The Sierra County Planning Commission welcomes you to its meetings which are regularly scheduled for the second Thursday following the first Tuesday of each month. Special meetings may be called from time to time and the meeting location, time, and date will be announced at the appropriate time as required by law.

This meeting will be open to the public for in-person viewing/participation, as well as available via video/teleconference using the link or phone number below.

Microsoft Teams meeting
Join on your computer or mobile app
Click here to join the meeting
Or call in (audio only)
+1 323-892-2486,764823478#  United States, Los Angeles
Phone Conference ID: 764 823 478#
Find a local number | Reset PIN
Learn More | Meeting options

Supporting documentation for meeting agenda matters are available for public review on-line at: www.sierracounty.ca.gov/agendacenter or at the Office of the Sierra County Planning Department located in the annex building directly across from the Sierra County Courthouse, Downieville, California, 95936, during regular business hours (M – F, 8:00am – 5:00pm).

1. CALL TO ORDER/ROLLCALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES
   - March 10, 2022 meeting minutes
   - April 20, 2022 meeting minutes

4. CORRESPONDENCE
5. **PUBLIC COMMENT OPPORTUNITY**

At this time, the public has the opportunity to address the Commission concerning any item of interest not listed on the agenda. The Commission may not discuss or take any action on any item presented during the public comment period that is not on the agenda. The Commission may briefly respond to statements made or questions posed by members of the public. Upon recognition by the Chair, please state your name, county of residence, and subject matter. Discussion of any non-agenda items will be limited to three (3) minutes, or such reasonable time as is granted by the Chair of the Commission.

6. **WORKSHOPS**

No workshops scheduled.

7. **PUBLIC HEARINGS**

The Planning Commission conducts all public hearings in accordance with its governing by-laws as approved by the Commission and in accordance with Sierra County Resolution 76-80 entitled “Rules of Conduct.”

7.1 **Continuation from April 20, 2022:** Woodruff Zone Variance. Andrew Woodruff, Applicant and Landowner. Consideration of a Zone Variance for a reduction of the rear and side yard setbacks for a proposed 251 square-foot workshop on the property’s east side and a reduction of the front yard setback for a constructed 111 square-foot woodshed. The project site, identified as APN 013-080-002-000, is a 0.28-acre parcel zoned Residential One Family District (R-1) at 165 Main Street in Sattley in unincorporated Sierra County. Planning staff’s preliminary environmental assessment: Exempt under CEQA Guidelines California Code of Regulations, Title 14, Section 15303 (Class 3 Categorical Exemption) and Section 15305 (Class 5 Categorical Exemption).

7.2 **Continuation from April 20, 2022:** Public Hearing: Short-Term Rental Ordinance. Report and recommendation to the Sierra County Board of Supervisors on a countywide ordinance (excluding the City of Loyalton) amending the County Zoning Code setting forth a permit process, standards of operation, and other regulations to allow the use of a residence as a short-term rental (Airbnb, VRBO, etc.). Planning staff’s preliminary environmental assessment: Exempt under CEQA Guidelines, California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption), 15060(c)(2), and 15061(b)(3).

8. **BUSINESS REQUIRING ACTION OR DISCUSSION**

No business actions to report.

9. **PLANNING DIRECTOR’S STAFF REPORTS**
Brief announcements or brief reports by the Sierra County Planning Director on upcoming projects, county staff activities, upcoming workshop or training opportunities, or other items of interest to the Planning Commission.

10. **PLANNING COMMISSIONERS’ REPORTS**

Brief announcements or brief reports by Planning Commission members on their activities or items of interest to Sierra County.

11. **ADJOURNMENT**

The next Planning Commission meeting is scheduled to be held Thursday, June 16, 2022.
1. **CALL TO ORDER/ROLL CALL**

The meeting was called to order at 10:09 am by Chairman Filippini.

Commissioners Present: Chairman Filippini, Liz Fisher, James Kelley, Janet Baldridge; Irv Christensen attended telephonically.

Staff Present: Commission Secretary/Planning Director Tim Beals; Assistant Director/Planner Brandon Pangman, and Planner II, Corri Jimenez.

Members of the public attended the meeting using the video/telephonic link provided.

2. **APPROVAL OF AGENDA**

Thursday, March 10, 2022 special meeting agenda.

One item/workshop heard.

Motion: Kelley/Fisher  **Approved**  Vote: 4/0 (Commissioner Christensen's vote was unclear)

3. **WORKSHOP:**

*Proposed policies concerning "Short-term rentals" (AirBnB, Vrbo, etc.)*

Public workshop for discussion/direction to staff on a final, draft Short-term Rentals Ordinance. This meeting was not a formal public hearing, and no action was taken.

Planning Director Tim Beals addressed the Commissioners, providing details regarding the purpose of the Planning Commission Special Meeting, being conducted as a workshop to provide feedback, suggestions, etc., so a draft set of policies on the definition and regulation of Short Term Rentals (STRs) could be created by staff. The draft ordinance itself, as a proposed policy, will be formally introduced at a duly-noticed future public hearing before the Planning Commission, which will then forward their recommendations for adoption to the Board of Supervisors.

Mr. Beals further explained there has been increased interest in the development of reasonable regulation of properties with several neighborhood communities where STRs are perceived to be affecting housing availability and affordability, as well as complaints of disturbance in neighborhoods and other potential nuisance and life/safety concerns.

At 10:27 am there was a technical issue with the phones. After a short pause, the issue was resolved, the meeting continued with Mr. Beals further addressing the Commissioners.
Mr. Beals stated the "boiler plate material" includes language to implement the policy, permits, etc. and explained Planning staff has contacted other county Planning offices for examples of their short term rental policies. Staff has been monitoring these constantly-evolving policies in other jurisdictions. Mr. Beals stated there are many examples of issues, and no one has a great solution to all of the problems.

Next, staff Planner Corri Jimenez addressed the Commission and asked if there were any comments or questions regarding the presentation of background materials and information thus far. There were none heard. Ms. Jimenez then explained the purpose and intent of the proposed policy. Definitions and proposed policies pertaining to land use/zoning, permits, application fees, appeal process, and compliance with other county codes were provided.

Also mentioned during the meeting was Transient Occupancy Tax (TOT), registration with the Tax Collector’s Office, Environmental Health Department involvement, solid waste concerns, and so on.

Parking was discussed in some detail, as parking has been in the forefront of complaints heard. Off-site parking, parking permits, and other aspects of parking plans, problems, and solutions were discussed between Commissioners, Planning staff and members of the public online.

Brief discussion ensued regarding: policy/permit enforcement, out-of-county homeowners, availability of rental properties for local residents, fire safety, and more input about parking.

Mr. Beals stated that permit and violation fees have not been set but will be in place when the final ordinance is adopted, and these fees ultimately must be set by the Board of Supervisors.

Further items of concern discussed by the Commissioners included: fire safety, bear-proofing, terms and scope of permits, snow removal, inspections, and general Standards of Use and Operation; as well as: noise restrictions, landline phones, dogs and fenced yards, exterior lighting, rental rules to be posted by homeowner, and potable water service and testing.

Members of the public voiced concerns and made suggestions to the Commissioners regarding an STR policy.

The detailed and complex discussion ended with Chairman Filippini closing the workshop item. It was announced that once Planning staff completes the draft policy the item will be scheduled and noticed for a public hearing.

4. **ADJOURNMENT:**

Motion: Kelley/Fisher   **Approved:** Vote: 5/0

The March 10, 2022 Meeting adjourned at 1:07 pm. The next regular Planning Commission meeting is scheduled to be held Thursday, April 14, 2022 at Downieville.

Respectfully submitted,

______________________________
Jill Molaris
Jill Molaris
Administrative Secretary

Approved as Witnessed:

______________________________
Tim H. Beals
Planning Commission Secretary
SIERRA COUNTY PLANNING COMMISSION
SPECIAL MEETING MINUTES

Wednesday, April 20, 2022

Chair: Mike Filippini
Vice Chair: Janet Baldridge
Liz Fisher
Irv Christensen
James Kelley

LOCATION: Sierra County Courthouse
Board of Supervisors Chambers
101 Courthouse Square
Downieville, CA 95936

In accordance with the Governor’s Executive Order pertaining to convening of public meetings in response to the COVID-19 pandemic, the Planning Commission conducted this meeting in person in the Board of Supervisors Chambers in Downieville, and the meeting was broadcast and open to the public via teleconference and Microsoft Teams.

1. CALL TO ORDER/ROLL CALL

Chairman Filippini called the meeting to order at 10:15 am and conducted a roll call:

Commissioners Present: Chairman Mike Filippini, Vice Chair Janet Baldridge, Irv Christensen, Liz Fisher, and James Kelley

Staff Present: Planning Director, Commission Secretary, Tim Beals; Assistant Director/Planner, Brandon Pangman; Planner II, Corri Jimenez, and Planning Secretary Jill Molaris

2. APPROVAL OF AGENDA

Motion to approve the April 20, 2022 agenda Fisher/Kelley Approved Vote: 5/0

3. APPROVAL OF MINUTES

October 14, 2021 and February 10, 2022 meeting minutes
Motion to approve Kelley/Christensen Approved Vote: 5/0

4. CORRESPONDENCE

Director Beals informed the Commissioners of a training opportunity offered from the Institute for Local Government. The training is free and includes Planning Commission from various counties. Director Beals will return to the Planning Commission when he has more information to provide.

5. PUBLIC COMMENT OPPORTUNITY

Chairman Filippini asked if there were any public comments to be heard for items or issues not listed on the agenda. There were none. Public comment item was closed at 10:21.

6. WORKSHOPS

None.
7. PUBLIC HEARINGS

7.1 Woodruff Zone Variance: Andrew Woodruff, Applicant and Landowner:

Consideration of a Zone Variance for a reduction of the rear and side yard setbacks for a proposed 251-square-foot workshop on the property’s east side and a reduction of the front yard setback for a 111-square-foot woodshed. The project site, identified as APN 013-080-002-000, is a 0.28-acre parcel zoned Residential One Family District (R-1) at 165 Main Street in Sattley, unincorporated Sierra County. Planning staff’s preliminary environmental assessment: exempt under CEQA Guidelines California Code of Regulations, Title 14, Section 15303 (Class 3 Categorical Exemption) and Section 15305 (Class 5 Categorical Exemption).

Chairman Filippini opened the hearing. Staff Planner Brandon Pangman informed the Chairman that the applicant was unable to attend the Special Meeting, and requested that the public hearing be continued without further discussion. The Chairman was agreeable, and informed the public that Item 7.1 would be continued to the next regular Planning Commission meeting scheduled to be held Thursday, May 12, 2022, at 10:00 am in the Board Chambers of the Sierra County Courthouse in Downieville. The public was informed that no further notice would be published, posted, or mailed.

Motion to continue item 7.1, Woodruff ZV: Christensen/Baldridge  Approved  Vote:5/0

7.2 Short Term Rental Ordinance:

Consideration of a countywide ordinance to regulate Short-Term Rentals as a new section, Sierra County Code as 15.10.060. Chairman Filippini recognized Director Beals presented the county ordinance and explained there were increasing issues, complaints, questions, and regionally, it has been a hot topic. Director Beals asked the Chairman to recognize Planner Corri Jimenez reviewed what has transpired from March 11, 2021 to the present. Assistant Director Pangman addressed PC Exhibits 1-13 from county departments and public services as well as PC Exhibits A-G from interested parties. A few PC Exhibits were coming in at the last minute, such as Sierra County Council’s comments. Mr. Pangman also addressed the preliminary environmental assessment that this project was exempt from CEQA per the California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption), 15060(c)(2), and 15061(b)(3).

Chair Filippini introduced the item. There were approximately 10 people sitting in the chambers and another 15 people online. Planning Director Tim Beals introduced the draft ordinance and explained the process for the hearing.

The Chairman opened the public hearing at 10:25 am. Staff Planner Brandon Pangman entered the following documents into the Administrative Record:

- PC Exhibit 1  Short-Term Rental Staff Report
- PC Exhibit 2  Short-Term Rental Ordinance, Version 7
- PC Exhibit 3  Short-Term Rental Ordinance Resolution provided at the hearing
- PC Exhibit 4  Sierra County Emergency Services Department commented on March 30, 2022
- PC Exhibit 5  Sierra County Public Health Department commented on March 30, 2022
- PC Exhibit 6  Sierra County Sheriff Office commented on March 30, 2022
- PC Exhibit 7  Sierra County Assessor Office commented on April 12, 2022
- PC Exhibit 8  Sierra County Public Works Department commented on April 12, 2022
- PC Exhibit 9  Sierra County Environmental Health Department commented on April 13, 2022
- PC Exhibit 10  Sierra County Treasurer-Tax Collection Office commented on April 14, 2022
- PC Exhibit 11  Downieville Fire Department commented on March 30, 2022
- PC Exhibit 12  Allegany Water District commented on March 30, 2022
- PC Exhibit 13  County Counsel, commented on April 19, 2022
Exhibits presented by Persons other than County Departments and Public Entities to Planning Staff

- PC Exhibit A  Sierra Pines Resort commented on March 30, 2022
- PC Exhibit B  Yuba Gallery commented on April 1, 2022
- PC Exhibit C  Joan Odum commented on March 31, 2022
- PC Exhibit D  Jeff Champlin commented on April 19, 2022
- PC Exhibit E  Suzi Schoensee commented on April 19, 2022

Staff Planner Corri Jimenez read two additional documents into the Administrative Record that were received after the Commission packets were sent out:

- PC Exhibit F  Greg Munson commented on April 20, 2022
- PC Exhibit G  Wendy Church Bergstrom commented on March 10, 2022, requested on April 20, 2022

Planning Director Beals went over the changes to the draft ordinance since the March 10, 2022 Planning Commission Workshop—mostly reformatting and small technical edits, and no real substantive changes.

Chairman Filippini invited the public to comment:

- BJ Jordan from the Sierra County Arts Council/Yuba Theater said her concerns for the hearing as a property owner had all been addressed by the ordinance; but with the Arts Council as a tenant of the Champlin building in downtown Downieville, she expressed concern about whether the upstairs apartment could still be used as a short term rental [as an R-3 occupancy in a mixed commercial/residential building in a commercial zoning district]. She asked the question of the percentage of short-term rentals allowed within a given area, and asked the Commission to consider setting a limit on the number of STRs to avoid future problems.

- Stephanie Villa, a resident of Downieville and employee at the Assessor’s office, recalled what she said last year at a special meeting, referring to the housing analysis done by the Assessor’s office. She shared that she had been recently evicted, and the property owner was converting her former apartment into a short-term rental. She said that property values in Downieville had increased 47-50%, which was the equivalent of $3,000/month. She supported rent subsidies from the county and asked the commission to consider other affordable housing solutions as assistance.

- Wendy Bergstrom from Loyalton asked, “Are we going to review zoning or can we re-visit Ag. and Sierra Brooks?” The Chair responded that this [allowable zoning districts for STRs] will be addressed at a later meeting. She also asked that her correspondence to Ms. Jimenez from March 10, 2022, be added to the record that addressed a breakdown of rental and housing needs. See PC Exhibit G.

- Glen Haubl from Sierra City asked the Commission to consider a 2 or 3-year waiting period before a recently purchased house can become a short-term rental. See PC Exhibit A.

- Mary Davey of Sierra City said 18 years ago it was difficult to buy a house in the county. She thanked planning staff for the work. She said 14 pages is over the top for an ordinance. Commercial realtors do not want to sell houses and now they are being advertised as high value short-term rentals. She had concerns on winter operations, power losses, garage disposal, etc. She addressed how many vacation rentals there are vs. vacant houses, but did like Mr. Haubl’s suggestion.

- Brad and Debbie Stocking, who manage a short-term rental in Downieville, shared concerns over how many permits would be required, specifications in the site plan and septic system requirements. Mrs. Stocking asked the Commission to consider property owners and why they own; and requested that permitting costs remain practical. She said that VRBO owners talk to each other, and bad renters/guests do not come back. They asked about the effective date for the ordinance, which was addressed by Director Beals [“30 days after the Board of Supervisors adopts it”], and asked the Commission to consider a “grandfather clause.”
George Day from Sierra City was concerned about the fee schedule, parking, snow blocking driveways, property manager, floor & site plans, and the effective date the ordinance would be active.

