

ORDINANCE NO. SCC 2018-_____
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SHASTA AMENDING THE SHASTA COUNTY CODE
TITLE 17 ZONING PLAN AND TITLE 15 SUBDIVISIONS

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

SECTION 1

Article II Uses Permitted with a Residence or in Selected Residential 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 residential uses and will not act to harm or alter the neighborhoods they are located within while also recognizing the diversity of the vacation rental market.
- B. Definitions. Except where the context otherwise requires, the following definitions shall govern this section:
1. "Director" means the Director of the Resource Management Department or designee.
 2. "Bedroom" means a room that is fully enclosed conditioned space within a dwelling unit or accessory structure; 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; and
 - c. has a minimum ceiling height of 7 feet (if the ceiling is sloped, 50% of it can be less than 7 feet, but no part of it should be less than 5 feet);
 - 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 building code requirements for light, ventilation, and fire escape.

3. "Host" means the owner of a short-term rental.
 4. "Hosted homestay" means an owner-occupied single-family dwelling unit where, for compensation, individual overnight room accommodations are provided.
 5. "Vacation rental" means a short-term rental where an entire single-family dwelling unit is rented for compensation for overnight accommodations.
 6. "Short-term rental" means the rental of any legally permitted dwelling unit or portion thereof for occupancy for dwelling, lodging or sleeping purposes for a period of less than 30 consecutive calendar days.
- 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. **Permit Requirements.** Short-term rentals shall meet all applicable requirements outlined in this section and shall be allowed only upon the issuance of a zoning permit. The zoning permit is non-transferable.
1. Application Required. All short-term rentals shall require application and approval of a zoning permit, in accordance with Section 17.92.060, and shall comply with all requirements of this section. In making a determination to approve or deny an application, the Director shall consider whether or not the proposed short-term rental meets or will meet all applicable criteria established in this section. The zoning permit application shall include the application form and all of the following:
 - a. A site plan identifying at least the location of structures, on-site parking, trash receptacles, and access to the parcel.
 - b. A floor plan of the structure attesting to the number of bedrooms. The floor plan does not have to be professionally drawn but must be reasonably accurate, especially concerning the bedrooms.
 2. Revocation. Every zoning permit issued under this section is revocable. Whenever the director determines that one or more grounds exist for revocation of a zoning permit, the planning commission may set the matter for hearing before it by resolution of intention to revoke the zoning permit. The provisions of this title governing the revocation and abandonment of use permits and all references to use permits in those provisions shall be deemed to be references to zoning permits.
- E. **General Requirements Applicable to all Short-Term Rentals.**

1. Transient Occupancy Tax. Every short-term rental shall register with the Shasta County Tax Collector and shall be subject to applicable transient occupancy tax. Transient occupancy tax shall be paid and kept current in accordance with Shasta Code Chapter 3.16. Failure to pay such tax when due shall be grounds for zoning permit revocation.
2. Advertising. All advertising for any short-term rental shall include the zoning permit number assigned to the host by the County, the number of County-approved bedrooms, the maximum occupancy, and the transient occupancy tax number.
3. Building Type. Short-term rentals shall be allowed only in legally established residential structures, 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 non-habitable structure, tent, yurt, RV, or any other provision intended for temporary occupancy.
4. Conditions, Covenants & Restrictions. Where a residence is subject to any established covenants, conditions, and restrictions (CC&Rs), the application for a short-term rental zoning permit shall include proof that the use of all or a portion of the residence as a short-term rental is not prohibited by the relevant CC&Rs. Such proof shall consist of a copy of the recorded CC&Rs and/or a signed letter of acknowledgement from the governing board of the homeowners association. This section shall not be construed as waiving or otherwise impacting the rights and obligations of any individual, group, or the members of any homeowner's association, to comply with or enforce CC&R's.
5. Occupancy. Occupancy shall be limited to a maximum of two adults per approved bedroom plus two additional people.
6. Parking. A minimum of one off-street parking space shall be provided for each approved bedroom offered for rent. All required parking spaces shall be located on-site. Parking on any neighboring property or in front of any other house, or in such a manner as to block access to the short-term rental unit or any other house or property is prohibited.
7. Safety. The rental unit shall meet all applicable building, health, fire and related safety codes at all times, including provisions of working smoke and carbon monoxide detectors. Emergency evacuation routes and instructions, including emergency ingress/egress routes to and from the property, shall be posted in a conspicuous place in the rental unit and within each guest bedroom.
8. House policies. House policies shall be included in each rental agreement. It shall be the responsibility of the host to enforce all of the criteria of the zoning permit and house policies. At minimum, the house policies shall:

