

Resolution PC 2024-004

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Repeal Section 10-6.1502(h) of Article 15 and Add Article 61, Vacation Rental Regulations to Title 10, Chapter 6 of the Siskiyou County Code

Whereas, Siskiyou County has experienced an increasing demand for vacation homes, and a growing number of property owners have sought to fulfill this demand by converting structures from primary residences to short-term rentals over the last few years; and

Whereas, County residents and policy makers have observed that the increase in demand for Vacation Rentals has coincided with limited availability of residential units and very low vacancy rates; and

Whereas, staff has presented and discussed on a wide range of vacation rental policy recommendations to both the Planning Commission and the Board of Supervisors from September 2022 to November 2023, which discussions have resulted in a draft ordinance attached here to as Exhibit A, adding Article 61 to Title 10, Chapter 6 of the Siskiyou County Code and repealing subsection (h) of Section 10-16.1502 of the Siskiyou County Code; and

Whereas, the Planning Commission must consider a proposed zoning ordinance or amendment and make a written recommendation to the Board of Supervisors pursuant to Government Code Sections 65854 to 65867; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on January 3, 2024, and

Whereas, public hearing notices were provided pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, the Planning Division presented its oral and written staff report on the Vacation Rental Analysis policy recommendations at a regular meeting of the Planning Commission on January 17, 2024; and

Whereas, on January 17, 2024, the Planning Commission held a public hearing and considered all oral and written comments of the vacation rental policy changes and the updated zoning ordinance; and

Now Therefore Be It Resolved that the Planning Commission recommends that:

1. The Board of Supervisors adopt the proposed addition of Article 61 to Title 10, Chapter 6 of the Siskiyou County Code and rescind subsection (h) of Section 10-6.1502 of the Siskiyou County Code, except that the Planning Commission be the designated hearing body.
2. The Planning Commission hereby finds that these recommendations are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment from policy considerations only, where no action will be taken at this time and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

It is Hereby Certified that the foregoing Resolution PC-2024-004 was duly adopted on a motion by Commissioner Hart and seconded by Commissioner Melo at a regular meeting of the Siskiyou County Planning Commission held on the 17th day of January 2024 by the following roll call vote:

Ayes: Commissioners Hart, Melo, Fowle, Veale and Lindler

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission



Danielle Lindler, Vice Chair

Witness, my hand and seal this 17th day of January 2024



Hailey Lang, Secretary of the Commission

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
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**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS AS
FOLLOWS:

SECTION I: Article 61 “Vacation Rentals”, Sections 6101 through 6111 are added
to read as follows:

“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

A. **Vacation Rental:** means a single or two-family dwelling which is rented for periods of not more than 29 consecutive days to transient occupants. Where two (2) or more single or two-family dwellings legally exist on a single parcel, only one dwelling unit may be considered a short-term rental subject to the provisions of Article 61.

B. **Property owner:** The person or business who is the property owner of record upon the County Tax Assessor’s records.

C. **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 29 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 area 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 an Activity Permit is to be issued must meet the following conditions and standards:

A. 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.

B. 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, and as such map is on file with the Planning Department by geographic information system ("GIS"), the property shall be at least two and one-half (2.5) acres in size.

C. 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, and as such map is on file with the Planning Department by geographic information system ("GIS"), that less than five percent of the total available properties in those respective areas have a current VR Activity Permit.

D. The vacation rental structure shall be a structure described in Section 10-6.6102 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.

E. 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.

F. The maximum occupancy of the vacation rental is limited to two (2) occupants per bedroom plus a total of two (2) additional occupants. The maximum occupancy shall not exceed the capacity of the septic system, but in no instance shall the occupancy exceed ten (10) persons.

G. The property has an off-street parking space plus an additional off-street parking space for each bedroom.

H. Smoke and carbon monoxide detectors are installed upon the property in accordance with current building codes.

I. Prior to the issuance of a VR Activity permit, an inspection of the proposed vacation rental shall be required by both the Building Division and Environmental Health Division 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 from the Siskiyou County Community Development Department. An application for a VR Activity Permit must be made by the property owner who does not presently possess any other VR Activity Permit. Applications for a VR Activity Permit shall be submitted to the Planning Department and meet the following requirements:

A. The application shall include a site plan for the property, a diagram of the vacation rental structure itself, and specifically annotated dimensions of each bedroom.