Angelo Genasci from Loyalton asked how it would impact short-term rental ranch housing and asked for an exemption for workforce housing. Mr. Pangman addressed Mr. Genasci that the current draft ordinance [revision ‘7’] only allows STRs in the R-1 zoning district, and only pertains to transient occupancies of less than 30 days—whereas workforce housing is typically for more than 30 days at a time, and therefore should not be affected.

Jeff Champlin who owns the Yuba Gallery in a Commercial Residential zone was concerned about how it would affect his existing short-term rental in his building. See PC Exhibit D. Staff noted that the current revision of the draft ordinance would no longer permit using his top-floor R-3 occupancy apartment in his mixed-use commercial building as an STR.

Julie Estudillo from Napa said she owned the former Costa House next to the Downieville cemetery, and was curious about her zone and what it meant for her short-term rental. She said it was already an STR when she bought it, and hoped it could be “grandfathered in.” She said she supports the ordinance, but felt it should be “maybe not so drastic.”

During the public hearing, the Planning Commissioners addressed the public comments directly. A short 10 minute recess occurred, and the hearing resumed at 12:26 pm. Chairman Filippini invited the commissioners to comment. Chairman Filippini expressed concerns over costs. Commissioner Fisher had questions about enforcement; and Director Beals responded that it would only involve Building/Planning Departments with the Planning Department taking on the bulk and minimal involvement from Building. There was further discussion among the Commissioners regarding: allowable zones; workforce housing and caretaker residences in A-1, GF, etc.; ADA concerns and “predatory lawyers”; and Chairman Filippini expressed concern that some of the provisions in Section (I)—specifically: (I)(4), (I)(5), and (I)(15)—seemed extreme, and perhaps some of the regulations were unnecessary.

Mary Davey commented that “You can’t regulate sanity”; and said that property owners have a vested interest in protecting their homes. She said she still believes in a free America… “Don’t regulate the minutia.”

Director Beals summed up the commissioner’s comments in what was heard by staff. Commissioner Baldridge also expressed interest in the fees and a “grandfather clause.” Commissioner Christensen considered the fact that septic-related costs are unknown, but if it is a functioning system it should be “ok.” Also, he asked if a STR use in a commercial zone is either termed-out or could be grandfathered. Chairman Filippini asked staff for other zoning designations and possibly expanding it to Sierra Brooks and Agricultural areas and/or Commercial districts. Commissioner Kelly seconded the Chair’s desire about expanding it to other districts.

Director Beals continued with other comments he heard from the commission that included possibly adding a “grace period” and legislating a vested right (aka, ‘grandfather clause’) in commercial zones. He reiterated to the Commission that it should still entail a septic system obligation. He continued, noting concerns about the local contact should either be onsite or able to be contacted within 30 minutes; and that the effective date could be extended; and a moratorium could be imposed on new short-term rentals in the interim, as well as possibly a “cap” or percentage of total housing in an area as a way of setting a maximum on short-term rentals.

Staff was directed to bring back a revised draft ordinance incorporating suggested revisions, for further discussion and final direction at the next regularly-scheduled Planning Commission meeting. The public hearing would be continued to a specific time and place, with no further notification or publication necessary.

Motion was made to continue the public hearing on item 7.2, Short-Term Rental Ordinance to: May 12, 2022 at 10:00 am at the Sierra County Courthouse (Board Chambers) in Downieville. Kelley/Christensen

Approved  Vote:5/0
8. **BUSINESS REQUIRING ACTION OR DISCUSSION**

None.

9. **PLANNING DIRECTOR’S/STAFF REPORT**

None.

10. **PLANNING COMMISSIONERS’ REPORTS**

None.

11. **ADJOURNMENT**

Motion to adjourn meeting at 1:43pm: Baldridge/Fisher  **Approved**  Vote: 5/0

Note: Items 7.1 and 7.2 on the Wednesday, April 20, 2022 Planning Commission Agenda are continued and will be heard at the Thursday, May 12, 2022 Planning Commission meeting beginning at 10:00 am. The meeting will be held in the Boardroom at the Downieville Courthouse, 101 Courthouse Square, Downieville, CA 95936.

Respectfully submitted,

Corri Jimenez / Brandon Pangman
Corri Jimenez, Planner
Brandon Pangman, Planner

Approved as Witnessed:

Tim H. Beals
Commission Secretary
1. **Staff Recommendation**

Staff recommends that the Planning Commission approve the application in part, subject to the findings and conditions of approval contained in this report; and deny the request for a second variance for an as-built wood shed already within the corner (street side) setback.

2. **Project Description**

The applicant is requesting two (2) entitlements:

- **Zone Variance**—to reduce the rear and corner/street side yard setbacks to construct a 292 sq.ft. residential accessory building; and
- **Zone Variance**—to reduce the corner/street side yard setback to allow a recently-built 111 sq.ft. wood shed to remain in its current location.

The applicant requests a zone variance to reduce the rear yard setbacks in the R1 District from 25 feet to 18 feet (a 7-foot reduction); and reduce the street side yard setback from 15 feet to approximately 4 feet (11-foot reduction) to allow construction of a small (292 sq.ft., 14’ 6” tall) accessory structure (“storage shed”), which will replace an existing, dilapidated shed of approximately the same size, which is planned to be demolished. In addition, the owner recently constructed a small (111 sq.ft.) wood storage shed between the house and the existing shed; and while a storage structure of this size would ordinarily be exempt from a building permit, in this case the wood shed constituted a zoning violation because it was located within the corner/side yard setback. After being notified of the violation, Mr. Woodruff amended his original application to include this small building, and requested a second zone variance for it as well so the wood shed would not have to be relocated.

The applicant’s site plan (Rev. 2; dated 2/3/2022) is attached to this staff report in **Appendix B**.

A draft resolution for your consideration is attached in **Appendix A**.
3. Setting & Background

The project site is located at 165 Main Street in Sattley, on the corner of Hwy 49/89 and County Road A-23, and across the street from the Sattley “Cash Store.” The parcel is 0.28 ac. (12,197 sq.ft.) in size, and triangular in shape. The only “neighbor” to the east is a 432 ac. agricultural parcel (Randall Church); and across the highway to the southwest is the 470 ac. “Sattley 89 Ranch.” The parcel is level with a handful of decorative trees.

The previous owner gained approval from the county to amend the General Plan land use designation from Community Commercial to Rural Residential in 2012 (see General Plan map, Appendix C); and an older mobilehome was demolished to make way for a new single family residence, which was constructed by the new owner, Mr. Woodruff, in 2017 (completed in 2019).

An existing, older shed (approx. 12’ x 20’, which is right on the property line) is proposed to be demolished and replaced with a new storage shed of similar size, but located a few feet further back from the road and more centrally-located in the narrow, southern corner area of the parcel.

Figure 1. Project location: 165 Main Street, Sattley (APN 013-080-002; parcel boundaries approximate)
4. Analysis

Staff conducted a site visit on October 6, 2021.

The property is constrained by its size and difficult shape (triangle), as well as its location on the corner of, and fronting, two major roadways including the State Highway. The recently-
constructed house has a footprint of only 500 sq.ft. (two stories; 1012 sq.ft. total), but the requisite zoning yard setbacks, plus the driveway, well, and onsite wastewater treatment (septic) system—as well as the Environmental Health Department’s requirement to designate an adequate replacement leach field area (see comments in Appendices D and E) render it difficult to add (or replace) an accessory storage structure anywhere on the property.

![Figure 4. 165 Main Street, Sattley, to-be-demolished shed on Highway 89 (Photo by C. Jimenez)](image)

The applicant’s original proposal was to build a “dual purpose structure that could serve as part storage and part conditioned ‘office space’.” But the requirement to preserve 445 sq.ft. of open space for a designated replacement leach field area (among other issues) ultimately rendered this plan infeasible. Instead, a revised plan was submitted proposing a smaller building that would be used exclusively for storage. (See Finding 3, below; and Appendix B, Site Plan.)

Planning staff worked with the owner, his engineer, and the Environmental Health Department to find a suitable location for a modest storage building that would not interfere with the designated replacement leach area and other constraints. The smaller storage shed in the location proposed on the Rev. ‘2’ Site Plan (Appendix B) was ultimately determined to be the most feasible arrangement, if a variance could be granted.

One further complication arose, however. In late December 2021 the Building Inspector noticed unpermitted construction going on at the property (see Figure 5 on the next page). Although it was determined that the new structure was merely a fancy wood shed that met the <120 sq.ft. size exemption from a building permit, the fact that it was clearly located within the street-side yard setback rendered it a zoning violation. At the Planning Department’s direction, the structure was red-tagged. During subsequent discussions with the Planning Department about this situation, the owner decided that he would amend his Zone Variance application to include a second zone variance request for the wood shed as well. In staff’s opinion, however, there is sufficient room to relocate (or reconstruct) the wood shed elsewhere on the property; therefore, the Planning Director informed the owner that while we could support the first variance, staff would not support
(or recommend approval) of the second variance. (Note: it appears that the wood shed cannot be simply moved another 7 feet outside the yard setback to the northeast—since that would encroach into the required 8’ building setback surrounding the replacement leach field area. But it does appear that there is sufficient room to locate the wood shed to the north side of the house, near the driveway or well.)

Figure 5. Wood shed during construction, within yard setback (highway to left; house in background). (Photo by D. Zavala)

5. Findings

5.1 General Plan [ref. SCC §12.04.020, 15.04.010(a),(b)]

Finding: The project is consistent with the goals and policies of the Sierra County General Plan.

Evidence: The project site has a General Plan land use designation of Rural Residential ½-1 (ref., Appendix C), which allows single-family residences and accessory structures as a permitted use. There are no identified Special Treatment Areas or other constraints to development of this kind identified in the General Plan. The impacts to neighbors and the environment will be negligible.

5.2 Zone Variance [ref. SCC §15.24.030]

Finding (a): There are special circumstances or conditions applying to the subject property, which make compliance with this ordinance difficult and are a cause of hardship to and abridgement of a property right of the owner of said property.

Evidence: [per applicant]: “The parcel is extremely small and triangular, and one corner is covered by a Caltrans easement (please refer to the survey and site plan, Appendix B). It is likely one of the smallest residential parcels in Sierra County. The small home on the property
Finding (b): Such circumstances or conditions do not apply generally to other properties in the same land use district.
Evidence: [per applicant]: “Most residential parcels in Sierra County are not triangular corner parcels, do not have easements on them, and the required setbacks do not make development of small, detached storage buildings infeasible. A variance was already granted when the home was built for a snow protection awning for heating and cooling equipment that is closer to the road than the proposed and existing structures the owner seeks a variance for.”

Finding (c): The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
Evidence: [per applicant]: “When the owner built the home a few years ago he did not anticipate the need to work from home for extended periods of time. The original proposal included a dual purpose structure that could serve as part storage and part conditioned “office space.” Given the requirement to preserve space for a replacement leach field, this original plan was not feasible. The owner still needs space to store home and yard maintenance items (lawn mower, chain saw, tools, etc.) and the existing non-conforming storage shed built by the previous owner is failing. The 111 sq ft wood shed was positioned such that it would be near the home door closest to the wood stove but would not interfere with the replacement leach field. The owner has invested significant time and money into improving this highly visible corner of the county. Wood to heat the home and property maintenance tools are essential to proper upkeep.”

Finding (d): The granting of the variance will not result in the material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety and general welfare.
Evidence: [per applicant]: “The new building will replace an existing building in generally the same location. The new building will be constructed per current building code and will be attractively built in keeping with the home and woodshed on the same property. It is a highly visible corner parcel and the owner anticipates removal of the old shed will improve the appearance of the main approach into Sattley from the highway.”

5.3 California Environmental Quality Act (CEQA) [ref. SCC § 38.05 et. seq.]
Finding: The proposal will not have a significant adverse impact on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA).
Evidence: This project is eligible for a Categorical Exemption under Section 15303 (Class 3) and Section 15305 (Class 5) of CEQA, in that the project consists of construction of a small (292 sq.ft.) accessory storage building on a 0.28 ac. residential parcel, in an area designated for such development. The project merely involves a variance to reduce the rear and side yard setbacks by 7 and 11 feet, respectively, and will not have the effect of changing the land use. The project was routed to twenty-three (23) commenting agencies between September 28 and October 12, 2021; and notice of the proposed project was posted, published in a newspaper of general circulation, and mailed to neighboring property owners within at least
300 feet of the project site. Only two (2) comments were received: (1) the Sierra County Environmental Health Department (EHD) expressing concerns about whether adequate “replacement” leach field area could be maintained with the proposed new building site—and as a result, the proposed project was changed to reduce the size of the building and relocate it, and an engineer’s report of soil suitability was provided along with a revised site plan, demonstrating that the EHD’s concerns had been sufficiently addressed (ref., Appendices D & E); and (2) one letter of support for the proposed project from the neighbor most affected, and located directly across the street (ref., Appendix F). Based on the exemptions contained in CEQA Guidelines, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

6. Staff Recommendations

Staff recommends that the Planning Commission take the following actions:

A. Adopt the Analyses and Findings contained in this staff report.
B. Find that a Categorical Exemption is appropriate under CEQA for this project.
C. Deny the requested zone variance for the small wood shed; and approve the proposed zone variance for the storage shed, subject to the following Conditions of Approval:

1. The development approved by this action is for a Zone Variance to reduce the rear yard setback from 25 feet to 18 feet, and the street-side yard setback from 15 feet to 4 feet on a parcel located at 165 Main Street, Sattley (APN 013-080-002-000), in order to construct a 292 sq.ft. Group U occupancy residential accessory storage building, as illustrated in Planning Department Staff Report and Recommendation No. 1236, dated April 20, 2022, and the Site Plan (Rev. 2) in Appendix B attached thereto. The proposed variance for the as-built wood shed shown on the applicant’s Rev. 2 Site Plan is not approved. Deviations from the approved plans and project description shall be reviewed by the County for substantial compliance and may require amendment by the appropriate hearing body. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan.

2. This action does not relieve the applicant of the obligation to comply with all local ordinances, or State or federal statutes, regulations, and procedures. The project is conditioned upon conformance with all permit requirements of all federal, state or local agencies with jurisdiction over any aspect of the project. The project shall comply with the provisions of the California Building Standards Codes and Sierra County Code, including removal of the existing woodshed that is currently encroaching into the street-side yard setback. Relocation and reconstruction of the woodshed, if the owner so desires, shall be done in complete conformance with local Zoning and Building ordinances.

3. Applicant shall pay all appropriate processing and development fees charged by the County and other Special Districts providing services to the project, including application processing fees and expenses.

4. If any potential prehistoric, protohistoric, and/or historic cultural resources are encountered during any phase of project operations, all work shall cease in the area of the find pending an examination of the site and materials by a professional archaeologist and the site subsequently cleared by the Planning Department for work to continue.
5. Actual construction shall proceed under an approved building permit within nine (9) months and be completed within eighteen (18) months. Following the mandatory ten (10) day appeal period, the effective date of the Planning Commission’s entitlement shall be April 30, 2022.

7. Summary
Planning staff has reviewed the applicant’s request for a zone variance. The project has been analyzed for compliance with the policies and goals of the Sierra County General Plan, the Zoning Code, and the California Environmental Quality Act. The project design, together with the recommended conditions of approval, ensure that the project will be compatible with the surrounding land uses and will not have a significant effect on the environment. Staff recommends approval as proposed, subject to the attached conditions of approval.

8. Recommended Motion
Should the Planning Commission agree with staff’s recommendation, the following motion is suggested:

“I move that the Planning Commission adopt the findings provided by staff and deny the zone variance for the small wood shed; but approve the zone variance for the 292 sq.ft. storage shed, subject to the conditions of approval contained in Staff Rec. no. 1236.”

