

ORDINANCE NO. SCC 2020-05

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA AMENDING TITLE 17, ZONING PLAN,
OF THE SHASTA COUNTY CODE TO REGULATE SHORT-TERM RENTALS**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Article I - Uses Permitted in All Districts, of Chapter 17.88 - Special Uses, is amended as follows:

Add Section 17.88.230 "Short-Term Rentals" to read in its entirety as follows:

17.88.230 - Short-Term Rentals.

- A. Intent. The purpose of this Section is to establish a set of regulations applicable to short-term rentals. Special regulation of short-term rentals is necessary to ensure that they will be compatible with surrounding uses and will not act to harm or alter the neighborhoods they are located in while also recognizing the diversity of the short-term rental market.
- B. Definitions. Except where the context otherwise requires, the following definitions shall govern this Section:
1. "Bedroom" means a room that is fully enclosed conditioned space within a one-family residence and meets the following criteria:
 - a. Is located along at least one exterior wall;
 - b. Is at least 70 square feet in size and not less than 7 feet in any horizontal dimension;
 - c. Has a minimum ceiling height of 7 feet (if the ceiling is sloped, 50% may be less than 7 feet in height, but no part shall be less than 5 feet in height);
 - d. Has a built-in closet or storage area; and
 - e. Has at least one window or door exiting directly to the outside for ingress/egress that meets the applicable building code requirements for light, ventilation, and fire escape.
 2. "Director" means the Director of the Resource Management Department or his/her designee.

3. "One-family residence" is defined in Shasta County Code Section 17.02.450.
 4. "Hosted homestay" means a portion of a one-family residence where, for compensation, individual overnight room accommodations are provided for a period of 30 consecutive calendar days or less and the property owner resides within the residence while it is being rented.
 5. "Short-term rental" means either a hosted homestay or a vacation rental.
 6. "Vacation rental" means an entire one-family residence where, for compensation, overnight accommodations are provided for a period of 30 consecutive calendar days or less. The property owner may or may not reside within a separate legally established one-family residence or accessory dwelling unit on the parcel while the vacation rental is being rented.
 7. "Long-term occupant" means a tenant or other occupant lawfully occupying the property for a period of 31 consecutive calendar days or more.
- C. **Applicability.** Short-term rentals may be established in any zone district which permits a one-family residence by right, and in the Mixed Use (MU) District provided that all required permits have been secured for the one-family residence, subject to all applicable provisions of this Section.
- D. **Hosted Homestay Approval Process.** No person shall operate a hosted homestay without first obtaining approval as required by this Section. The following approval process is hereby established:
1. Property owners proposing to operate a hosted homestay must file an affidavit with the Department of Resource Management certifying that they understand and agree to the requirements of this Section, and must submit all items required below and a permit and regulatory fee as established by the Board of Supervisors. Property owners must obtain approval of annual renewals in order to continue to operate beyond the initial one-year term of an approved affidavit; renewal requests and renewal fees must be received no later than the hosted homestay affidavit expiration date. Approved hosted homestay affidavits are not transferable to another property. Approved hosted homestay affidavits are not transferable to subsequent property owners unless prior to any transfer an amended affidavit is filed with the Department of Resource Management that otherwise meets all of the requirements to operate a hosted homestay.
 2. Applicants for a hosted homestay shall be required to provide all pertinent information, as determined by the Director, necessary to determine compliance with this Section and shall pay a permit and regulatory fee as may be established by the Board of Supervisors. At a minimum, applications for a hosted homestay shall include the following information:

- a. A site plan or other information deemed necessary by the Director to determine compliance with this Section may be required.
 - b. A floor plan or other information deemed necessary by the Director to determine compliance with this Section may be required.
 - c. The property owner shall provide, and keep on file with the County, their name, address, telephone number, and e-mail address.
3. No application shall be approved until all fees, the application form and related information are received by the Department of Resource Management.
 4. The Director shall consider approval of the application after the application is accepted. The decision on the application is ministerial and public notice is not required.
 - a. If the Director determines that the proposed hosted homestay appears to meet all applicable criteria, the Director shall approve the application.
 - b. If the Director determines that the proposed hosted homestay does not meet all applicable criteria, the Director shall deny the application.
 5. If the Director denies the application, the owner or applicant may appeal to the Planning Commission. Such appeal shall follow the same procedures applicable to variance and use permit appeals. The decision of the Planning Commission is final.
 6. The holder of a hosted homestay affidavit may surrender it to the Department of Resource Management at any time and thereafter shall cease to engage in, operate or maintain the use.
- E. Vacation Rental Approval Process. No person shall operate a vacation rental without first obtaining approval as required by this Section. The following approval process is hereby established:
1. All vacation rentals shall require approval of a vacation rental permit and shall comply with all requirements of this Section. In making a determination to approve a vacation rental permit application, the Director shall consider whether or not the proposed vacation rental meets or will meet all applicable requirements of this Section. The vacation rental permit application shall include the application form and all items required below. Permittees must obtain approval of annual renewals in order to continue to operate beyond the initial one-year term of an approved vacation rental permit; renewal requests and renewal fees must be received no later than the vacation rental permit expiration date. Approved vacation rental permits are not transferable to another property. Approved vacation rental permits are not transferable to subsequent property owners unless prior to any transfer an amended

application form is filed with the Department of Resource Management that otherwise meets all of the requirements to operate a vacation rental.

2. Applicants for a vacation rental shall be required to provide all pertinent information, as determined by the Director, as necessary to determine compliance with this Section and shall pay a permit and regulatory fee as may be established by the Board of Supervisors. At a minimum, applications for a vacation rental shall include the following information:
 - a. A site plan identifying the location of structures, on-site parking, trash receptacles, and vehicular access to the parcel.
 - b. A floor plan attesting to the number of bedrooms. The floor plan does not have to be professionally drawn but must be reasonably accurate.
 - c. The property owner shall provide, and keep on file with the County, the name, address, telephone number, and e-mail address of the property owner and a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the vacation rental, and who shall have access and authority to assume management of the vacation rental and take remedial measures. The local contact person may be the property owner or other person designated by the property owner to serve in this capacity. This information shall be updated as necessary to remain current, included in every rental agreement and posted in a conspicuous location within the vacation rental. The property owner or local contact person shall be available twenty-four hours per day, seven days per week whenever the vacation rental is rented to accept telephone calls and respond physically to the property within sixty (60) minutes of receiving a call.
3. No application shall be approved until all fees, the application form and related information are received by the Department of Resource Management.
4. The Director shall consider approval of the application after the application is accepted. The decision on the application is ministerial and public notice is not required.
 - a. If the Director determines that the proposed vacation rental appears to meet all applicable criteria, the Director shall approve the application.
 - b. If the Director determines that the proposed vacation rental does not meet all applicable criteria, the Director shall deny the application.
5. If the Director denies the application, the owner or applicant may appeal to the Planning Commission. Such appeal shall follow the same procedures applicable to variance and use permit appeals. The decision of the Planning Commission is final.

6. The holder of a vacation rental permit may surrender it to the Department of Resource Management at any time and thereafter shall cease to engage in, operate or maintain the use.

