



Siskiyou County Planning Commission Staff Report January 17, 2024

New Business: Agenda Item Number 5 Vacation Rental Zoning Ordinance Update

Project Summary: Staff is updating the Siskiyou County Zoning Code to modify vacation rental regulation. This modification will achieve the following:

- Repeal Section 10-6.1502(h) of Article 15.-General Provisions, Conditions, and Exceptions of the Siskiyou County Municipal Code.
- Add Article 61, Vacation Rental Regulations, which will provide requirements and processes to operate a legal vacation rental.

Location: Countywide

Exhibits:

A. Draft Resolution PC 2024-004
A Resolution PC 2024-004 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, of the Siskiyou County Municipal Code.

B. Draft Zoning Ordinance

C. Section 10-6.1502(h) of the Siskiyou County Code

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

<i>Region</i>	<i>2.5-acre minimum</i>	<i>CUP or Activity Permit</i>	<i>Inspection</i>	<i>Cap on Permits*</i>
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.

The Board discussed potentially requiring residency requirements, but ultimately decided to forgo the 2-year residency requirement due to a recommendation from County Counsel based on a very recent decision of *South Lake Tahoe Property Owners Group v. City of Lake Tahoe* (2023) 92 Cal.App.4th 735, the City of South Lake Tahoe enacted an ordinance by initiative (“Measure T”) that required the City to cease issuing new or additional permits for vacation rentals. The court held that the residency exception represented discrimination against non-residents and was unconstitutional on the grounds it violated the interstate commerce clause because Measure T was discriminatory. The court stated that “the mere fact of non-residence unlawfully forecloses out-of-state owners from accessing the residential vacation rental market in South Lake Tahoe and directly competing against City residents who let their homes as vacation rentals.”

Additionally, the Board discussed how to handle approved use permits for vacation rental use, and whether or not we would require property owners with valid use permits to come into compliance with the new regulations. The Board decided to not require property owners with valid use permits to operate a vacation rental to come into compliance with the new vacation rental process. Should a use

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permit be revoked, then the property owner will be required to come into compliance with the new process.

Discussion

Property owners will be required to obtain an administrative permit issued by the Community Development Department. This permit is ministerial, meaning that if a property owner meets the requirements of the vacation rental ordinance, the property owner will be granted the permit. This permit is different than a typical land use entitlement (i.e., discretionary permit), such as a Conditional Use Permit, which is a permit that runs with the land, not the property owner.

Ministerial Permit:

A ministerial permit is a permit that is granted based upon determinations that the proposed project complies with established standards set forth in the Zoning Code. These determinations are arrived at objectively, involve little or no personal judgment, and are issued by the Planning Director or their designee. This type of permit is commonly referred to as an “over the counter” approval.

"Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee. Cal. Code Regs. Tit. 14, § 15369

Discretionary Permit:

In contrast, discretionary approvals are those that involve judgment or deliberation, allow a county to use discretion to decide whether to issue the approvals and how best to shape or condition those approvals to avoid environmental issues and are often issued by an appointed or elected decision-making body. Discretionary Permits and processes are required when developments may impact the surrounding area due to a proposed use, design feature or project location. Discretionary approvals require a decision-maker to exercise judgment and deliberation, such as granting a Conditional Use Permit. A discretionary permit is a permit that requires the exercise of discretion by a decision-maker based on written findings supporting their decision. Some discretionary permits require public notice (notification to your neighbors and in the newspaper) or a public hearing. Examples of discretionary permits are variances, coastal permits, and subdivisions. Discretionary permits must be completed before a building permit can be issued.

"Discretionary project" means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, regulations, or other fixed standards. The key question is whether the public agency can use its subjective judgment to

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decide whether and how to carry out or approve a project. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. Section 21065(c). Cal. Code Regs. Tit. 14, § 15357

It is the wish of the Board to create a process that does not include a land use entitlement process, such as obtaining a Conditional Use Permit, which means that the permit will be non-transferrable, will not “run with the land”, meaning that it will also be ministerial permit. It is also the wish of the Board to still include the public in the process, meaning that the public can still comment on the project and/or be notified of a potential vacation rental in their respective neighborhood, which typically is only done during a discretionary permit process. This has led to staff creating a hybrid process that meets the wishes of the Board but also simplifies and streamlines the process for the public and for staff.