9. Attachments

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix A.</td>
<td>Sierra County Planning Commission Draft Resolution [Amended for 5/12/22]</td>
</tr>
<tr>
<td>Appendix B.</td>
<td>Woodruff ZV Site Plan, Rev. 2, dated 2/3/2022</td>
</tr>
<tr>
<td>Appendix C.</td>
<td>General Plan land use map for the community of Sattley (as amended, 2012)</td>
</tr>
<tr>
<td>Appendix D.</td>
<td>Commenting Agencies Routing Sheet and Comment by Sierra County Environmental Health Department, dated 10/12/2021</td>
</tr>
<tr>
<td>Appendix E.</td>
<td>Revised comment memo by Environmental Health Department, dated 3/16/2001</td>
</tr>
<tr>
<td>Appendix F.</td>
<td>Neighbor comment by Jill Curran (e-mail dated 4/11/2022)</td>
</tr>
</tbody>
</table>

PC Exhibit A: Applicant’s request for continuance and supporting arguments for shed
WHEREAS, the Planning Department received an application from property owner Andrew Woodruff requesting two (2) separate Zone Variances (ref., Planning Department File #1698) to reduce the yard setbacks in the R-1 District to facilitate: (1) the construction of a new 292 sq.ft. storage shed, and (2) the abatement of a violation for an as-built 111 sq.ft. wood shed, to remain in its current location; and,

WHEREAS, the proposed project is located at 165 Main Street in the town of Sattley, on real property in the unincorporated portion of the County of Sierra, more particularly described as APN 013-080-002-000; and,

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting; and,

WHEREAS, the Planning Commission considered the project request pursuant to the Sierra County General Plan, the Sierra County Zoning Code, California Environmental Quality Act, and all other applicable state and local regulations; and,

WHEREAS, the Planning Commission of the County of Sierra hereby adopts the analysis and findings contained in Planning Department staff report and recommendation no. 1236.

NOW THEREFORE BE IT RESOLVED, that the Sierra County Planning Commission denies the proposed Zone Variance for the as-built wood shed; and approves the Zone Variance(s) for the proposed 292 sq.ft. storage shed as illustrated in Staff Report and Recommendation no. 1236, subject to the conditions of approval contained therein.

The foregoing Resolution of the County of Sierra was passed and adopted by the Planning Commission on the 12th day of May, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Tim H. Beals,  
Secretary, Planning Commission  

Mike Filippini,  
Chairman, Planning Commission
Appendix B
Res. 2012-045: CC → RR 1/2-1
(APN 013-069-002)
PROJECT SITE
SIERRA COUNTY
Department of Planning and Building Inspection
Post Office Box 530
Downieville, California 95936
Tel. (530) 289-3251
Fax (530) 289-2828

Early Consultation / Project Review Routing Sheet

Date: September 28, 2021
To: Commenting Agencies

County Departments
- County Assessor
- County Treasurer-Tax Collector
- County Counsel
- County Sheriff
- County Environmental Health Department
- County Surveyor-Engineer
- County Supervisor
- County Public Works Department
- County Fire Safe & Watershed Council
- County Fish and Game Commission
- County Historical Society

Federal Departments
- USFS—Forest Supervisor Office:
  - Tahoe National Forest
- USFS Sierra Nevada Ranger Office
- BLM—Regional Offices: District
- US Army Corps of Engineers
- FEMA—NFIP—Region IX

AB 52 Tribes
- Washoe Tribe of Nevada & California
- Tsur-Pilati Maidu
- Greenville Rancheria of Maidu Indians
- United Auburn Indian Comm./Auburn Rancheria

State Departments
- Dept. of Fish & Wildlife—Regional Office
- Dept. of Fish & Wildlife—Local Warden
- Dept. of Fish & Wildlife—Area Biologist
- State Reg. Water Quality Control Board—Lahontan Region
- State Reg. Water Quality Control Board—Central Valley Region
- California Public Utility Commission
- State Department of Forestry & Fire Protection (CalFire)
- Air Resources Board
- Department of Health Services
- Housing & Community Development
- Department of Conservation
- Energy Commission
- Department of Water Resources
- Caltrans-District Office-Planning & Project Review
- Caltrans-District 3—Sierra County
- Native American Heritage Commission
- State Office of Planning and Research
- State Water Board-Division of Drinking Water
- DWR—Sierra Nevada Watermaster
- Other:

Other Agencies
- Sierra-Plumas Joint Unified School District
- City of Loyalton
- Sierra Brockers Homeowners Association
- Northern Sierra Air Quality Management
- Sierra Nevada Resource Conservation
- Nevada County Resource Conservation
- Sierra Economic Development District
- Public Utility/Water/Waterworks District: SVPUD
- Sierra Brooks Water
- Fire Protection District: SVPFD
- Hospital or Health Care District: Eastern Plumas
- Sierra Valley Groundwater Management
- Long Valley Groundwater Management
- contiguous County Planning Department:
  - Liberty Utilities
  - Pacific Gas & Electric Company
  - Plumas Sierra Rural Electric Cooperative
  - PG&E-Serving Phone Communications
  - Private or Public Water Company:
  - California Historical Resources Information System
  - Northeast Information Center, Chico
  - Other:

Project Description

The following application has been submitted to the Sierra County Planning Department. The project is being sent to your agency for early review and comment. The purpose of this "early consultation/routing" is to identify any unforeseen issues or reasons why the project should not be "exempt" from CEQA, and/or to solicit review comments and recommended conditions of approval.

Application Number: 1698
Application Title: Woodruff-Zone Variance
Assessor's Parcel Number(s): 013-080-002
Property Address/Location: 165 Main Street, Suttle
Project Description:
Zone variance application on a triangular lot in Suttle in the Residential One Family District (R-1) to reduce the rear yard setback from 25 feet to 18 feet (a 7-foot reduction) and reduce the street side setback from 15 feet to approximately 3 feet (a 12-foot reduction). The proposed project is to demolish an existing 1120 sq. ft. shed and build a new 445 sq. ft. detached residential accessory building (office/workshop).

Planning staff's preliminary environmental assessment: exempt under CEQA Guidelines Sections 14-CCR 15303 (Class 3) and 15305 (Class 5) Categorical Exemptions.

Comments and Conditions

- If you have any questions regarding this project, or require additional information to evaluate and prepare comments or recommended conditions for the project, please send us a list of these requests within two weeks.

- Please send your comments and conditions to us no later than October 12, 2021. If we do not receive a response by this date, we will presume that your agency has "no comment." If you require additional time for review, please contact us at: (530) 289-3251 or jimenez@sierracounty.ca.gov.

Sincerely,
Cori Jimenez
Planner

Comments are: Attached No comment

Signature, date: Evelyn de Mello 10/12/21
Print Name and Title: Evelyn de Mello, R.E.H.S.
Print Agency: Health and Human Services

Appendix D
Sierra County Environmental Health
P.O. Box 7
Loyalton, CA 96118
Phone: (530) 993-6716
Fax: (530) 993-6790
Envhealth@sierracounty.ca.gov

MEMORANDUM

Date: October 12, 2021
To: Sierra County Planning Department
From: Evelyn de Mello, MSc, REHS,
Sierra County Environmental Health

SUBJECT: File 1698: Woodruff – Zone Variance
APN: 013-080-002-000 – 165 Main Street, Sattley

Sierra County Environmental Health reviewed the application for a Zone Variance application on a triangular lot in Sattley in the Residential One Family District (R-I) to reduce the rear yard setback from 25 feet to 18 feet (a 7-foot reduction) and reduce the street side setback from 15 feet to approximately 3 feet (a 12-foot reduction). The proposed project is to demolish an existing 11x20 shed and build a new 445-square foot detached residential accessory building (office/workshop).

Due to the limited parcel size and its peculiar shape, Environmental Health will not be able to approve of this proposed project without having additional information, specifying a feasible area for a replacement leach field repair. Septic system leach fields tend to fail over time. Therefore, it is required to have an approved area for a leach field replacement if and when there is a future failure of the existing leach field.

Environmental Health is particularly concerned with this parcel’s specific limitations for a replacement leach field. Some of these limitations are:

- Anticipated high groundwater in this area (and proximity to an existing irrigation ditch).
- The leach field replacement will need to be at least 100 feet away from the existing domestic water well (located on the north side of the parcel).
- The leach field must meet setback criteria to property lines (5 feet) and existing structures (8 feet), and other setback requirements by other regulatory agencies.
Since the applicant is proposing a larger footprint new structure in an area that might be suitable for a repair leach field installation, Environmental Health will not be able approve this proposed detached residential accessory building without confirmation from a qualified professional (experienced and licensed in CA to design onsite wastewater treatment systems) that there is a feasible area available for leach field repair in the future.

In conclusion, Environmental Health needs verification, confirmation, and approval of a suitable area for leach field repair, prior to approving the location of this proposed detached residential accessory building. Please feel free to contact Sierra County Environmental Health at (530) 993-6716 if you have any questions.

[Signature]
Evelyn de Mello, MSc, REHS
Sierra County Environmental Health
Date: March 16, 2022

To: Sierra County Planning Department

From: Evelyn de Mello, MSc, REHS, Sierra County Environmental Health

SUBJECT: Follow up comments - File 1698: Woodruff – Zone Variance APN: 013-080-002-000 – 165 Main Street, Sattley

Following up with the previous Environmental Health comments (dated October 12, 2021), the applicant provided a report done by a qualified professional (Hinds Engineering), assessing a suitable area for a leach field repair. Based on Hinds Engineering Soil test report (dated November 19, 2021), there are potential suitable areas available for a replacement leach field. If a replacement leach field is needed in the future, further soil testing will be required for the design of the replacement system along with other mitigation measures due to anticipated groundwater and parcel size limitations (such as proximity to neighbor’s irrigation ditch).

The required replacement leach area identified in the engineer’s report is 420 square feet for a gravelless chamber leach field. The replacement leach field can be placed in the “area available for replacement leach field construction” (as shown in the engineer’s report Attachment 1- Test Pit Location Map/ Available Replacement Leachfield Area). The revised site plan (dated February 3, 2022) shows the replacement leach field area within the designated area available and meeting minimum setbacks to proposed and existing structures.

In conclusion, the additional information and revised plan (dated February 3, 2022) addresses Environmental Health’s previous concerns to provide verification of a suitable area for leach field repair. Please feel free to contact Sierra County Environmental Health at (530) 993-6716 if you have any questions.

Evelyn de Mello, MSc, REHS
Sierra County Environmental Health

Appendix E
Sierra County Planning Dept.

Director Beals,

Please enter into the record that I support the Zone Variance request made by my neighbor, Andrew Woodruff, 165 Main Street, Sattley, for setback adjustments on his parcel 013-080-002-000.

I am the owner of Sattley 89 Ranch right across the Highway 49/89 from Mr. Woodruff. Our address is 19002 Hwy 89, Sattley. APN 013-070-007-000. I will not be attending the Sierra County Planning Commission meeting on April 20th, 2022. I wanted to show my support for his request. Thank you for your consideration in this matter.

Jill L. Curran
Sattley 89 Ranch
209-765-0450
Director Beals,

Thank you for assisting with my reschedule request. As you know, the hearing for my variance application was rescheduled to a date that I cannot attend in person or virtually. Attached are my own comments to the commission should the hearing go forward without me. Please allow my comments to become part of the record related to this variance request for the small storage shed and the small wood shed in Sattley.

Thank you sincerely for all the effort on the county's part and for the commission's thoughtful consideration.

Andrew Woodruff

Attached photos: tree and lilac buffer, snow storage signage on northwest end.
April 17, 2022

Andrew Woodruff
165 Main St.
Sattley, CA 96124

Sierra County Planning Commission,

Thank you for the time taken to consider my request to approve a variance for a 111sq ft wood shed. Below are my comments to accompany my application.

I chose the location for construction this woodshed for the following reasons:

- It did not impede the county’s requirement of identifying a replacement leach field area
- It provided safe access to fire wood in the winter season with reasonable access to my back door
- It is safely located behind a medium sized pine tree and a lilac hedge (see photo attached to email), and significantly buffered by a large easement
- It is barely visible from the east or west approaches through Sattley
- It is farther from the road than a previously approved snow awning, with identical sized footings, that protects my heating and cooling system for which the county DID grant a variance
- It is farther from the road than the existing shed built by former owner Sam Horton (Fun fact: Sam Horton built many sheds in the setbacks over his 20+ year residence. I tore down 11 of them in efforts to improve this property).

The report suggests that I should move the 111 sq ft wood shed to the northwest corner of the property. The following reasons make that impossible and undesirable:

- The county stores snow along the northwest side of my property in the winter (see photo attached to email). Gathering wood from a shed buried in snow is not safe or feasible.
- When I purchased the property, it was communicated to me that Caltrans strongly preferred that I park on the northwest wide of my parcel because it is safer to enter and exit from A23 than it is from Highway 49. A shed in my driveway would impede this.
- As the county report mentions, there are multiple decorative trees on the property. This is actually mature apple and pear orchard. Moving a shed to the orchard would reduce not only the enjoyment of the orchard, but the health of the mature trees.

Thank you for your consideration,

Andrew Woodruff
On Sat, Apr 16, 2022 at 2:56 PM Tim Beals <tbeals@sierracounty.ca.gov> wrote:
Andrew has requested postponement and the Commission needs to decide to conduct the hearing or open the hearing and continue it to a date, time, and location. If you simply postpone we have to re-notice, re-mail, and re-post. So while we support a continuance at the staff level it is a Commission decision and I recommend that the Commission determine its course of action (conduct hearing or continue hearing) open the hearing and immediately announce that the hearing is being continued to date, time, location. Give Mike a heads up.

Tim

Sent from my iPhone

On Apr 15, 2022, at 5:02 PM, Andrew Woodruff <andyjwoodruff@gmail.com> wrote:
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you all so much for considering this reschedule request.

Best,
Andrew

Sent from my iPhone

On Apr 15, 2022, at 3:04 PM, Corri Jimenez <cjimenez@sierracounty.ca.gov> wrote:

Thanks, Andrew!

Just to sum it up, since I just spoke to him (applicant), he would like to postpone his item (7.1 Woodruff ZV) until Thursday May 12th unless otherwise rescheduled by the Planning Commissioners.

Brandon, since the packet has already gone out and has been posted, please let me know if there is anything needed on our side informing the commissioners this item has been postponed by the applicant. Thank you in advance!

Take care and talk to you soon, Corri

Corri Jimenez
Planner II
Sierra County Planning Department
101 Courthouse Square
Downieville, CA 95936
(530) 289-3251 - cjimenez@sierracounty.ca.gov

From: Andrew Woodruff <andyjwoodruff@gmail.com>
Sent: Friday, April 15, 2022 2:56 PM
To: Corri Jimenez <cjimenez@sierracounty.ca.gov>
Cc: Brandon Pangman <bpangman@sierracounty.ca.gov>; Jill Molaris
Hi all, I am adding Corri Jimenez to this request to postpone until May when I am able to attend.

Thank you,

Andrew

Sent from my iPhone

---

On Apr 15, 2022, at 3:21 AM, Brandon Pangman <bpangman@sierracounty.ca.gov> wrote:

Hi Andrew,

I sent an email to you on 4/5/22 requesting to postpone the hearing until the next meeting in May so that I can attend. Did you receive it? I do plan on submitting comments and will have those to you by Monday in the event that my request to postpone is denied. As we discussed, I’m am away on business travel 4/20.

With appreciation,

Andrew

Sent from my iPhone

---

On Apr 15, 2022, at 6:07 AM, Andrew Woodruff <andyjwoodruff@gmail.com> wrote:

Hi Brandon, thank you so much.

I sent an email to you on 4/5/22 requesting to postpone the hearing until the next meeting in May so that I can attend. Did you receive it? I do plan on submitting comments and will have those to you by Monday in the event that my request to postpone is denied. As we discussed, I’m am away on business travel 4/20.

With appreciation,

Andrew

Sent from my iPhone
Attached please find a copy of the Planning Dept. staff report and recommendation for your Zone Variance project, as well as the agenda for the Planning Commission meeting on 4/20/2022. I'm sorry you can’t make it to the meeting. If you would still like to submit comments for the record, please e-mail me and I will be sure that the Commission receives it.

Let me know if you have any questions, or if you see anything that looks inaccurate.

I will send you a follow-up letter after the meeting, informing you of the Commission’s decision.

Take care,

Brandon Pangman
Assistant Director
Planning & Building Department
Sierra County, California
Please see attached the latest draft Short-term Rental Ordinance (Revision 8), which follows this cover sheet.