B. The application shall indicate the property is not identified for any current building or zoning violation.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. A statement that the operation of a vacation rental is not prohibited by a restrictive covenant.

I. The applicant shall pay all required fees in full.

Sec. 10-6.6106. Review of Applications

A. Applications for a VR Activity Permit shall be reviewed and processed for approval by the Planning Division. 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 they 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.

B. 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 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.

C. 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 Planning Director. Thereafter, the Planning Director shall proceed to set the matter on the next regular meeting of the Planning Commission 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 of record 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 the issuance of the proposed VR Activity Permit.

Sec. 10-6.6108. Hearing Before the Planning Commission

A. 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 Planning Commission for setting of hearing on the proposed application.

B. Upon hearing of the VR Activity Permit application, the Planning Commission 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:

1. Adversely affect the orderly development of property within the County.
2. Adversely affect the preservation of property values and the protection of the tax base within the county.
3. Adversely affect the policy and goals as set by the general plan.
4. Create a nuisance within the local neighborhood or community.

C. The Planning Commission 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 Planning Commission, the term of the permit will be as established under Section 10-6.6111.

Sec. 10-6.6109. Issuance and Conditions of Permit

A. When the application is tentatively approved, either by the Planning Department or the Planning Commission, the applicant shall obtain a business license and transient occupancy tax certificate before issuance of the VR Activity Permit.

B. Upon issuance of a VR Activity Permit, the permit shall contain the following conditions, violation of which can constitute grounds for revocation:

1. The permittee shall operate the vacation rental in compliance with all required permits, licenses, and regulations.
2. The permittee shall pay and stay current with all required inspection fees, permits and taxes.
3. The permittee shall have a professional property management firm located in Siskiyou County, and such individual or firm shall be available on a twenty-four (24) hour basis.
4. Upon any transfer of ownership of the property where the permittee does not remain on title, the permit shall terminate automatically upon transfer.
5. The maximum rental period for each occupancy shall be twenty-nine (29) consecutive days.
6. 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.
7. One non-illuminated sign indicating the property is a vacation rental, not in excess of two (2) square feet in area, shall be permitted.
8. 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 a minimum of one (1) bear-proof trash receptable.
9. The permittee shall include and reference their VR Activity permit number on any written advertisement for the vacation rental, including online advertisements.
10. The following notices shall be prominently available 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:
 - a) The complete VR Activity Permit that was approved and issued by the Siskiyou County Planning Division for the subject vacation rental; and
 - b) A notice that details the following information, including but not limited to:
 - i. Parking restrictions.
 - ii. Prohibition of all outdoor burning.

- iii. Prohibition of the use of firearms or fireworks upon the property at any time by the vacation renter.
 - iv. 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.
 - v. A list of unacceptable items for disposal in the septic system such as diapers, feminine napkins, paper towels, etc.
 - vi. Emergency exits and emergency escape diagram.
 - vii. Refuse collection regulations and collection times.
 - viii. Restrictions on loud noise (i.e., music, parties) after 10 P.M.
 - ix. 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.
11. The applicant shall provide, prominently locate, and properly maintain at least one fire extinguisher per floor level in the vacation rental.
 12. Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
 13. 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(s) is prohibited.
 14. All outdoor burning is prohibited. Cooking fires contained within an enclosed grill, smoker, or similar device are exempt from the prohibition.
 15. 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 Planning Commission for scheduling of a hearing. The revocation shall not become effective until the appeal is decided by the Planning Commission. 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 by law.

Sec. 10-6.611. Term and renewal of permits

- A. 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.
- B. 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.

C. Any conditional use permit issued prior to the effective date of this ordinance shall remain subject to the terms and conditions of that permit and is not subject to the renewal requirements of this section.

SECTION II: Subsection (h) of Section 10-6.1502 of the Siskiyou County Code is hereby repealed.

SECTION III: Subsection (i) of Section 10-6.1502 of the Siskiyou County Code is hereby renumbered as subsection (h) of Section 10-6.1502.

SECTION IV: This ordinance amendment has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines (i.e., the "general rule exemption because it can be seen with certainty that the proposed amendment does not have the potential to result in a significant impact on the environment.")

SECTION V: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION VI: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

PASSED AND ADOPTED this _____ day of _____, 2024 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael N. Kobseff, Chair
Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum, Clerk,
Planning Commission

By _____
Deputy