The New Process for Obtaining a Vacation Rental

Below is the new hybrid process for obtaining a vacation rental, vetted by the Board of Supervisors:

Part One (Ministerial Approval)

1. The owner applies for an administrative permit to operate a vacation rental.
2. Staff determines if the application is complete.
3. If the application is complete, staff analyzes the application to see if it meets the criteria and requirements to operate a vacation rental.
4. As part of the application requirements, staff sends out notice of the potential vacation rental to neighboring properties within 300 feet.
5. If less than 50% or more of the noticed residents submit a protest letter (i.e., a letter of opposition), the application is approved if it meets all of the criteria and requirements.

Part Two (Discretionary Approval)

6. If 50% or more of the noticed residents submit a protest letter (i.e., a letter of opposition), the application is elevated to a discretionary permit and the permit goes to the Board of Supervisors for a hearing for approval.
7. If the application is elevated to a discretionary permit, the Board of Supervisors must make the required findings.
8. If the findings are met, the permit is approved. If the findings are not met, the permit is not approved.

Comments

There have been no comments as it relates to the updated zoning ordinance for vacation rentals as well as the newly defined process.

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

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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.

Planning Staff Recommendations

Recommendations to the Board of Supervisors:

- Repeal Section 10-6.1502(h) of Article 15.-General Provisions, Conditions, and Exceptions of the Siskiyou County Municipal Code.
- Add Article 61, Vacation Rental Regulations, which will provide requirements and processes to operate a legal vacation rental.

Suggested Motion

I move that we adopt Resolution PC 2024-004 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, of the Siskiyou County Code.

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Hailey Lang, Deputy Director of Planning
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

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.
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 _____ and seconded by Commissioner _____ at a regular meeting of the Siskiyou County Planning Commission held on the 17th day of January 2024 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

_____, Chair

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

Hailey Lang, Secretary of the Commission

ORDINANCE NO. _____

**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 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. 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:

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

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

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

J. 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 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.

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 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 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 Board of Supervisors

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 Board of Supervisors for setting of hearing on the proposed application.

B. 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:

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 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

A. When the application is tentatively approved, either by the Planning Department or the Board of Supervisors, 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 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 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:

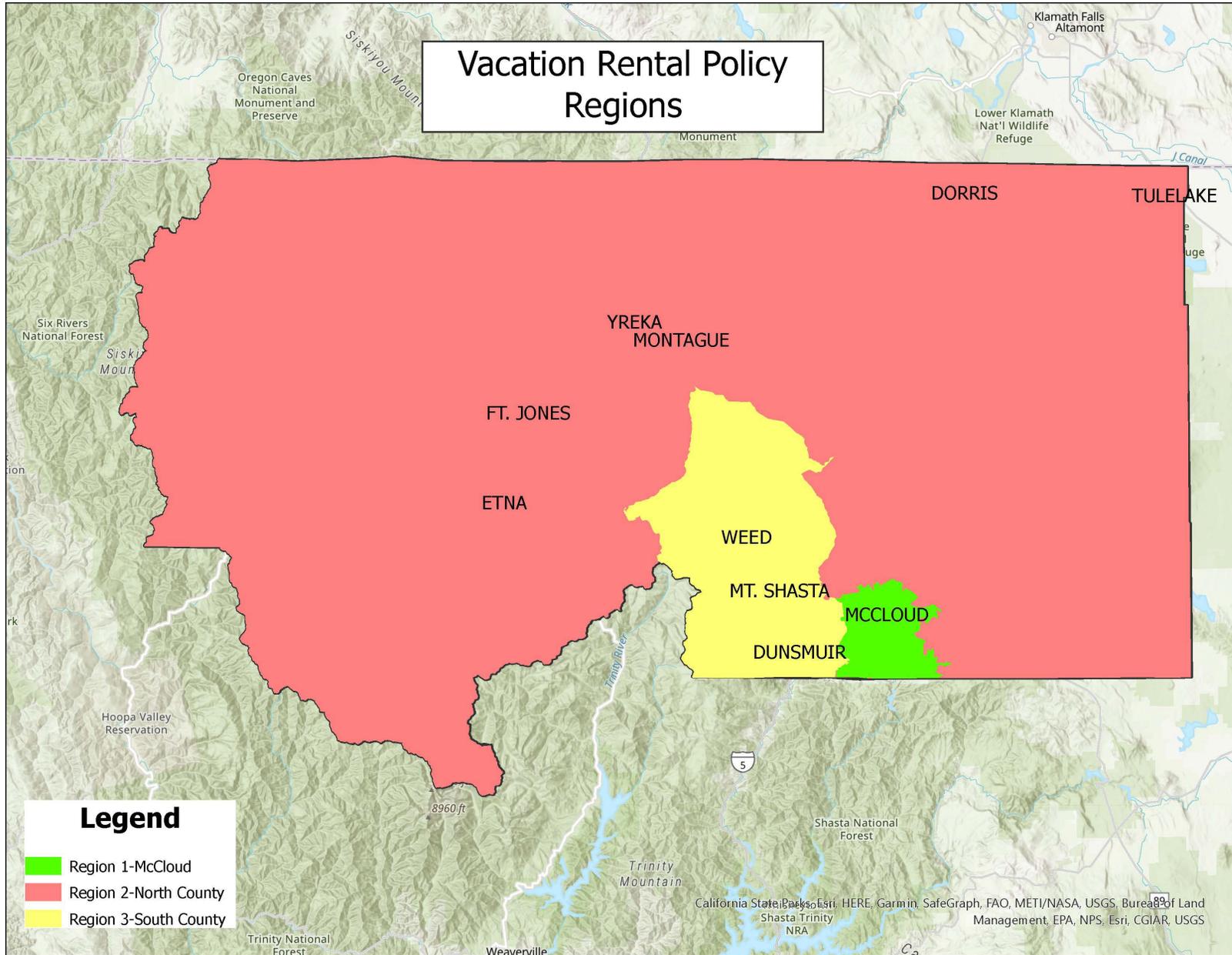
Michael N. Kobseff, Chair
Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum, Clerk,
Board of Supervisors

By _____
Deputy

Exhibit A: Vacation Rental Regions



Article 15. General Provisions, Conditions, and Exceptions*

* Article 15 entitled "Variances", consisting of Section 10-6.1501, added by Ordinance No. 437, effective January 5, 1967, amended in its entirety by Section III, Ordinance No. 623, effective July 17, 1974.

Sec. 10-6.1501. Scope.

All regulations pertaining to the districts established in this chapter shall be subject to the general provisions, conditions, and exceptions set forth in this article.

(§ III, Ord. 623, eff. July 17, 1974)

Sec. 10-6.1502. Uses.

All of the uses listed in this section, and all matters directly related thereto, are declared to be uses possessing characteristics of such unique and special form as to make impractical their inclusion in any class of use set forth in the various districts in this chapter, and, therefore, the authority for and the location of the operation of any of the uses designated in this section shall be subject to the issuance of a use permit. In addition to the criteria for determining whether or not a use permit should be issued as set forth in Article 12 of this chapter, the Planning Commission shall consider the following additional factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with the uses permitted in surrounding areas: damages or nuisances from noise, smoke, odor, dust, or vibration; hazards from explosions, contamination, or fire; and hazards occasioned by an unusual volume or character of traffic or the congregating of a large number of people or vehicles. Such uses are as follows:

- (a) Airports and landing fields;
- (b) Cemeteries, subject to the following conditions:
 - (1) There shall be a 100 foot setback from the property line of any interment,
 - (2) An offer of dedication shall be recorded at the office of the County Recorder setting forth the purpose and restrictions upon the ground for its use as a cemetery, and
 - (3) A map shall be recorded in the office of the County Recorder designating the area to be used as a cemetery in accordance with subdivision (2) of this subsection;
- (c) Establishments or enterprises involving large assemblages of people or automobiles, as follows:
 - (1) Amusement parks and race tracks,
 - (2) Circuses and carnivals,
 - (3) Public buildings, parks, and other public recreational facilities,
 - (4) Recreational facilities privately operated,