In addition to the draft ordinance, planning staff has attached the previous April 20th Staff Report and all currently received public comments (see PC Exhibits).
AN ORDINANCE TO AMEND SIERRA COUNTY CODE
CHAPTERS 15.08 AND 15.10 PERTAINING TO
SHORT-TERM RENTALS

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:

Ordinance Section One:

Sierra County Code Chapter 15.08 Definitions is hereby amended to add definitions as follows:

15.08.020 (A) definitions: “Accessory Dwelling Unit” or “ADU” means a residential structure as defined in California Government Code Section 65852.2(j)(1).

15.08.030 (B) definitions: “Bedroom” means a room within an existing residence that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Standards Code, Title 24, Part 2.5 including all life safety provisions (smoke alarms, compliant method of egress, etc.).

15.08.130 (L) definitions: “Local Contact Person” means a person available by telephone on a twenty-four (24) hour basis for short-term rental management, special events venues, campgrounds, and similar local land uses subject to permit or entitlement. This local contact person shall be able to be physically on site of the short-term rental or venue within thirty (30) minutes and have full access as well as authority to manage and possess decision-making authority for the facility. A property owner, agent or professional property management company that meets the availability and response requirements may serve as the local contact person.

15.08.200 (S) definitions: “Short-Term Rental” means transient occupancy of and/or short-term rental of an existing single family residence for short-term vacation lodging for a period of time less than thirty (30) consecutive days as may be advertised or offered by a property owner, or by residential management service, or on a property
management website. Short-Term Rental does not include those exemptions identified in Section 15.10.060(C).

15.08.210 (T) definitions: “Transient Occupancy Tax” means County tax imposed for any short-term rental or lodging as defined by Sierra County Code Section 5.20.010.

Ordinance Section Two:

Add Sub-Section .060 to Chapter 15.10 Specific Land Use Requirements and Standards, to read as follows:

15.10.060 Short-Term Rentals.

A. Purpose and Intent. The purpose of this section is to provide policies for the use of residential property as a short-term rental, being rented for a period of less than thirty (30) days. This ordinance provides standards for property owner and renter accountability; permit processes; and minimum standards for the use of a private property for short-term rental purposes including standards to protect the health and safety of residents, visitors, and guests as well as the protection of neighborhoods where short-term rentals are permitted and to produce a diversity of housing options. This regulatory framework shall apply to the unincorporated areas of Sierra County.

B. Short-Term Rental Permit Requirement. It is unlawful for any person to advertise, offer, maintain, operate, or use a property as a short-term rental in unincorporated Sierra County without possession of a lawfully issued administrative use permit as specified herein. The requirements for issuance by the County of an administrative use permit for short-term rentals are as follows:

1. Permitted locations: Short-term rentals are only authorized, subject to issuance by the County of an administrative use permit as defined herein, within the following zone: Residential One Family District (R1); Commercial Residential (CR), Community Commercial (CC), and Neighborhood Commercial (CN) Districts; Agricultural District (A-1); and General Forest (GF) District.

2. Short-term rentals may only be permitted in a legally-established Residential Group R-3 occupancy (per the California Building Standards Code).

3. Short-term rentals may only be permitted on a legally-created parcel.

4. Short-term rental as a portion of a residential structure (i.e., a bedroom) is prohibited.
5. Multiple short-term rentals within a single residential structure are prohibited.

6. More than one (1) short-term rental upon a legally created parcel is prohibited.

7. Uses and structures prohibited as a short-term rental include: caretaker houses or quarters, guest houses, accessory dwelling units (ADU), junior accessory dwelling units, tiny houses, camp sites, travel trailers, campers, motorhomes, fifth wheels, boats, tents, yurts, or like facilities; or any accessory structure, storage shed, barn, studio, utility structure, cargo container, or other like structure or unit.

8. Short-term rentals shall be permitted in the “CR,” “CN,” and “CC” Districts only if the short-term rental as proposed is within the existing structure that has a valid and operating commercial use in existence so that residential use does not become the primary use of the property located within the commercial zoning district. Additionally, short-term rental uses may not occupy first floor space and shall be limited to being permitted in second or third floor spaces or for one-story structures in the rear of the structure.

9. Properties that qualify to apply for and receive an administrative use permit must be owned by the record owner for a minimum period of two (2) years.

C. Exemptions. Uses that are exempt from a short-term rental administrative use permit and the provisions of this ordinance include the following:

1. Hotel/motels, lodges, resorts, permitted bed and breakfast operations, timeshares, fractional ownership lodging facilities; or boarding or rooming houses of more than thirty (30) days.

2. Mobilehome parks, organized camps, and/or special occupancy parks administered under Title 25 of the California Administrative Code (Mobilehome Parks Act).

3. Recreational tracts with summer cabins located on National Forest System lands as use of these residences are restricted under an approved special use permit issued by the U.S. Forest Service.

4. Occupancy of public or permitted private campgrounds.

5. Occupancy of mining claims in good standing on National Forest System lands provided the residential use of any mining claim is directly associated with the operation and maintenance of the mining claim and such residential use is consistent
with an approved plan of operations and/or special use permit issued by the U.S. Forest Service.

6. Rental of a residential unit for period of at least thirty (30) days within any County zoning district located within Title 15 of the Sierra County Code where residential use is permitted.

D. Administrative Use Permit Required for Short-Term Rental. An administrative use permit is required for the use of property as a short-term rental. An application for administrative use permit is required to be filed with the County Planning Department and the administrative use permit shall be issued administratively by the Department if the proposed short-term rental conforms to this policy.

1. Application: The County Planning Department shall develop application forms, guidance, and information regarding the short-term rental policy and shall collect a reasonable fee, as adopted by the Board of Supervisors, for the recovery of costs associated with application review, permit issuance, and permit monitoring of the short-term rental administrative use permit.

2. Permit Term and Renewal: Short-term rental administrative use permits shall be limited to two (2) year terms. Property owners may seek a renewal of an administrative use permit for additional terms of two (2) years but shall be required to file a new application and provide an application fee for each renewal. The renewed administrative use permit may include new or amended conditions of approval.

3. Permit Processing and Appeal: Applications for the administrative use permit shall be issued administratively “over the counter” by the County Planning Department if the application is complete and the request meets all of the land use requirements and standards contained in this policy. Appeal procedures shall be processed according to the appeal policies contained in Sierra County Code Section 20.05.130 unless otherwise specified within this code.

E. Short-Term Rental Permit Application Process. The property owner of record, or an agent of the property owner or management company duly authorized to represent the property owner, may submit an application for an administrative use permit for short-term rental. The application shall contain the following information:

1. Property Owner(s): The property owner(s) authorization is required for an agent to file a short-term rental application. Property owner or agent name and contact information, assessor's parcel number, physical and/or mailing address, and phone number for the short-term rental will be listed on the application. Evidence shall be
provided to confirm that the record owner of the property has owned the property for a minimum of two (2) years.

2. Local Contact Person/Management Representative: A local contact person or Management Company representative, if different from the property owner(s) or agent, shall be required to be designated and identified by the property owner, and shall be accessible at all times, twenty-four-(24) hours per day. The local contact person/Management Company representative shall be available to respond to phone calls, emails, or be on-site of the short-term rental property as is required within thirty (30) minutes to allow timely and sufficient response to maintenance issues, complaints, or enforcement matters issued by the County or to address concerns, complaints, or other issues identified by the tenants during the course of occupancy of the short-term rental. The name(s), address, phone numbers, email address, and any other contact information shall be provided with the permit application.

3. Rental Unit Type: If more than one residence is located on the property, the application shall specify the primary residential unit on the property and also designate the residential unit that is subject to the request for an administrative use permit for a short-term rental. Multiple short-term rentals shall be prohibited on any single, legal parcel.

4. Number of Bedrooms/On-site Wastewater Disposal System Certification: A bedroom is a room that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Code (Title 24), including all life-safety provisions. The on-site wastewater disposal system serving the authorized number of bedrooms within the approved short-term rental on the property may be reviewed by the County Environmental Health Department to verify that the existing on-site wastewater disposal system will be sufficient to handle the number of bedrooms proposed within the short-term rental and potential occupant load accordingly.

5. Maximum Occupancy: The maximum occupancy allowed in any short-term rental as defined herein shall be based on the analysis of the number of the compliant bedrooms within the proposed short-term rental; and in no case shall exceed 10 persons (California Code of Regulations, Title 24, Part 2, Section 310.4). Occupancy, for purposes of determining “maximum occupancy,” is defined as two (2) people per bedroom and occupants shall include any children. Occupancy limits may be increased on a case-by-case basis, at the discretion of the Planning Director, based on findings and conditions outlined in the issued administrative use permit for the short-term rental.
6. Transient Occupancy Tax (TOT): A valid Transient Occupancy Tax certificate/letter issued by the County Treasurer-Tax Collector confirming that the short-term rental unit is registered for participation in the transient occupancy tax collection process.

7. On-Site Parking: Parking of vehicles and any trailers (boats, snowmobiles, and the like) shall be restricted to off-street locations on the property containing the short-term rental. The number of parking spaces required shall be calculated on the basis of the maximum occupancy on the property containing the short-term rental. The application for administrative use permit shall contain a parking plan for the property that will contain the short-term rental. If sufficient on-site parking is not available on the property containing the short-term rental, an alternative parking plan may be prepared and submitted for consideration to the County Planning Department and may be approved by both the County Planning Department and County Transportation Department.

8. Application Special Inspection Fees: A special inspection fee as required by the Board of Supervisors, in addition to the regular application fee required by this policy, may be charged for any site inspection necessary to qualify the residence to be used for a short-term rental, if the information supplied as part of the application is not consistent with Sierra County records and/or any of the following situations exist:
   a. A land use violation exists on the property.
   b. The residence that is being used as a short-term rental has an open building permit where occupant health and safety could be compromised.
   c. An official limitation on the design capacity of the septic system serving the property has been issued by the County Environmental Health Department.

   Should any of these issues be identified, no short-term rental administrative use permit shall be issued until this issue are resolved to the satisfaction of the County.

9. Site Plan: A site plan of the property drawn to scale shall be submitted as part of the application and contain the following information: property boundaries, generators, propane tanks, driveway, structures on the property, waste receptacles, off-street parking areas, any proposed propane fire devices, garden hoses, any patio areas, decks, or proposed for occupant gatherings, and exterior lights (other than exterior entrance and exit lights on the residence) that may be used (light strings, flashing lights, landscape, and site illumination devices) and any other like facilities.

10. Interior Floor Plans: Interior floor plan of the short-term rental unit showing all accessible spaces such as bedrooms, bathrooms, kitchen, laundry room, dining rooms, great rooms or living rooms, lofts, wood burning appliances, entrances and exits, locations of fire extinguishers and smoke/carbon monoxide alarms, telephone, and other interior space uses.
11. Waste/Trash Removal: Method of waste collection and disposal shall be identified on the plans and the location of waste cans shall be conveniently located for occupant use and not located within any front yard area.

12. Fire Extinguishers/Smoke Alarms: On-site fire extinguishers (charged and certified), smoke and carbon monoxide alarms, and exterior hoses are required to be provided during occupancy of a short-term rental. These facilities shall be identified on the site plan and interior floor plan as required herein.

13. On-site Snow Removal: If the short-term rental is offered for rent between October 1st and May 1st, provisions for snow removal shall be identified. Snow removal shall not conflict with county snow removal operations conducted on public roads.

F. Term and Scope of Permit. An administrative use permit for the short-term rental issued under this policy shall be valid for a maximum term of two (2) years, and shall expire on December 31st of the second year, unless revoked, or otherwise suspended or canceled by Sierra County.

1. Permit Authorization: The administrative use permit authorizes the property owner to conduct only such uses as described in the permit and in accordance with the terms and conditions of the permit and this policy.

2. Amendments: Transfers of property ownership, or local contact person, or other change in the short-term rental shall require notification in writing to the County Planning Department. If a property containing a short-term rental is sold during the term for an administrative use permit, the permit shall be void upon transfer.

3. Renewals: An administrative use permit for the short term rental may be renewed for additional terms of two (2) years. The property owner must file a request for renewal on forms provided by the County Planning Department prior to the expiration of the permit. The renewal application must contain any updated application information, if changes have occurred or required building code standards have been amended and said amendments require action on the part of the property owner of the short-term rental.

4. Application Fee: Payment of any permit fee, according to a fee schedule adopted by the Board of Supervisors, is required as part of the administrative use permit application or request for renewal.
G. *Property Inspection.* Short-term rentals shall be inspected as part of the initial application for the administrative use permit by County Planning Department to ensure compliance with this policy. Follow-up inspections during application for permit renewal may be made at discretion of the Planning Director. Refusal to allow an on-site inspection by the County Planning Department or designated agent shall be deemed an abandonment of the application or grounds for revocation of the administrative use permit issued for the short-term rental.

H. *Standards of Operation.* All short-term rentals authorized by an administrative use permit are required to comply with the following standards and shall not generate conditions that disturbs or otherwise impacts the health and safety and general welfare of the community or the neighborhood area where the short-term rental is located. The standards of operation, including but not limited to the following, shall be the minimum required for any short-term administrative use permit issued by the County, unless otherwise modified by the County:

1. **Responsibility of property owner:** It is the responsibility of the property owner and the management company or local contact person responsible for the short-term rental to be in control of the short-term rental unit; to inspect and visit the property as needed to assure compliance with this policy; and, to prevent nuisance behavior and maintain neighborhood peace, welfare, and safety.

2. **Local Contact Person:** The owner of the property containing the short-term rental shall appoint/hire a local contact person or a property management company that shall be available by telephone or in-person on a twenty four (24)-hour basis and who can physically be present at the property within thirty (30) minutes to service a call by the occupants of the short-term rental, to respond to complaints issued by any law enforcement agency or by the County Planning Department. The local contact person, who may be the owner of the property or an independent person, shall have the authority to assume management of the short-term rental in order to respond and remedy any occupant calls or official complaints. The local contact person shall be empowered by the property owner to address physical conditions or circumstances that constitute an immediate threat to public health and safety. The name and all contact information of the local contact person shall be provided to the occupants, clearly posted within the residence, and provided to the County Planning Department and be maintained with current information at all times.

3. **Emergency Communications:** A working, landline telephone is required to be installed and operational within the short-term rental. Emergency numbers shall be posted in plain view and immediately adjacent to the telephone. The property shall also be listed in the “Everbridge” Emergency Notification System maintained by the
County Sheriff Department and County Office of Emergency Services so that any emergency alerts will be able to be received at the short-term rental.

4. Noise/Outdoor Activities: Noise limits and quiet hours are imposed from 10:00pm. to 7:00am, daily. During these “quiet hours,” any noise originating from outside locations or from inside the short-term rental unit (music, parties, gatherings, barking dogs, and like places or origin) that can be easily detected from adjoining properties is strictly prohibited. These hours and the need to respect “quiet hours” shall be posted inside the short-term rental in a location readily visible to all guests.

5. Pets and/or Animals: Traditional domestic pets (dogs, cats, birds) allowed within any short-term rental by the property owner shall be under control of the owner at all times and are not allowed to run-free on the short-term rental property unless the property is adequately fenced or otherwise secured by an enclosure. No agricultural animals and no exotic or wild animals (birds excluded) shall be permitted within short-term rentals.

6. Exterior Lighting: Exterior lighting is required for all entrances and exits located in the short-term rental and shall meet the general specification to “light the site, not the night.” Light glow and light beams shall be pointed downward from the light fixture toward the ground. Any site lighting, other than light fixtures attached to the short-term rental to illuminate entrances and exits, shall not have glare or illumination directed toward adjacent properties. Any lighting that interrupts or causes a nuisance condition to surrounding properties is prohibited. Tiki torches or like lighting products using open flame are prohibited.

7. Parking: A parking plan showing all parking locations shall be provided for the property containing the short-term rental and sufficient parking spaces shall be provided for the “maximum occupancy” for the short-term rental. Parking spaces shall be off-street, clearly delineated, and located on the property containing the short-term rental. If sufficient space for off-street parking is not available for the maximum occupancy calculated for the short-term rental, the property owner may submit an alternate parking plan for consideration by the County.

8. Snow Removal: It shall be the responsibility of the property owner and/or local contact person to remove snow for guests maintain off-street parking spaces.