F. General Requirements Applicable to All Short-Term Rentals.

1. Advertising. All advertising for any short-term rental shall include the affidavit or zoning permit number assigned by the County, the number of County-approved bedrooms, the maximum occupancy, and the transient occupancy tax number.
2. Building Type. Short-term rentals shall be allowed only in a legally established one-family residence, or a portion thereof, except that no accessory dwelling unit shall be used as a short-term rental at any time. Short-term rentals shall not be permitted in any temporary, portable, or other type of structure not permitted by the County for permanent occupancy (e.g., guest house, tent, yurt, and RV). No more than one short-term rental shall be permitted on an individual parcel.
3. Covenants, Conditions & Restrictions. This ordinance shall not be construed as waiving or otherwise impacting the rights and obligations of any individual, group, or members of any homeowners association to comply with or enforce established covenants, conditions and restrictions (CC&Rs). It is the sole responsibility of the property owner to comply with all applicable CC&Rs.
4. Noise Standards. All short-term rentals shall comply with the following requirements:
 - a. Property owner or local contact person shall insure that the guests of the short-term rental understand that loud or unreasonable noise that disturbs others and that is not in keeping with the character of the surrounding neighborhood will result in a violation of this section.
 - b. Property owner or local contact person shall be available twenty-four hours per day, seven days per week whenever the short-term rental is rented to accept telephone calls and respond physically to the property within sixty (60) minutes of receiving a call to address complaints concerning noise levels. Failure to respond to all verifiable complaints will result in a violation of this section.
 - c. Quiet hours shall be observed between 10:00 p.m. and 7:00 a.m., Monday through Friday, and between 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and holidays. Outdoor amplified sound is prohibited during quiet hours.
5. House Policies. House policies shall be included in each short-term rental agreement. It shall be the responsibility of the property owner to enforce all of the requirements of this Section and all house policies. For vacation rentals, the

property owner may delegate this responsibility to the local contact person. At a minimum, the house policies shall:

- a. Notify all guests of the short-term rental of the noise standards as set forth in this section; said standards shall be a part of any rental agreement.
 - b. Establish on-site parking policies and identify designated parking areas which adhere to the requirements of subsection 17.88.230.F.8.
 - c. Establish policies and provide information regarding the location of trash receptacles and the trash pick-up schedule. In areas where bears may be present, additional information shall be included on best practices for trash disposal when bears are present.
 - d. Establish policies regarding outdoor burning and all other burn restrictions that meet the minimum requirements as set forth below in subsection F.7.
 - e. For vacation rentals, provide the name, address, telephone number, and e-mail address of the property owner and the local contact person pursuant to Section 17.88.230.E.2.c. For hosted homestays, provide the property owner's name, address, telephone number, and e-mail address.
 - f. Specify that the short-term rental shall not be permitted in any temporary, portable, or other type of structure not permitted by the County for permanent occupancy (e.g., guest house, tent, yurt, and RV).
 - g. Specify that the occupancy shall be limited to a maximum of three guests, excluding children under sixteen years of age, per approved bedroom offered for rent.
6. Occupancy. In addition to the property owner and other long-term occupants, between the hours of 10:00 p.m. and 6:00 a.m., daily occupancy of the property shall be limited to a maximum of three guests, excluding children under sixteen years of age, per approved bedroom offered for rent. In addition to the property owner and long-term occupants, between the hours of 6:00 a.m. and 10:00 p.m., daily occupancy of the property shall be limited to a maximum of five guests, excluding children under sixteen years of age, per approved bedroom offered for rent.
7. Outdoor Burning. Outdoor fire areas and fire pits, when not prohibited by State or local fire regulations or bans, may be permitted if expressly allowed by the property owner, and shall be limited to three feet in diameter, located on a non-combustible surface, covered by a fire screen, and located no closer than within 25 feet of a structure, combustible material, or a property line.

8. Parking.

- a. A minimum of one off-street parking space, either covered or uncovered, shall be provided for each approved bedroom offered for rent (tandem parking permitted). Off-street parking spaces required for a one-family residence may be credited towards the off-street parking requirement for a short-term rental. All required parking spaces shall be located on the short-term rental property and shall comply with all applicable regulations of Shasta County Code Chapter 17.86.
- b. All guests' trailers must be accommodated on the rental property or off-site at a commercial facility that is legally permitted to accommodate trailer parking.

9. Safety. Short-term rentals shall meet all applicable building, health, fire and related safety codes at all times, including:

- a. Working smoke and carbon monoxide detectors and fire extinguishers.
- b. Emergency evacuation routes and instructions, including emergency ingress/egress routes to and from the short-term rental property, shall be posted in a conspicuous location in the short-term rental and within each guest bedroom.
- c. All short-term rentals shall be subject to annual fire inspections. Any required inspection fees shall be paid to the applicable fire protection agency.