-
- (5) Resorts, and
 - (6) Public celebrations;
 - (d) The mining of natural mineral resources, together with the necessary buildings and appurtenances incident thereto;
 - (e) The removal or deposit of earth other than in connection with excavations or deposits in connection with the construction of buildings, roadways, or public or home improvements;
 - (f) Fire houses; and
 - (g) A bed and breakfast facility may occur in a single-family dwelling subject to the following conditions and standards:
 - (1) The facility shall be owner or resident manager occupied,
 - (2) No more than five (5) rooms shall be available for rent,
 - (3) The maximum board or rental period shall not exceed two (2) weeks,
 - (4) Meals. Food service facilities shall conform to regulations set by the State pertaining to food facilities,
 - (5) Sanitation requirements shall:
 - (i) Meet the Uniform Plumbing Code based upon occupancy, and
 - (ii) Meet the existing County and State water and sewage disposal regulations,
 - (6) Accessory uses. Pools, spas, saunas, and laundry facilities, if provided, shall be subject to Health Department review and shall be subject to County and State regulations,
 - (7) Inspections and permit fees. Fees for bed and breakfast facilities shall be as required by County laws,
 - (8) Parking. One off-street parking space shall be provided for each room available for rent;
 - ~~(h) Vacation rentals may occur within a single or two family dwelling subject to the following conditions and standards:
 - ~~(1) The vacation rental shall be managed by a County resident or professional property management firm located in Siskiyou County, and such resident or firm shall be available on a twenty four (24) hour basis;~~
 - ~~(2) The maximum rental period for each occupancy shall be thirty (30) consecutive days;~~
 - ~~(3) Occupancy requirements shall:
 - ~~(i) Meet the Uniform Housing Code; and~~
 - ~~(ii) 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;~~~~
 - ~~(4) Accessory uses. 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 for compliance with State and local regulations for public pools and laundries;~~~~

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- ~~(5) Inspections. An inspection of the existing residence 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 authorization for use of the dwelling as a vacation rental. Cost of inspections shall be off-set by payment of applicable inspection fees, as established by the Board of Supervisors;~~
- ~~(6) Parking. One off-street parking space shall be provided for the vacation rental, plus one additional space for each bedroom. Such spaces may be provided in tandem;~~
- ~~(7) Signs. One non-illuminated sign, not in excess of two (2) square feet in area shall be permitted;~~
- ~~(8) The Planning Commission may consider modification of the above standards, may apply more restrictive standards, or may add other conditions to the use permit as a means to maintain compatibility with the neighborhood.~~

~~The Planning Commission's action shall consider the decision of duly recognized Property Owners Associations concerning the establishment of vacation rentals within their jurisdiction, and~~

- ~~(9) The maximum occupancy is limited to the number and size of sleeping rooms. Each sleeping room shall have not less than seventy (70) square feet of floor area for the first two (2) occupants. The floor area requirement shall increase at a rate of fifty (50) square feet for each occupant in excess of two (2). In no instance shall the occupancy exceed ten (10) persons.~~
- ~~(10) Vacation rentals within the Sphere of Influence of the City of Mt. Shasta shall only be allowed on parcels of two and one-half (2.5) acres or greater.~~
- (i) Temporary portable asphalt and/or concrete batch plants incidental and accessory to an off-site public construction project, with one mile radius notification requirement, not to exceed the life of the construction project, with one year review, not to exceed two (2) years.

(§ III, Ord. 623, eff. July 17, 1974, as amended by § I, Ord. 68, eff. January 26, 1984, § I, Ord. 85-25, eff. August 22, 1985, § I, Ord. 85-39, eff. January 9, 1986, § I, Ord. 86-6, eff. April 10, 1986, § I, Ord. 94-07, eff. April 14, 1994, § I, Ord. 94-22, eff. October 13, 1994, § II, III and IV, Ord. 01-01, eff. February 8, 2001, § I, Ord. 01-08, eff. April 19, 2001, § I, Ord. 02-21, eff. January 9, 2003, and § II, Ord. 04-10, eff. September 7, 2004)

(Ord. No. 19-09, § 1, 8-6-2019)