9. Physical Address Posted: The short-term rental shall have posted in a clear and obvious location, the physical address of the property and such identification shall comply with street address standards found in Sierra County Code Section 11.40.060. The address identification shall be legible and placed in a position that is visible from
the street or fronting road to the property. Whenever the address on the short-term rental is not clearly visible from the street or access road fronting the property, a second sign may be required by the County.

10. Rental Rules/Emergency Contacts/Visitor Information: The short-term rental shall have a binder available to the occupants that is readily accessible and complete with visitor information, maps of the area, emergency contact numbers, name and contact information for the “local contact person” or property manager, listing of available services, contact information to report utility outages or issues, emergency service organizations, law enforcement information, contact information for behavioral health crisis line and like services, and other pertinent information required for the guest(s) renting the home. The binder shall include operator manuals for primary appliances (furnace, generator, and transfer switch, etc.), and operating instructions for fire, smoke, and carbon monoxide alarms, location of fire extinguishers, rules regarding prohibitions contained in this policy such as prohibitions on tiki torches or outside lighting involving fire and flame, prohibition on wood fire pits, prohibition on barbeques other than propane fueled barbeques, designated quiet times, etc.

11. Fire Extinguishers, Smoke Alarms & Carbon-Monoxide Detectors: All short-term rentals shall have two (2) 5-pound and one (1) 20-pound charged fire extinguishers in the interior of the rental. Operating carbon monoxide and smoke detectors in good working order shall be located within any short-term rental as required by the California Building Codes, adopted by Sierra County. In accordance with the California Building Code, at least one smoke alarm shall be located in every bedroom and on every level of the short-term rental, including basements, garages, and habitable spaces.

12. Propane/LPG Barbeques and Outdoor Fires: Outdoor fixed or portable fire pits and barbeques fueled by Liquid Propane Gas (LPG or propane) limited to twenty (20)-pound fuel tanks or smaller may be used at short-term rentals, or if hard-plumbed to the LPG service to the house. Any LPG fire pit shall be restricted to approved locations on the property outlined in an annual inspection by the County Building Department, serving fire district, or authority having jurisdiction. Barbeques and fire pits fueled by charcoal briquettes or wood, or any other material other than LPG are prohibited. Tiki torches or like products are prohibited.

13. Water Supply: Short-term rentals not served by regulated public or private water systems shall either be subject to posting notice to occupants that the water is not tested, or the water supply shall be tested and cleared, according to standards of the County Environmental Health Department. For short-term rentals served by regulated water systems, a disclosure including the name of the water system and
contact information shall be available. Water systems are required to provide annual “Consumer Confidence Reports” to the consumer and this annual report shall be available (shared) with the guests either “online” or available in the Emergency Communications/Visitor Information “binder” maintained within the short-term rental.

14. Exterior Water Source/Fire Defensible Space: Short-term rentals shall have operable exterior hoses of no less than 100 feet in length connected to at least two exterior hose bibs. These hoses shall be equipped with nozzles that are designed for on-off operation. The rental property shall comply with the defensible space and fire protection setbacks and applicable standards of any local ordinance and the regulations enforced by CalFire under Public Resources Code, Sections 4290 - 4291 and regulations found in Sierra County Code Chapter 8.12. These standards shall include, but are not limited to, an available water supply, visible exterior posting of the property address, maintaining clearances of vegetation and maintaining defensible space around all structures, property lines, parking areas, and access/driveway locations.

15. Solid Waste Disposal: All solid waste and refuse generated from the rental of the property shall be properly disposed of in compliance with Sierra County Code Chapter 8.05 (Solid Waste Disposal Ordinance) and trash shall be properly disposed of after each rental is conducted. Refuse containers shall comply with the provisions regarding Black Bear Management and Safety per Sierra County Code Chapter 8.40 and shall be conveniently located for occupant use. Evidence of compliance with this requirement shall be provided as part of the short-term rental administrative use permit application. The short-term rental shall be maintained free of any litter and waste shall not be stockpiled at the short-term rental with any and all waste cans required to be emptied at least once per week and at the end of the rental period. Brush piles, green waste piles, limbs, and other flammables shall not be maintained on the property.

16. Sewage Disposal: The approved and advertised occupancy of a short-term rental shall not exceed the maximum occupant load as required by this policy. Guests staying at the short-term rental will be provided guidance information from the owner on how to properly dispose of waste. County Environmental Health Department can assist to provide informational handout as to what can be flushed in the toilet, grinded in the garbage disposal, or poured down the sink, shower, and/or bath. Guests should be made aware that the waste disposal is not connected to a sewer and everything that goes down the drains end up in the septic system of the short-term rental and overall affects how well the septic system functions.
17. Transient Occupancy Tax (TOT) Registration and Certificate: The short-term rental shall comply with the Transient Occupancy Tax requirements outlined in the Sierra County Code Chapter 5.20 and an annual certification issued by the County Tax Collector shall be provided to the Planning Department at last every two (2) years as part of the permit or renewal process to ensure that the property complies with these requirements.

I. Prohibitions and Restrictions. The following are prohibited uses on properties containing short-term rentals:

1. Incidental Camping: No incidental overnight camping shall be permitted on the exterior grounds of a property containing a short-term rental including but not limited to the occupancy of tents, yurts, recreational vehicles, campers, travel trailers, motorhomes, camp trailers, or any like use. An administrative use permit for a short-term rental does not authorize any incidental camping on the property.

2. Special Events: Receptions, weddings, retreats, and/or any other similar events, which create or have the potential to create traffic issues, parking issues, noise concerns, impacts to sewage disposal capacities, trash and refuse issues, or like issues in Sierra County neighborhoods, are prohibited on the property containing a short-term rental.

3. Subletting: Guests and occupants of a short-term rental shall not sub-lease the occupancy and use of a short-term rental or otherwise bypass the requirement for an administrative use permit.

4. Non-Propane Outdoor Fireplaces and Fire Pits: No campfires, wood-burning open pits, open bonfires, vegetation burn piles, or any other flammable devices are permitted for use by occupants of a short-term rental. The County Building Department, CalFire, or serving fire protection district must approve the type and location of the propane fire pit.

5. Outdoor Grills and Barbeques: Charcoal briquettes, wood, or other like type of barbeques or grills that are not fueled by LPG are prohibited. LPG barbeques shall be no less than fifteen (15) feet away from any structure and at least twenty-five (25) feet from any property line.

6. Fireworks and Firearms: Fireworks and discharge of any firearms is strictly prohibited.

7. Accessory Dwelling Units (ADU) as a Short-Term Rental: No ADU, guesthouse, or caretaker unit shall be advertised, maintained, operated, nor put to use, as a short-term
rental. If the building was permitted as an ADU, it shall not be used as short-term rental.

8. Vehicle Maintenance and Repair: No vehicle or equipment maintenance or repair shall occur by any occupant of an approved short-term rental.

J. Processing of Complaints/Violations of Short-Term Rentals. In the event that complaints are received by the County alleging a public nuisance or non-compliance of the short-term rental with this policy, the property owner, local contact person and/or management agency will be notified by the County Planning Department who will investigate and render a report on its findings. Distribution of the investigative report shall be made to the property owner, County Sheriff, County Environmental Health Department, County Transportation Department, and the serving fire protection district, as appropriate. Failure of the property owner to correct any noted deficiencies or noted violations shall be a basis for suspension or revocation of any issued short-term rental administrative use permit. Correction of any noted violation of this policy or abatement of any noted Sierra County Code violation affecting the short-term rental shall be corrected within a reasonable time as specified by the County Planning Department. In the case of any violation of this policy, code violation, or finding of nuisance that is considered a matter of life-safety for any occupant of the short-term rental or which is necessary to be corrected for public health and safety once served on the property owner by the County Planning Department shall be corrected before any further occupancy is authorized of the short-term rental unit.

K. No Property Rights Conferred. Short-term rental permits do not provide a vested interest or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land. Property owners must notify the County Planning Department and County Treasurer-Tax Collector upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this policy.

L. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

STANDARD LANGUAGE ON ENFORCEMENT, FINES, APPEALS, ETC. TO BE DRAFTED BY COUNTY COUNSEL.

Ordinance Section Three:
This ordinance shall take effect thirty (30) days after the effective date of its passage. Before expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in *The Mountain Messenger*, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors, County of Sierra, State of California, on the ____ day of ______, 2022, and passed and adopted by the Board of Supervisors on the ____ day of ______, 2022, by the following roll call vote, to wit:

AYE: Supervisors
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

___________________________
Paul Roen, Chairman
Board of Supervisors

ATTEST: APPROVED AS TO FORM:

___________________________
Heather Foster  David Prentice
Clerk of the Board  County Counsel
Planning Department Staff Report & Recommendation  
Continued Meeting to May 12, 2022  
Thursday April 20, 2022  

Project: Sierra County Short-Term Rental Ordinance  
File: 1693  
Staff Rec. No.: 1237  
Planners: Corri Jimenez and Brandon Pangman  

1. Staff Recommendation  
Staff recommends that the Planning Commission make a recommendation to the Board of Supervisors for approval of the Short Term Rental Ordinance (Version 7, amended).

2. Administrative Background  
For over a year, the Planning Commission has been discussing Short-Term Rentals and regulations in Sierra County as well as have been following status in other counties and jurisdictions across the state on the topic. Staff has undergone numerous workshops and special meetings discussing the topic with the Planning Commission who has directed staff to research and write a county-wide ordinance (see PC Exhibit 2). These commission meeting dates include the following times:  
- Planning Commission Workshop (Downieville) March 11, 2021  
- Planning Commission Workshop (Downieville) April 15, 2021  
- Planning Commission Special Meeting (Downieville) May 27, 2021  
- Planning Commission Workshop (Sierraville) February 10, 2022  
- Planning Commission Special Meeting (Downieville) March 10, 2022  

From these workshops and special meetings, staff took the Planning Commission’s recommendations and some public comments to prepare a draft ordinance consistent with Sierra County Code and other state/federal codes that meets the needs of the county, its residents, and its visitors. Staff hopes it meets what the Planning Commission envisioned as an ordinance. If recommended to the Board of Supervisors in its current rendition, a Planning Commission resolution has been included in the packet (see PC Exhibit 3).

3. Summary of Short-Term Rental (Version 7) Ordinance  
The following Short-Term Rental Ordinance in front of the Planning Commission has been revised seven times and it is the first time held in a public hearing forum (see PC Exhibit 2). The current ordinance includes:  
- Sierra County Code 15.08, amending the zoning to exact definitions as well as clarifying what is a Short-Term Rental use cited in the new ordinance, Sierra County Code 15.12.060.  
- Sierra County Code 15.12.060 provides the specifics on Short-Term Rental requirements in permitted locations and has solely been allocated to the Residential One Family District Zone (R-1). Hotels, Recreational Tracts, Mobilehome parks, and over 30-day rentals are exempt.  
- The Short-term Rental permit process requires all property owners manage their guests and employ a local contact person that is within 30-minutes from the rental. The property owner
and/or local contact person is required to get an Administrative Use Permit to operate the rental through the Planning Department, which is a 2-year permit and can be renewed biannually.

- For those who own a Short-Term Rental, there are standards of operation to what is expected and required under the administrative use permit. Incidental camping, special events, firepits and outdoor grills, as well as fireworks are prohibited in a Short-Term Rental. Accessory Dwelling Units (ADU), guesthouses, and caretaker houses are not eligible to be a Short-Term Rental.
- Any complaints or violations alleged as a public nuisance on the Short-Term Rental will be investigated and dealt with swiftly. Enforcement, fines, and appeals in this ordinance will be populated by Sierra County Counsel.

4. California Environmental Quality Act (CEQA)

Planning staff originally set the Planning Commission meeting for Thursday April 14, 2022, for the public hearing and initial noticing started on March 23, 2022; however, noticing fell short with one media outlet and everything needed to be re-noticed. A cancellation notice was issued for the April 14, 2022 Planning Commission meeting and rescheduled today, Wednesday April 20, 2022, as a special meeting and public hearing (see Appendices A-B). Notices for the canceled Planning Commission meeting and today’s special meeting were posted at all major U.S. Post Offices in the county that included Loyalton, Sierraville, Calpine, Sierra City, and Downieville as well as at the Public Works Department and the Downieville Courthouse (see Appendices A-B).

Today’s Planning Commission meeting was noticed in the Mountain Messenger, Sierra Booster, and Sierra Prospect on April 4-5, 2022, and hit newsstands on April 8, 2022. In the Mountain Messenger, per California permitting process, the advertisement was 1/8 of a page.

In addition to these media outlets, staff routed the Short-Term Rental ordinance to over 66 county departments and fire/water districts. The ordinance, as a whole, was routed from March 23, 2022 to April 14, 2022. Between this period, written comments were received from county departments as well as private parties. The Administrative Record to date includes the following comments received:

- Sierra County Emergency Services Department, March 30, 2022, PC Exhibit 4
- Sierra County Public Health Department, March 30, 2022, PC Exhibit 5
- Sierra County Sheriff Office, March 30, 2022, PC Exhibit 6
- Sierra County Assessor Office, April 12, 2022, PC Exhibit 7
- Sierra County Public Works Department, April 12, 2022, PC Exhibit 8
- Sierra County Environmental Health Department, April 13, 2022, PC Exhibit 9
- Sierra County Treasurer-Tax Collection Office, April 14, 2022, PC Exhibit 10
- Downieville Fire Department, March 30, 2022, PC Exhibit 11
- Allegany Water District, March 30, 2022, PC Exhibit 12
- Sierra Pines Resort, March 30, 2022, PC Exhibit A
- Yuba Gallery, April 1, 2022, PC Exhibit B
- Joan Odum, March 31, 2022, PC Exhibit C

These comments ranged from “no comment” to questioning the ordinance and some of its regulations to suggesting improvements. Staff encourages commissioners to review attached exhibits. In addition, we received informal calls and emails to the office from members of the public about its definition and what it means if the Short-Term Rental is in another Zoning District, and most inquires were those who operate rentals in the Community Commercial zone.

Per the California Environmental Quality Act (CEQA) Guidelines, staff recommends that the Planning Commission find that the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is exempt from
further environmental analysis under CEQA Guidelines, California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption), 15060(c)(2-3), and 15061(b)(3).

The Class 1 Categorical Exemption under CEQA Guidelines §15301 applies to the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” The proposed ordinance would only create a permitting program for limited alternative use of existing single-family residences and would not result in any significant physical changes or create any direct or reasonably foreseeable indirect adverse change in the environment. The principal residential use of qualifying properties is unchanged and will not result in significant environmental changes with the adoption of strict regulations limiting such use; and if not used as a Short-term Rental, the property owner can still use it as a full-time residence. In addition, the proposed ordinance is exempt from CEQA under both the “general rule” of CEQA Guidelines Section 15060(c)(2) as well as the “common sense exemption” under Section 15061(b)(3), since there is no possibility that the activity in question may have a significant, direct or reasonably foreseeable indirect adverse effect on the environment.

5. **Recommended Motion**

Should the Planning Commission agree with staff’s recommendation, the following motion is suggested:

> "I move that the Planning Commission find that the proposed amendments to the Sierra County Zoning Code on Short-Term Rentals are exempt from CEQA; and adopt a resolution recommending to the Board of Supervisors that it amend Sierra County Code 15.08, accepting specific definitions, and adopt Sierra County Code 15.12.060 amending the Zoning Code consistent with the recommendations provided staff report no. 1237."