10. Transient Occupancy Tax. Property owners shall register all short-term rentals with the Shasta County Tax Collector and shall be subject to payment of applicable transient occupancy taxes. Transient occupancy taxes shall be paid and kept current in accordance with Shasta County Code Chapter 3.16. Failure to pay such taxes when due shall be grounds for permit revocation or other remedies allowed by County Code.

11. Trash and Recycling. Trash and recycling receptacles shall be stored in a designated storage area out of public view and serviced on a weekly basis. Whenever properties are operated as short-term rentals, trash and recycling receptacles shall not be removed from their designated storage area earlier than 6:00 p.m. the day prior to the scheduled day of service and shall be returned to their designated storage areas within 8 hours following pick-up.

G. Special Requirements Applied to Hosted Homestays. The following provisions shall apply to hosted homestays:

1. Number of Bedrooms. The number of bedrooms offered for rent shall not exceed the limit established by an approved affidavit.

2. **Property Owner Occupancy Required.** The property owner must occupy the residence at all times when one or more bedroom is being rented.
- H. **Special Requirements Applied to Vacation Rentals.** The following provisions shall apply to vacation rentals:
1. **Number of Bedrooms.** The number of bedrooms offered for rent shall not exceed the limit established by an approved vacation rental permit.
 2. **Liability Insurance.** Prior to approval of a vacation rental permit, the property owner must provide proof that the property has current, valid liability insurance.
 3. **Neighbor Notification of Vacation Rentals.** The County shall provide notice to property owners within 300 feet of the subject parcel that the property has been approved as a vacation rental and shall include the name, address, telephone number, and e-mail address of the property owner and the local contact person, if applicable, at the time of vacation rental permit issuance, or as needed to provide updated information.
- I. **Enforcement Process.** Operation of a short-term rental without the required approval pursuant to this Section on or after November 21, 2020, shall constitute a violation of this Section and such violation may be enforced in any manner permitted by law including, but not limited to, seeking civil and equitable remedies, the issuance of a citation and fine, or other legal remedy as provided by Chapter 1.08, Chapter 1.12, Chapter 8.28 and Section 17.94.060 of the Shasta County Code. Furthermore, an approved affidavit or vacation rental permit may be revoked in accordance with the procedures established in Section 17.92.060(E). Additional enforcement is as follows:
1. **Violation is an Infraction.** A violation of any regulatory or prohibitory provision of this Section is an infraction.
 2. **Application Following Revocation.** In the event of affidavit or vacation rental permit revocation, an affidavit or vacation rental permit application to reestablish a short-term rental after revocation shall not be approved for a minimum of 24 months following the revocation.
 3. **Penalty for Non-Compliance.** If use as a short-term rental is determined to be unpermitted, an application for an affidavit or vacation rental permit shall not be approved for a minimum of 12 months after the determination.

SECTION II.

Article II - Definitions, of Chapter 17.02 – General Provisions, is amended as follows:

Amend Section 17.02.085 “Bed and breakfast guest facility” to read as follows:

17.02.085 - Bed and breakfast guest facility.

“Bed and breakfast guest facility” means an owner-occupied one-family residence that provides up to four guest rooms, without individual kitchen facilities, for short-term sleeping accommodations and meal service for overnight guests.

SECTION III.

The County finds the project is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and 1561(b)(3) based on the general rule that CEQA only applies to projects which have the potential for causing a significant impact on the environment. It can be seen with certainty that this proposed ordinance would not have the potential for causing a significant effect on the environment. Additionally, the County finds the project to be Categorical Exempt pursuant to CEQA Guidelines Section 15301 (Class 1) for existing facilities as the project involves the permitting, leasing, operation and maintenance of existing private structures involving negligible or no expansion of the existing use. Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION IV.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION V.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 21st day of July, 2020, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Moty, Rickert, Morgan, Baugh, and Chimenti
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



MARY RICKERT, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:
MATTHEW P. PONTES
Clerk of the Board of Supervisors

By:  _____
Deputy