- a. Establish noise limits in accordance with the Shasta County Noise Standards of 55 dB maximum during Daytime hours (7 a.m. to 10 p.m.) and 50 dB maximum during Nighttime hours (10 p.m. to 7 a.m.) by establishing outdoor "quiet hours" to minimize disturbance to neighboring residences.
 - b. Establish on-site parking policies and identify designated parking areas.
 - c. Establish policies and provide information regarding the location of trash receptacles and the trash pick-up schedule. In areas where bears are present, additional information shall be included on best practices for trash disposal with bears.
 - d. Policies regarding no open burning and all other burn restrictions.
 - e. Provide the name, address, telephone number, and e-mail address of the local contact person who shall be responsible for responding to questions or concerns regarding the operation of the vacation rental. 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 dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the vacation rental within sixty (60) minutes of a call.
9. Signs. On-site short-term rental advertising signs or other displays are prohibited.
10. Special Events. No short term rental property shall be used to conduct non-owner related weddings, parties, or other similar events.
11. Outdoor Burning.
- a. No open fires are allowed at any time for renters. Outdoor burning shall be prohibited unless permitted by the appropriate fire protection agency and expressly allowed by the Host. The host shall be responsible to post and enforce "no burn" notices whenever burn permits are suspended and throughout the declared fire season.
 - b. If permitted, all outdoor fire facilities must be fully enclosed with a cover and spark screens. A functioning water hose must be set up and available within 10 feet of the fire facility at all times during a burn.
- F. Special Requirements Applied to Hosted Homestay. The following provisions shall apply to short-term rentals that are hosted homestays:
1. A maximum of two rooms may be available for rent at any time.
 2. The host must occupy the residence at all times when rooms are being provided for rent.

- G. Special Requirements Applied to Vacation Rentals. The following provisions shall apply to short-term rentals that are vacation rentals:
1. Prior to approval of the zoning permit, the applicant must provide proof that the property has current, valid liability insurance covering short-term rental activity.
 2. The host shall keep on file with the County the name, address, telephone number, and e-mail address of the local contact person who shall be responsible for responding to questions or concerns regarding the operation of the vacation rental. 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 dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the vacation rental within sixty (60) minutes of a call.
 3. Vacation rental "neighbor notification."
 - a. Each Host shall complete a Neighbor Notification form prescribed by the County and shall provide the completed form to properties within a 200 foot radius of the proposed vacation rental site, measured as a straight line distance from the nearest exterior property lines.
 - b. The Neighbor Notification form shall include notice that the property has been approved as a short term rental and shall include the name, address, telephone number, and e-mail address of the local contact person who shall be responsible for responding to questions or concerns regarding the operation of the vacation rental. 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 dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the vacation rental within sixty (60) minutes of a call.
 - c. A copy of the notice and a list of the property owners notified shall be supplied to the Department of Resource Management within 21 days of the zoning permit approval and prior to occupancy by any renter.
- H. Special Provisions Applied to Lakehead and the Area within the Sacramento Canyon Planning Area. The following additional provisions shall apply to vacation rentals located within the Sacramento Canyon Planning Area as designated by the General Plan, including the Lakeshore, Lakehead, Castella/Sweetbriar and South Dunsmuir Community Centers:
1. All renters' vehicles and trailers must be accommodated on the rental property or the owner must secure storage space off-site at a permitted commercial facility or by agreement with a neighbor with a copy of the agreement provided to the County.
 2. Trash enclosures and receptacles shall be bear resistant.

- I. Violations/Revocations. Enforcement of the provisions of this section may include the civil and equitable remedies as permitted by state law, the issuance of a citation and fine, or other legal remedy as provided by Chapter 1.08 and Section 17.94.060 of the Shasta County Code. Further, a zoning permit may be revoked in accordance with the procedures established in Section 17.92.060(E).

SECTION 2

The County finds the project is not subject to the California Environmental Quality Act (CEQA) pursuant the 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 the revised section 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 Section 15301 (Class 1) of CEQA 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 3

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 4

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 ___ day of _____, 2018, by the Board of Supervisors, County of Shasta, State of California, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

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ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____