6. **Administrative Record (attached)**

*Appendices to Staff Report*
- **Appendix A**  Planning Commission meeting, Cancelation Notice for April 14, 2022
- **Appendix B**  Planning Commission meeting notice, April 20, 2022

**SEE SUPPLEMENTAL PAGE FOR A COMPLETE LIST OF PC EXHIBITS**
Exhibits presented by County Departments and Public Entities to Planning Staff

PC Exhibit 1  Short-Term Rental Staff Report
PC Exhibit 2  Short-Term Rental Ordinance, Version 7
PC Exhibit 3  Short-Term Rental Ordinance Resolution provided at the hearing
PC Exhibit 4  Sierra County Emergency Services Department commented on March 30, 2022
PC Exhibit 5  Sierra County Public Health Department commented on March 30, 2022
PC Exhibit 6  Sierra County Sheriff Office commented on March 30, 2022
PC Exhibit 7  Sierra County Assessor Office commented on April 12, 2022
PC Exhibit 8  Sierra County Public Works Department commented on April 12, 2022
PC Exhibit 9  Sierra County Environmental Health Department commented on April 13, 2022
PC Exhibit 10 Sierra County Treasurer-Tax Collection Office commented on April 14, 2022
PC Exhibit 11 Downieville Fire Department commented on March 30, 2022
PC Exhibit 12 Allegany Water District commented on March 30, 2022
PC Exhibit 13 County Counsel, commented on April 19, 2022

Exhibits presented by Persons other than County Departments and Public Entities to Planning Staff

PC Exhibit A  Sierra Pines Resort commented on March 30, 2022
PC Exhibit B  Yuba Gallery commented on April 1, 2022
PC Exhibit C  Joan Odum commented on March 31, 2022
PC Exhibit D  Jeff Champlin commented on April 19, 2022
PC Exhibit E  Suzi Schoensee commented on April 19, 2022
PC Exhibit F  Greg Munson commented on April 20, 2022
PC Exhibit G  Wendy Church Bergstrom commented on March 10, 2022, requested on April 20, 2022

New items since April 20, 2022

PC Exhibit 14  Short-Term Rental Ordinance, Version 8
PC Exhibit H  Sabrina Smith commented on April 26, 2022
PC Exhibit I  Jeff Champlin commented on April 27, 2022
PC Exhibit J  Greg Long and Sabrina Smith commented on May 4, 2022
PC Exhibit K  Gary Grutkowski commented on August 31, 2022, received on Sept 2, 2021
NOTICE IS HEREBY GIVEN that the Sierra County Planning Commission regular meeting set for Thursday, April 14, 2022, has been cancelled and rescheduled for Wednesday, April 20, 2022 at the same time and the same location.

The Planning Commission agenda, packet, and teleconference link are posted on Sierra County’s Agenda Center at: www.sierracounty.ca.gov/agendacenter

Dated: April 4, 2022
Posted: April 6, 2022
Published: April 8, 2022
NOTICE IS HEREBY GIVEN that the Sierra County Planning Commission will hold a special meeting on Wednesday, April 20, 2022, beginning at 10:00am, in the Board of Supervisors Chambers, Sierra County Courthouse, Downieville, California, to conduct the following public hearings and business:

1. **Public Hearing: Woodruff Zone Variance.** Andrew Woodruff, Applicant and Landowner. Consideration of a Zone Variance for a reduction of the rear and side yard setbacks for a proposed 251 square-foot workshop on the property’s east side and a reduction of the front yard setback for a constructed 111 square-foot woodshed. The project site, identified as APN 013-080-002-000, is a 0.28-acre parcel zoned Residential One Family District (R-1) at 165 Main Street in Sattley in unincorporated Sierra County. Planning staff’s preliminary environmental assessment: Exempt under CEQA Guidelines California Code of Regulations, Title 14, Section 15303 (Class 3 Categorical Exemption) and Section 15305 (Class 5 Categorical Exemption).

2. **Public Hearing: Short-Term Rental Ordinance.** Report and recommendation to the Sierra County Board of Supervisors on a countywide ordinance (excluding the City of Loyalton) amending the County Zoning Code setting forth a permit process, standards of operation, and other regulations to allow the use of a residence as a short-term rental (Airbnb, VRBO, etc.). Planning staff’s preliminary environmental assessment: Exempt under CEQA Guidelines, California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption), 15060(c)(2-3), and 15061(b)(3).

If you challenge the proposed actions for which this notice is given in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or raised within written correspondence delivered to the agency conducting the hearing at, or prior to, the public hearing.

The Planning Commission agenda, packet, and teleconference link are posted on Sierra County’s Agenda Center at: [www.sierracounty.ca.gov/agendacenter](http://www.sierracounty.ca.gov/agendacenter). Interested persons are urged to attend and/or provide written comment.

Dated: April 4, 2022  
Posted: April 6, 2022  
Published: April 8, 2022
ORDINANCE NO. ______

AN ORDINANCE TO AMEND SIERRA COUNTY CODE
CHAPTERS 15.08 AND 15.10 PERTAINING TO
SHORT-TERM RENTALS

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:

Ordinance Section One:

Sierra County Code Chapter 15.08 Definitions is hereby amended to add definitions as follows:

15.08.020 A definitions: “Accessory Dwelling Unit” or “ADU” means a residential structure as defined in California Government Code Section 65852.2(j)(1).

15.08.030 B definitions: “Bedroom” means a room within an existing residence that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Standards Code, Title 24, Part 2.5 including all life safety provisions (smoke alarms, compliant method of egress, etc.).

15.08.130 L definitions: “Local Contact Person” means a person available by telephone on a twenty-four (24) hour basis for short-term rental management, special events venues, campgrounds, and similar local land uses subject to permit or entitlement. This local contact person shall be able to be physically on site of the short-term rental or venue within thirty (30) minutes and have full access as well as authority to manage and possess decision-making authority for the facility. A property owner, agent or professional property management company that meets the availability requirements may serve as the local contact person.

15.08.200 S definitions: “Short-Term Rental” means transient occupancy of and/or short-term rental of an existing single family residence for short-term vacation lodging for a period of time less than thirty (30) consecutive days as may be advertised or offered by a property owner, or by residential management service, or on a property
management website. Short-Term Rental does not include those exemptions identified in Section 15.10.060(C).

15.08.210 **T definitions:** “Transient Occupancy Tax” means County tax imposed for any short-term rental or lodging as defined by Sierra County Code Section 5.20.010.

**Ordinance Section Two:**

Add Sub-Section .060 to Chapter 15.10 Specific Land Use Requirements and Standards, to read as follows:

15.10.060 **Short-Term Rentals.**

A. **Purpose and Intent.** The purpose of this section is to provide policies for the use of residential property as a short-term rental, being rented for a period of less than thirty (30) days. This ordinance provides standards for property owner and renter accountability; permit processes; and minimum standards for the use of a private property for short-term rental purposes including standards to protect the health and safety of residents, visitors, and guests as well as the protection of neighborhoods where short-term rentals are permitted. This regulatory framework shall apply to the unincorporated areas of Sierra County.

B. **Short-Term Rental Permit Requirement.** It is unlawful for any person to advertise, offer, maintain, operate, or use a property as a short-term rental in unincorporated Sierra County without possession of a lawfully issued administrative use permit as specified herein. The requirements for issuance by the County of an administrative use permit for short-term rentals are as follows:

1. Permitted locations: Short-term rentals are only authorized, subject to issuance by the County of an administrative use permit as defined herein, within the following zone: Residential One Family District (R1).

2. Short-term rentals may only be permitted on a legally-created parcel.

3. Short-term rental as a portion of a residential structure (i.e., a bedroom) is prohibited.

4. Multiple short-term rentals within a single residential structure are prohibited.

5. More than one (1) short-term rental upon a legally created parcel is prohibited.
6. Uses and structures prohibited as a short-term rental include: caretaker houses or quarters, guest houses, accessory dwelling units (ADU), junior accessory dwelling units, tiny houses, camp sites, travel trailers, campers, motorhomes, fifth wheels, boats, tents, yurts, or like facilities; or any accessory structure, storage shed, barn, studio, utility structure, cargo container, or other like structure or unit.

C. Exemptions. Uses that are exempt from a short-term rental administrative use permit and the provisions of this ordinance include the following:

1. Hotel/motels, lodges, resorts, permitted bed and breakfast operations, timeshares, fractional ownership lodging facilities; or boarding or rooming houses of more than thirty (30) days.

2. Mobilehome parks, organized camps, and/or special occupancy parks administered under Title 25 of the California Administrative Code (Mobilehome Parks Act).

3. Recreational tracts with summer cabins located on National Forest System lands as use of these residences are restricted under an approved special use permit issued by the U.S. Forest Service.

4. Occupancy of public or permitted private campgrounds.

5. Occupancy of mining claims in good standing on National Forest System lands provided the residential use of any mining claim is directly associated with the operation and maintenance of the mining claim and such residential use is consistent with an approved plan of operations and/or special use permit issued by the U.S. Forest Service.

6. Rental of a residential unit for period of at least thirty (30) days within any County zoning district located within Title 15 of the Sierra County Code where residential use is permitted.

D. Administrative Use Permit Required for Short-Term Rental. An administrative use permit is required for the use of property as a short-term rental. An application for administrative use permit is required to be filed with the County Planning Department and the administrative use permit shall be issued administratively by the Department if the proposed short-term rental conforms to this policy.

1. Application: The County Planning Department shall develop application forms, guidance, and information regarding the short-term rental policy and shall collect a reasonable fee, as adopted by the Board of Supervisors, for the recovery of costs.
association with application review, permit issuance, and permit monitoring of the short-term rental administrative use permit.

2. Permit Term and Renewal: Short-term rental administrative use permits shall be limited to two (2) year terms. Property owners may seek a renewal of an administrative use permit for additional terms of two (2) years but shall be required to file a new application and provide an application fee for each renewal. The renewed administrative use permit may include new or amended conditions of approval.

3. Permit Processing and Appeal: Applications for the administrative use permit shall be issued administratively “over the counter” by the County Planning Department if the application is complete and the request meets all of the land use requirements and standards contained in this policy. Appeal procedures shall be processed according to the appeal policies contained in Sierra County Code Section 20.05.130 unless otherwise specified within this policy.

E. Short-Term Rental Permit Application Process. The property owner of record or an agent of the property owner or management company, duly authorized to represent the property owner, may represent the property owner in submitting an application for an administrative use permit for a short-term rental. The application shall contain the following information:

1. Property Owner(s): The property owner(s) authorization is required for an agent to file a short-term rental application. Property owner or agent name and contact information, assessor's parcel number, physical and/or mailing address, and phone number for the short-term rental will be listed on the application.

2. Local Contact Person/Management Representative: A local contact person or Management Company representative, if different from the property owner(s) or agent, shall be required to be designated and identified by the property owner, and shall be accessible at all times, twenty-four-(24) hours per day. The local contact person/Management Company representative shall be available to respond to phone calls, emails, or be on-site of the short-term rental property as is required within thirty (30) minutes to allow timely and sufficient response to maintenance issues, complaints, or enforcement matters issued by the County or to address concerns, complaints, or other issues identified by the tenants during the course of occupancy of the short-term rental. The name(s), address, phone numbers, email address, and any other contact information shall be provided with the permit application.

3. Rental Unit Type: If more than one residence is located on the property, the application shall specify the primary residential unit on the property and also
designate the residential unit that is subject to the request for an administrative use permit for a short-term rental. Multiple short-term rentals shall be prohibited on any single, legal parcel.

4. Number of Bedrooms/On-site Wastewater Disposal System Certification: A bedroom is a room that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Code (Title 24), including all life-safety provisions. The on-site wastewater disposal system serving the authorized number of bedrooms within the approved short-term rental on the property shall be reviewed by the County Environmental Health Department to verify that the existing on-site wastewater disposal system will be sufficient to handle the number of bedrooms proposed within the short-term rental and potential occupant load accordingly.

5. Maximum Occupancy: The maximum occupancy allowed in any short-term rental as defined herein shall be based on the analysis of the number of the compliant bedrooms within the proposed short-term rental; the certification by the County Environmental Health Department that the on-site wastewater disposal system on the property will be sufficient to serve the number of bedrooms; and certification from the County Transportation Department that an authorized driveway encroachment permit and off-street parking area meets or exceeds County standards; and any other limitations contained within this policy. Occupancy, for purposes of determining “maximum occupancy,” is defined as two (2) people per bedroom and occupants shall include any children. Occupancy limits may be increased on a case-by-case basis, at the discretion of the Planning Director, based on findings and conditions outlined in the issued administrative use permit for the short-term rental.

6. Transient Occupancy Tax (TOT): A valid Transient Occupancy Tax certificate/letter issued by the County Treasurer-Tax Collector confirms that the short-term rental unit is registered for participation in the transient occupancy tax collection process.

7. On-Site Parking: Parking of vehicles and any trailers (boats, snowmobiles, and the like) shall be restricted to off-street locations on the property containing the short-term rental. The number of parking spaces required shall be calculated on the basis of the maximum occupancy on the property containing the short-term rental. The application for administrative use permit shall contain a parking plan for the property that will contain the short-term rental. If sufficient on-site parking is not available on the property containing the short-term rental, an alternative parking plan may be prepared and submitted for consideration to the County Planning Department and may be approved by both the County Planning Department and County Transportation Department.
8. Application Special Inspection Fees: A special inspection fee as required by the Board of Supervisors, in addition to the regular application fee required by this policy, may be charged for any site inspection needed to qualify the residence to be used for a short-term rental, if the information supplied as part of the application is not consistent with Sierra County records and/or any of the following situations exist:
   a. A land use violation exists on the property.
   b. The residence that is being used as a short-term rental has an open building permit where occupant health and safety could be compromised.
   c. There is a need to have the County Building Department, Planning Department, or Environmental Health Department conduct an on-site visit to review and verify that the on-site wastewater disposal system is designed to serve the proposed maximum occupancy of the short-term rental unit.

No short-term rental administrative use permit shall be issued until these identified issues are resolved to the satisfaction of the County.

9. Site Plan: A site plan of the property drawn to scale shall be submitted as part of the application and contain the following information: property boundaries, generators, propane tanks, driveway, structures on the property, waste receptacles, off-street parking areas, any proposed propane fire devices, garden hoses, any patio areas, decks, or proposed for occupant gatherings, and exterior lights (other than exterior entrance and exit lights on the residence) that may be used (light strings, flashing lights, landscape, and site illumination devices) and any other like facilities.

10. Interior Floor Plans: Interior floor plan of the short-term rental unit showing all accessible spaces such as bedrooms, bathrooms, kitchen, laundry room, dining rooms, great rooms or living rooms, lofts, wood burning appliances, entrances and exits, locations of fire extinguishers and smoke/carbon monoxide alarms, telephone, and other interior space uses.

11. Waste/Trash Removal: Method of waste collection and disposal shall be identified on the plans and the location of waste cans shall be conveniently located for occupant use and not located within any front yard area.

12. Fire Extinguishers/Smoke Alarms: On-site fire extinguishers (charged and certified), smoke and carbon monoxide alarms, and exterior hoses are required to be provided during occupancy of a short-term rental. These facilities shall be identified on the site plan and interior floor plan as required herein.

13. On-site Snow Removal: If the short-term rental is offered for rent between October 1st and May 1st, provisions for snow removal shall be identified.
F. **Term and Scope of Permit.** An administrative use permit for the short-term rental issued under this policy shall be valid for a maximum term of two (2) years, and shall expire on December 31st of the second year, unless revoked, or otherwise suspended or canceled by Sierra County.

1. Permit Authorization: The administrative use permit authorizes the property owner to conduct only such uses as described in the permit and in accordance with the terms and conditions of the permit and this policy.

2. Amendments: Transfers of property ownership, or local contact person, or other change in the short-term rental shall require notification in writing to the County Planning Department.

3. Renewals: An administrative use permit for the short-term rental may be renewed for additional terms of two (2) years. The property owner must file a request for renewal on forms provided by the County Planning Department prior to the expiration of the permit. The renewal application must contain any updated application information, if changes have occurred or required building code standards have been amended and said amendments require action on the part of the property owner of the short-term rental.

4. Application Fee: Payment of any permit fee, according to a fee schedule adopted by the Board of Supervisors, is required as part of the administrative use permit application or request for renewal.

G. **Property Inspection.** Short-term rentals shall be inspected as part of the initial application for the administrative use permit by County Planning Department to ensure compliance with this policy. Follow-up inspections during application for permit renewal may be made at discretion of the Planning Director. Refusal to allow an on-site inspection by the County Planning Department or designated agent shall be deemed an abandonment of the application or grounds for revocation of the administrative use permit issued for the short-term rental.

H. **Standards of Operation.** All short-term rentals authorized by an administrative use permit are required to comply with the following standards and shall not generate conditions that disturbs or otherwise impacts the health and safety and general welfare of the community or the neighborhood area where the short-term rental is located. The standards of operation, including but not limited to the following, shall be the minimum required for any short-term administrative use permit issued by the County, unless otherwise modified by the County:
1. Responsibility of property owner: It is the responsibility of the property owner and the management company or local contact person responsible for the short-term rental to be in control of the short-term rental unit; to inspect and visit the property as needed to assure compliance with this policy; and, to prevent nuisance behavior and maintain neighborhood peace, welfare, and safety.

