to the Commission. The Commission supported the change of obtaining a Conditional Use Permit (CUP) to a property owner permit (Activity Permit) that terminates upon sale of the property to operate a vacation rental. The Commission also supported that the permit, slated to be a permit that runs from property owner to property owner, is not a land use entitlement and therefore does not run with the land, meaning that the permit is ministerial, thus streamlining the process.

In regard to the second tier of the process, when a vacation rental is elevated to a discretionary permit and thus heard by the Board of Supervisors that have to make findings and subsequently approve or deny the permit, the Commission felt that would be best handled at the Planning Commission level, and not the Board level. The reasoning behind this is that the findings are related to issues mainly dealt at the Commission level, related to General Plan consistency, nuisances, and orderly property development. Lastly, as a worst-case scenario, the Commission does not want to see the Board have to focus on vacation rental public hearings that could last hours and not be able to focus on more crucial and significant policy issues within the County.

The recommended change from the Planning Commission to have the Planning Commission be the designated body for the vacation rental hearings is formalized below as the “B” version.

The process in which defines the Board as the designated body for the vacation rental hearings, which was presented to the Board during the November 14, 2023, Board meeting and presented to the January 17, 2024, Planning Commission hearing is reflected as the “A” version.

## Environmental Review

The vacation rental zoning ordinance is exempt from the California Environmental Quality Act (CEQA), under Section 15061 (b)(3). Section 15061 (b)(3) consists of activities covered by the "common sense exemption" that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The ordinance will not result in any direct or indirect physical changes to the environment.

## Comments

No comments were received at the time this staff report was written.

## Recommended Action

As detailed in Resolution PC 2024-004, it is the recommendation of the Planning Commission that the Board of Supervisors Amend Title 10 Chapter 6 of the Siskiyou County Code By Adding Article 61 “Vacation Rentals” and Repealing Subsection (h) of Section 10-6.1502 of the Siskiyou County Code Regarding Vacation Rentals and Determine the Project Exempt from the California Environmental Quality Act.

Should the Board of Supervisors concur with the recommendation of the Planning Commission, the Board of Supervisors, a draft motion to this effect is provided below.

## Recommended Motion

I move to take the following actions:

1. Introduce, waive and approve the first reading of an ordinance amending Title 10 Chapter 5 of the Siskiyou County Code by Adding Article 61 “Vacation Rentals”, including that the Planning Commission be the primary hearing body (the “B Version”), and approve the first reading of the ordinance by title only.
2. Direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance.

Should the Board wish to keep the Board as the designated body for the vacation rental hearings, I move to take the following actions:

Alternative Motion:

1. Introduce, waive and approve the first reading of an ordinance amending Title 10 Chapter 5 of the Siskiyou County Code by Adding Article 61 “Vacation Rentals”, including that the Planning Commission be the primary hearing body (the “A Version”), and approve the first reading of the ordinance by title only.
2. Direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance.

## Attachments

1. Draft Ordinance (“A” Version) No. \_\_\_\_\_\_\_, an Ordinance of the County of Siskiyou, State of California, Amending Title 10 Chapter 6 of the Siskiyou County Code By Adding Article 61 “Vacation Rentals” and Repealing Subsection (h) of Section 10-6.1502 of the Siskiyou County Code Regarding Vacation Rentals
2. Draft Ordinance (“B” Version) No. \_\_\_\_\_\_\_, an Ordinance of the County of Siskiyou, State of California, Amending Title 10 Chapter 6 of the Siskiyou County Code By Adding Article 61 “Vacation Rentals” and Repealing Subsection (h) of Section 10-6.1502 of the Siskiyou County Code Regarding Vacation Rentals
3. Planning Commission Staff Report – January 17, 2024
4. Signed Resolution PC 2023-024