2. Local Contact Person: The owner of the property containing the short-term rental shall appoint/hire a local contact person or a property management company that shall be available by telephone or in-person on a twenty four (24)-hour basis and who can physically be present at the property within thirty (30) minutes to service a call by the occupants of the short-term rental, to respond to complaints issued by any law enforcement agency or by the County Planning Department. The local contact person, who may be the owner of the property or an independent person, shall have the authority to assume management of the short-term rental in order to respond and remedy any occupant calls or official complaints. The local contact person shall be empowered by the property owner to address physical conditions or circumstances that constitute an immediate threat to public health and safety. The name and all contact information of the local contact person shall be provided to the occupants, clearly posted within the residence, and provided to the County Planning Department and be maintained with current information at all times.

3. Emergency Communications: A working, landline telephone is required to be installed and operational within the short-term rental. Emergency numbers shall be posted in plain view and immediately adjacent to the telephone. The property shall also be listed in the “Everbridge” Emergency Notification System maintained by the County Sheriff Department and County Office of Emergency Services so that any emergency alerts will be able to be received at the short-term rental.

4. Noise/Outdoor Activities: Noise limits and quiet hours are imposed from 10:00pm. to 7:00am, daily. During these “quiet hours,” any noise originating from outside locations or from inside the short-term rental unit (music, parties, gatherings, barking dogs, and like places or origin) that can be easily detected from adjoining properties is strictly prohibited. These hours and the need to respect “quiet hours” shall be posted inside the short-term rental in a location readily visible to all guests.

5. Pets and/or Animals: Traditional domestic pets (dogs, cats, birds) allowed within any short-term rental by the property owner shall be under control of the owner at all times and are not allowed to run-free on the short-term rental property unless the property is adequately fenced or otherwise secured by an enclosure. No agricultural animals and no exotic or wild animals (birds excluded) shall be permitted within
short-term rentals. Occupants of the short-term rental shall possess evidence for each animal’s current vaccination against rabies, canine parvovirus, and distemper.

6. Exterior Lighting: Exterior lighting is required for all entrances and exits located in the short-term rental and shall meet the general specification to “light the site, not the night.” Light glow and light beams shall be pointed downward from the light fixture toward the ground. Any site lighting, other than light fixtures attached to the short-term rental to illuminate entrances and exits, shall not have glare or illumination directed toward adjacent properties. Any lighting that interrupts or causes a nuisance condition to surrounding properties is prohibited. Tiki torches or like lighting products using open flame are prohibited.

7. Parking: A parking plan showing all parking locations shall be provided for the property containing the short-term rental and sufficient parking spaces shall be provided for the “maximum occupancy” for the short-term rental. Parking spaces shall be off-street, clearly delineated, and located on the property containing the short-term rental. If sufficient space for off-street parking is not available for the maximum occupancy calculated for the short-term rental, the property owner may submit an alternate parking plan for consideration by the County.

8. Snow Removal: It shall be the responsibility of the property owner and/or local contact person to remove snow for guests.

9. Physical Address Posted: The short-term rental shall have posted in a clear and obvious location; the physical address of the property and such identification shall comply with street address standards found in Sierra County Code Section 11.40.060. The address identification shall be legible and placed in a position that is visible from the street or fronting road to the property. Whenever the address on the short-term rental is not clearly visible from the street or access road fronting the property, a second sign may be required by the County.

10. Rental Rules/Emergency Contacts/Visitor Information: The short-term rental shall have a binder available to the occupants that is readily accessible and complete with visitor information, maps of the area, emergency contact numbers, name and contact information for the “local contact person” or property manager, listing of available services, contact information to report utility outages or issues, emergency service organizations, law enforcement information, contact information for behavioral health crisis line and like services, and other pertinent information required for the guest(s) renting the home. The binder shall include operator manuals for primary appliances (furnace, generator and transfer switch, etc.), and operating instructions for fire, smoke, and carbon monoxide alarms, location of fire extinguishers, rules regarding
prohibitions contained in this policy such as prohibitions on tiki torches or outside lighting involving fire and flame, prohibition on wood fire pits, prohibition on barbeques other than propane fueled barbeques, designated quiet times, etc.

11. Fire Extinguishers, Smoke Alarms & Carbon-Monoxide Detectors: All short-term rentals shall have two (2) 5-pound and one (1) 20-pound charged fire extinguishers in the interior of the rental. Operating carbon monoxide and smoke detectors in good working order shall be located within any short-term rental as required by the California Building Codes, adopted by Sierra County. In accordance with the California Building Code, at least one smoke alarm shall be located in every bedroom and on every level of the short-term rental, including basements, garages, and habitable spaces.

12. Propane/LPG Barbeques and Outdoor Fires: Outdoor fixed or portable fire pits and barbeques fueled by Liquid Propane Gas (LPG or propane) limited to twenty (20)-pound fuel tanks or smaller may be used at short-term rentals, or if hard-plumbed to the LPG service to the house. Any LPG fire pit and any LPG barbeque shall be restricted to approved locations on the property outlined in an annual inspection by the County Building Department, serving fire district, or Authority Having Jurisdiction. Barbeques and fire pits fueled by charcoal briquettes or wood, or any other material other than LPG are prohibited. Tiki torches or like products are prohibited.

13. Water Supply: Short-term rentals not served by regulated public or private water systems shall either be subject to posting notice to occupants that the water is not tested, or the water supply shall be tested and cleared, according to standards of the County Environmental Health Department. For short-term rentals served by regulated water systems, a disclosure including the name of the water system and contact information shall be available. Water systems are required to provide annual “Consumer Confidence Reports” to the consumer and this annual report shall be available (shared) with the guests either “online” or available in the Emergency Communications/Visitor Information “binder” maintained within the short-term rental.

14. Exterior Water Source/Fire Defensible Space: Short-term rentals shall have operable exterior hoses of no less than 100 feet in length connected to at least two exterior hose bibs. These hoses shall be equipped with nozzles that are designed for on-off operation. The rental property shall comply with the defensible space and fire protection setbacks and applicable standards of any local ordinance and the regulations enforced by CalFire under Public Resources Code, Sections 4290 - 4291 and regulations found in Sierra County Code Chapter 8.12. These standards shall
include, but are not limited to, an available water supply, visible exterior posting of the property address, maintaining clearances of vegetation and maintaining defensible space around all structures, property lines, parking areas, and access/driveway locations.

15. Solid Waste Disposal: All solid waste and refuse generated from the rental of the property shall be properly disposed of in compliance with Sierra County Code Chapter 8.05 (Solid Waste Disposal Ordinance) and trash shall be properly disposed of after each rental is conducted. Refuse containers shall comply with the provisions regarding Black Bear Management and Safety per Sierra County Code Chapter 8.40 and shall be conveniently located for occupant use and not within any front yard area. Evidence of compliance with this requirement shall be provided as part of the short-term rental administrative use permit application. The short-term rental shall be maintained free of any litter and waste shall not be stockpiled at the short-term rental with any and all waste cans required to be emptied at least once per week. Brush piles, green waste piles, limbs, and other flammables shall not be maintained on the property.

16. Sewage Disposal: The approved and advertised occupancy of a short-term rental shall not exceed the existing design-capacity of the septic system and the maximum occupant load as required by this policy.
   a. Capacity: The property owner shall not advertise nor allow occupancy of the short-term rental for more persons than the design capacity of the individual On-Site Waste Treatment System (OWTS), septic tank that is in existence on the property. County Environmental Health Department will verify how many bedrooms the existing OWTS is approved to serve including the maximum number of people that can reside in the short-term rental.
   b. Guidance Information: Guests staying at the short-term rental will be provided guidance information on how to properly dispose of waste. County Environmental Health Department can assist to provide informational handout as to what can be flushed in the toilet, grinded in the garbage disposal, or poured down the sink, shower, and/or bath. Guests should be made aware that everything that goes down the drains ends up in the septic system of the short-term rental and overall affects how well the septic system functions.

17. Transient Occupancy Tax (TOT) Registration and Certificate: The short-term rental shall comply with the Transient Occupancy Tax requirements outlined in the Sierra County Code Chapter 5.20 and an annual certification issued by the County Tax Collector shall be provided to the Planning Department at last every two (2) years as
part of the permit or renewal process to ensure that the property complies with these requirements.

I. Prohibitions and Restrictions. The following are prohibited uses on properties containing short-term rentals:

1. Incidental Camping: No incidental overnight camping shall be permitted on the exterior grounds of a property containing a short-term rental including but not limited to the occupancy of tents, yurts, recreational vehicles, campers, travel trailers, motorhomes, camp trailers, or any like use. An administrative use permit for a short-term rental does not authorize any incidental camping on the property.

2. Special Events: Receptions, weddings, retreats, and/or any other similar events, which create or have the potential to create traffic issues, parking issues, noise concerns, impacts to sewage disposal capacities, trash and refuse issues, or like issues in Sierra County neighborhoods, are prohibited on the property containing a short-term rental.

3. Subletting: Guests and occupants of a short-term rental shall not sub-lease the occupancy and use of a short-term rental or otherwise bypass the requirement for an administrative use permit.

4. Non-Propane Outdoor Fireplaces and Fire Pits: No campfires, wood-burning open pits, open bonfires, vegetation burn piles, or any other flammable devices are permitted for use by occupants of a short-term rental. LPG (aka, Propane) fueled fire pits using twenty (20)-pound fuel tanks or less are acceptable for outside use if they permanently located and are setback a minimum of twenty-five feet from any property line and fifteen (15) feet away from any structure, trees, flammable vegetation, or other source. The County Building Department, CalFire, or serving fire protection district must approve the type and location of the propane fire pit.

5. Outdoor Grills and Barbeques: Charcoal briquettes, wood, or other like type of barbeques or grills that are not fueled by LPG are prohibited. A specific area shall be designated for placement and operation of a LPG-fueled barbeque. These devices shall be no less than fifteen (15) feet away from any structure and at least twenty-five (25) feet from any property line. Guests are prohibited from relocating the barbeque to another location on the property.

6. Fireworks and Firearms: Fireworks and discharge of any firearms is strictly prohibited.
7. Accessory Dwelling Units (ADU) as a Short-Term Rental: No ADU, guesthouse, or caretaker unit shall be advertised, maintained, operated, nor put to use, as a short-term rental. If the building was permitted as an ADU, it shall not be used as short-term rental.

8. Vehicle Maintenance and Repair: No vehicle or equipment maintenance or repair shall occur by any occupant of an approved short-term rental.

J. Processing of Complaints/Violations of Short-Term Rentals. In the event that complaints are received by the County alleging a public nuisance or non-compliance of the short-term rental with this policy, the property owner, local contact person and/or management agency will be notified by the County Planning Department who will investigate and render a report on its findings. Distribution of the investigative report shall be made to the property owner, County Sheriff, County Environmental Health Department, County Transportation Department, and the serving fire protection district, as appropriate. Failure of the property owner to correct any noted deficiencies or noted violations shall be a basis for suspension or revocation of any issued short-term rental administrative use permit. Correction of any noted violation of this policy or abatement of any noted Sierra County Code violation affecting the short-term rental shall be corrected within a reasonable time as specified by the County Planning Department. In the case of any violation of this policy, code violation, or finding of nuisance that is considered a matter of life-safety for any occupant of the short-term rental or which is necessary to be corrected for public health and safety once served on the property owner by the County Planning Department shall be corrected before any further occupancy is authorized of the short-term rental unit.

K. No Property Rights Conferred. Short-term rental permits do not provide a vested interest or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land. Property owners must notify the County Planning Department and County Treasurer-Tax Collector upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this policy.

L. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

STANDARD LANGUAGE ON ENFORCEMENT, FINES, APPEALS, ETC. TO BE DRAFTED BY COUNTY COUNSEL.
Ordinance Section Three:

This ordinance shall take effect thirty (30) days after the effective date of its passage. Before expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in The Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors, County of Sierra, State of California, on the ____ day of ______, 2022, and passed and adopted by the Board of Supervisors on the ____ day of ______, 2022, by the following roll call vote, to wit:

AYES: Supervisors
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

__________________________________________
Paul Roen, Chairman
Board of Supervisors

ATTEST: APPROVED AS TO FORM:

____________________________                 ______________________________
Heather Foster                    David Prentice
Clerk of the Board                County Counsel
PLANNING COMMISSION
COUNTY OF SIERRA
STATE OF CALIFORNIA

RESOLUTION NO. 2022-____

IN THE MATTER OF RECOMMENDING
TO THE BOARD OF SUPERVISORS
A PROPOSED ZONING ORDINANCE ON
SHORT-TERM RENTALS

WHEREAS, pursuant to Sierra County Code Section 15.32.020, the Sierra County Planning Commission determined the need for a countywide ordinance in unincorporated Sierra County regulating Short-Term Rentals; and,

WHEREAS, the Sierra County Planning Commission at its regularly-scheduled meetings conducted public workshops, open discussions, and solicited comments from Planning staff and the public on the matter on: March 11, 2021; April 15, 2021; May 27, 2021; February 10, 2022; and March 10, 2022; and provided direction to staff on the preparation of a draft ordinance; and,

WHEREAS, Planning Department staff did prepare a draft ordinance proposing regulations for Short-Term Rentals, and widely circulated the draft ordinance to over sixty (60) commenting agencies and duly posted and published notice of a public hearing for the Planning Commission’s consideration of the draft ordinance; and the Planning Commission conducted a public hearing on the matter on April 20, 2022 and did carefully consider both written and oral comments from the public; and,

WHEREAS, the Sierra County Planning Commission, pursuant to Sierra County Code Section 15.32.040, must report its findings and make recommendation with respect to the proposed zoning ordinance to the Board of Supervisors for final determination.

NOW THEREFORE BE IT RESOLVED, the Sierra County Planning Commission hereby adopts the following findings and evidence as presented at the public hearing and in Staff Recommendation No. 1237:

**General Plan Consistency**

_**Finding:**_ The proposed rezone is consistent with the land use designations, goals, and policies of the Sierra County General Plan.

_**Evidence:**_

1. The proposed ordinance is consistent with the respective underlying General Plan land use designation of Rural Residential for temporary residential uses of property within the designated community cores.
2. The various regulations and enforcement mechanisms proposed by the ordinance will ensure that the use of private property in the specified manner will not result in a nuisance or be incompatible with surrounding properties and land uses.
3. Continued and proposed use of residential property in the manner proposed will not result in a change in character of the permitted uses and will remain consistent with the respective
zoning (R-1 District) and current General Plan land use designation (Rural Residential), and associated policies and ordinances.

**California Environmental Quality Act (CEQA)**

**Finding:** The proposal will not have a significant adverse effect on the environment and is exempt from further environmental analysis under the California Environmental Quality Act (CEQA).

**Evidence:**

1. The proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is exempt from further environmental analysis under CEQA Guidelines, California Code of Regulations, Title 14, Section 15301 (Class 1 Categorical Exemption); Section 15060(c)(2) (the “general rule” exemption); and Section 15061(b)(3) (the “common sense” exemption), since there is no possibility that the activity in question may have a significant, direct or reasonably foreseeable indirect adverse effect on the environment.

2. On the basis of the exemptions, comments received, and the whole record, there is no substantial evidence that the project may have a significant detrimental effect on the environment.

**BE IT FURTHER RESOLVED,** that upon the record of proceedings from the April 20, 2022 public hearing, the Planning Commission hereby recommends to the Sierra County Board of Supervisors that it: finds that the project is exempt under CEQA; and approves and adopts the draft ordinance substantially in the form attached to this Resolution as Exhibit A.

**ADOPTED BY THE** Sierra County Planning Commission on the 20th day of April, 2022 by the following vote:

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 

ATTEST:

Tim H. Beals, Secretary
Planning Commission

Mike Filippini, Chairman
Planning Commission
Hi Corri,

Here are my comments on the proposed ordinance:

**Item E-5, page 5 Maximum Occupancy**: Children should be defined as being the age 5 or older, as babies and very young children will most likely sleep with their parents or in a crib. Anyone under the age of 5 should not be counted for maximum occupancy.

**Item E-9, page 6, Site Plan**: The site plan should also include the location of the main shutoff for electricity, and the main disconnect for any solar panels.

**Item H-11, page 10, Fire Extinguishers, Smoke Alarms & Carbon-Monoxide Detectors**: A 20-pound fire extinguisher is very heavy and will more than likely sit on the floor where it could fall over and injure someone, it will be moved around when the floor is swept, moped, or vacuum. A 20-pound fire extinguisher can be mounted on a wall with the mount anchored into a stud. I would recommend at least two 5 or 10-pound fire extinguishers rated ABC and have the fire extinguishers mounted near each exit and not behind an opened door.

The fire extinguishers should be checked each month for good pressure as indicated by the pressure gauge and the State Fire Marshall inspection tag filled in each month by the person doing the inspections.

The smoke alarms and carbon monoxide detectors should be tested each month with a record of the testing being done, indicating date, by whom, location of alarm, when the batteries were replaced, if they are not a 10-year battery, along with the dates the units were installed, as most of these units have a working life of 10 years, or when the manufacturer recommends replacement.

Thanks for the opportunity to comment on this ordinance,
Lee

Lee Brown, Coordinator
Sierra County Office of Emergency Services
P. O. Box 530
101 Courthouse Square
Downieville, CA. 95936
Office 530-289-2850
Fax 530-289-2828
24 Hour 530-289-3700
Cell 530-414-8891
Thanks for sharing. This is thorough with quite a bit of enforcement potential. On first read, I have some questions/thoughts. I am wondering if we have projections to the numbers of short-term rentals that will require permitting? Depending on the numbers, it could be a huge workload impact on the front end when everyone comes in at once. We will consider a fee commensurate and reasonable with the work. I support the Ordinance for all the reasons outlined, but I do worry about how our limited staff will deal with yet another task to their already overtaxed workloads. I may have missed it but will there be penalties/fines attached to non-compliance issues? It sounds like the water source is limited to a well or water district supply. Thinking about a “cabin” sort of set up without potable water, if notified to such, would renters be allowed to bring in drinking water? Sounds like there will be a mechanism for community members to file complaints about non-compliant properties and renters or suspected unpermitted rentals. Thanks again. We look forward to following it through the process.

Vickie Clark
Director
Sierra County Public Health & Social Services
(530) 993-6707; Fax (530) 993-6767
vclark@sierracounty.ca.gov

---

**helping people**

This electronic message may contain information that is confidential and/or legally privileged. It is intended only for the use of the individual(s) and entity named as recipients in the message. If you are not an intended recipient of the message, please notify the sender immediately and delete the material from any computer. Do not deliver, distribute, or copy this message, and do not disclose its contents or take action in reliance on the information it contains. Thank you.
Thanks Corri,

After looking over the Ordinance, I don’t see anything that stands out. I’m curious if the violation part CC is drafting regarding the wood fires and or charcoal BBQ will be a criminal penalty?

Thanks,

Mike
Hi Corri,

The role of the Assessor’s Office in County Government is to discover, inventory, and value all real and personal property in the County. The Assessor, generally, is not involved in allowable uses of individual property. As such, I do not have any comments in regard to the pending Short Term Rental Ordinance.

Sincerely,

Laura A. Marshall
Sierra County Assessor
Solid Waste Fee Administrator
lmarshall@sierracounty.ca.gov
530-289-3283

From: Corri Jimenez <cjimenez@sierracounty.ca.gov>
Sent: Monday, April 11, 2022 5:38 PM
To: Jenny Varn <jvarn@sierracounty.ca.gov>; Van Maddox <vmaddox@sierracounty.ca.gov>; Elizabeth Morgan <emorgan@sierracounty.ca.gov>; Evelyn de Mello <edemello@sierracounty.ca.gov>; Laura Marshall <lmarshall@sierracounty.ca.gov>; Stephanie Villa <svilla@sierracounty.ca.gov>; Bonnie Vierra <bvierra@sierracounty.ca.gov>; Bryan Davey <bdavey@sierracounty.ca.gov>; Miriam Dines <mdines@sierracounty.ca.gov>
Cc: Brandon Pangman <bpangman@sierracounty.ca.gov>; Tim Beals <tbeals@sierracounty.ca.gov>
Subject: FW: 1693 Routing Commenting Agencies-Short Term Rental Ordinance (Draft)

Dear County Departments,

This is a friendly reminder that planning staff has not yet received comments back from your departments in regard to the draft Short-Term Rental Ordinance (see attachment). Potentially, your departments may be affected by the ordinance’s adoption and staff overall would like to add your comments into the staff report, which is due on Thursday.

This Planning Commission item will be heard on Wednesday April 20th at 10am (see attached notice). If you have “no comment,” please let us know so it can be included in the staff report’s administrative record. Thank you in advance for your attention and we will look forward to your comments.

Take care,
No comment from Public Works.

Bryan Davey
Deputy Director
Sierra County Department of Transportation
PO BOX 98, 101 Courthouse Sq.
Downieville, CA 95936
Ofc (530) 289-3201
Cell (530) 615-9730

From: Corri Jimenez <cjimenez@sierracounty.ca.gov>
Sent: Monday, April 11, 2022 5:38 PM
To: Jenny Varn <jvarn@sierracounty.ca.gov>; Van Maddox <vmaddox@sierracounty.ca.gov>; Elizabeth Morgan <emorgan@sierracounty.ca.gov>; Evelyn de Mello <edemello@sierracounty.ca.gov>; Stephanie Villa <svilla@sierracounty.ca.gov>; Bonnie Vierra <bvierra@sierracounty.ca.gov>; Bryan Davey <bdavey@sierracounty.ca.gov>; Miriam Dines <mdines@sierracounty.ca.gov>
Cc: Brandon Pangman <bpangman@sierracounty.ca.gov>; Tim Beals <tbeals@sierracounty.ca.gov>
Subject: FW: 1693 Routing Commenting Agencies-Short Term Rental Ordinance (Draft)

Dear County Departments,

This is a friendly reminder that planning staff has not yet received comments back from your departments in regard to the draft Short-Term Rental Ordinance (see attachment). Potentially, your departments may be affected by the ordinance’s adoption and staff overall would like to add your comments into the staff report, which is due on Thursday.

This Planning Commission item will be heard on Wednesday April 20th at 10am (see attached notice). If you have “no comment,” please let us know so it can be included in the staff report’s administrative record. Thank you in advance for your attention and we will look forward to your comments.

Take care,

Corri Jimenez
Planner II
Sierra County Planning Department
101 Courthouse Square
Downieville, CA 95936
(530) 289-3251 - cjimenez@sierracounty.ca.gov
MEMORANDUM

Date: April 13, 2022

To: Sierra County Planning Department

From: Elizabeth Morgan, MPH, REHS
Sierra County Environmental Health

SUBJECT: File 1693 – Sierra County Short-Term Rentals Ordinance – Environmental Health Comments

Sierra County Environmental Health has reviewed the Draft Ordinance pertaining to Short Term Rentals. Below are the comments pertaining to Environmental Health involvement with onsite wastewater treatment systems (OWTS) and water supplies.

15.10.060 (D) 1. States that the “County Planning Department shall develop application forms, guidance, and information regarding the short-term rental policy and shall collect a reasonable fee, as adopted by the Board of Supervisors, for the recovery of costs associated with application review, permit issuance, and permit monitoring of the short-term rental administrative use permit”

- Will the costs incurred by Environmental Health be included in this fee?

Section E (4) – Requires review by the “County Environmental Health Department to verify that the existing on-site wastewater disposal system will be sufficient was sized to handle the number of bedrooms proposed within the short-term rental and potential occupant load accordingly”.

Section E (5) – requires “certification verification by the County Environmental Health Department that the on-site wastewater disposal system on the property will be sufficient was sized to service the number of bedrooms”

Section E (16) (a) includes “County Environmental Health Department will verify how many bedrooms the existing OWTS is approved was sized to serve including the maximum number of people that can reside in the short-term rental”
- Depending upon the age of the on-site wastewater disposal system (OWTS), county permit records may not be available to indicate the sizing of the OWTS and how many bedrooms the OWTS was designed for. Therefore, determining the suitability of an older existing OWTS system will be a challenge for Environmental Health.
  - For the older OWTS systems where records on the OWTS sizing is not available, what actions should be taken to enable a property owner to obtain approval for a permit for a short-term rental?
  - Will these property owners need to “upgrade” their older systems?
- Furthermore, based on the age and operation/maintenance of the existing OWTS, Environmental Health cannot guarantee/certify that the “OWTS will be sufficient to handle the number of bedrooms”, only that the system was originally sized for a specified number of bedrooms.
  - Recommend replacing the wording “will be sufficient” and “is approved” with “was sized” and replacing the term “certification” with “verification” (see red mark-up wording above).

Section E (16) (b) – Guidance Information “Guests staying at the short-term rental will be provided guidance information on how to properly dispose of waste. County Environmental Health Department can assist to provide information handout as to what can be flushed in the toilet, grinded in the garbage disposal, or poured down the sink, shower, and/or bath. Guests should be made aware that everything that goes down the drains ends up in the septic system of the short-term rental and overall affects how well the septic system functions”.

- This is good information for anyone on a septic system (individual on-site wastewater treatment system – OWTS) to be aware of, so Environmental Health can work on providing this information as a handout and post this information on the County Website.

Section E (13) Water Supply: “Short-term rentals not served by regulated public or private State Small Water Systems shall either be subject to posting notice to occupants that the water is not tested, or the water supply shall be tested and cleared, according to standards of meet bacteriological standards for a potable water supply and obtain yearly approval by the Sierra County Environmental Health Department”

- Currently, Sierra County does not have any formal “standards” (such as an ordinance) for water systems that don’t meet the definition of a public water supply or State Small Water System.
  - Will Sierra County need to adopt or approve of any specific “standards” for Environmental Health to implement this criterion?
  - Recommend that short-term rentals meet bacteriological standards for a potable water supply and obtain yearly approval by Sierra County Environmental Health. (see recommended red mark-up wording above)
• Providing a "potable" water supply (meeting drinking water standards) is generally an expectation that consumers have, especially if they are "paying" a fee for lodging, so the intent to meet standards of the Environmental Health Department for this kind of transient occupancy would be to have a protected source (not subject to contamination) and meeting basic bacteriological water quality standards or providing sufficient treatment to meet bacteriological standards.

• The option included of "posting notice to occupants that the water is not tested" seems problematic and if homeowners are going to have a business of providing lodging with short-term rentals, they should provide potable water, so this should not be included as an option (see recommended strikethrough mark-up above).

Workload Question:

• Does the County have any projections as to how many applications for short-term rentals are anticipated?

Elizabeth Morgan, MPH, REHS
Sierra County Environmental Health
There Treasurer Tax Collectors office has no comments after reading the proposal on Short Term rentals.

From: Corri Jimenez <cjimenez@sierracounty.ca.gov>
Sent: Monday, April 11, 2022 5:38 PM
To: Jenny Varn <jvarn@sierracounty.ca.gov>; Van Maddox <vmaddox@sierracounty.ca.gov>; Elizabeth Morgan <emorgan@sierracounty.ca.gov>; Evelyn de Mello <edemello@sierracounty.ca.gov>; Laura Marshall <lmarshall@sierracounty.ca.gov>; Stephanie Villa <svilla@sierracounty.ca.gov>; Bonnie Vierra <bvierra@sierracounty.ca.gov>; Bryan Davey <bdavey@sierracounty.ca.gov>; Miriam Dines <mdines@sierracounty.ca.gov>
Cc: Brandon Pangman <bpangman@sierracounty.ca.gov>; Tim Beals <tbeals@sierracounty.ca.gov>
Subject: FW: 1693 Routing Commenting Agencies-Short Term Rental Ordinance (Draft)

Dear County Departments,

This is a friendly reminder that planning staff has not yet received comments back from your departments in regard to the draft Short-Term Rental Ordinance (see attachment). Potentially, your departments may be affected by the ordinance’s adoption and staff overall would like to add your comments into the staff report, which is due on Thursday.

This Planning Commission item will be heard on Wednesday April 20th at 10am (see attached notice). If you have “no comment,” please let us know so it can be included in the staff report’s administrative record. Thank you in advance for your attention and we will look forward to your comments.

Take care,

Corri Jimenez
Planner II
Sierra County Planning Department
101 Courthouse Square
Downieville, CA 95936
(530) 289-3251 - cjimenez@sierracounty.ca.gov

From: Corri Jimenez
Sent: Monday, April 4, 2022 2:49 PM
To: Laura Marshall <lmarshall@sierracounty.ca.gov>; Stephanie Villa <svilla@sierracounty.ca.gov>; Heather Foster <hfooster@sierracounty.ca.gov>; Jenny Varn <jvarn@sierracounty.ca.gov>; Van Maddox <vmaddox@sierracounty.ca.gov>; David Prentice <david@prenticelongpc.com>; Autumn Long-McGie <alongmcg@sierracounty.ca.gov>; Mike Fisher <mfisher@sierracounty.ca.gov>; Environmental Health <envhealth@sierracounty.ca.gov>; Evelyn de Mello
Hi Corri,

On behalf of the Downieville Fire Protection District my suggestion is the addition of dialog for LG fire BBQ’s and fire pits must be clean and free of grease or other combustibles, (ie leaves marshmallow sticks). Also that they be monitored at all times by an adult. I wish we could place restrictions on any open flame during Red Flag alerts or local high wind events.

Thank You

Robert Hall
Senior Fire Captain, 7302
Downieville Fire Protection District
roberthall7309@hotmail.com
HI can the general public comment as well?

Thanks,
Rae Bell Arbogast
General Manager
Cell 530-902-4422 (text only)
Home # 530-287-3454

alleghanywater.org
Alleghany County Water District
P.O. Box 860
Alleghany, CA 95910
530-287-3204

On Wed, Mar 30, 2022 at 1:15 PM Corri Jimenez <ejimenez@sierracounty.ca.gov> wrote:

Dear water districts,

I am routing this draft Short-Term Rental ordinance to you since you are water purveyors in the county. The Planning Department is soliciting comments from now until next Friday, April 8th. See below email for further information on the upcoming Planning Commission meeting. Feel free to reach out to me if you have any questions/concerns.

Take care and talk to you soon, corri

Corri Jimenez
Planner II
Sierra County Planning Department
101 Courthouse Square
Downieville, CA 95936
(530) 289-3251 - ejimenez@sierracounty.ca.gov
Hi Corri Jimenez,

Dave forwarded me the draft short-term rental ordinance being considered. I reviewed and have some suggested changes, all relatively minor, marked in the attached.

Thank you
AN ORDINANCE TO AMEND SIERRA COUNTY CODE
CHAPTERS 15.08 AND 15.10 PERTAINING TO
SHORT-TERM RENTALS

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:

Ordinance Section One:

Sierra County Code Chapter 15.08 Definitions is hereby amended to add definitions as follows:

15.08.020 A definitions: “Accessory Dwelling Unit” or “ADU” means a residential structure as defined in California Government Code Section 65852.2(j)(1).

15.08.030 B definitions: “Bedroom” means a room within an existing residence that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Standards Code, Title 24, Part 2.5 including all life safety provisions (smoke alarms, compliant method of egress, etc.).

15.08.130 L definitions: “Local Contact Person” means a person available by telephone on a twenty-four (24) hour basis for short-term rental management, special events venues, campgrounds, and similar local land uses subject to permit or entitlement. This local contact person shall be able to be physically on site of the short-term rental or venue within thirty (30) minutes and have full access as well as authority to manage and possess decision-making authority for the facility. A property owner, agent or professional property management company that meets the availability requirements may serve as the local contact person.

15.08.200 S definitions: “Short-Term Rental” means transient occupancy of and/or short-term rental of an existing single family residence for short-term vacation lodging for a period of time less than thirty (30) consecutive days as may be advertised or offered by a property owner, or by residential management service, or on a property
management website. Short-Term Rental does not include those exemptions identified in Section 15.10.060(C).

15.08.210 Definitions: “Transient Occupancy Tax” means County tax imposed for any short-term rental or lodging as defined by Sierra County Code Section 5.20.010.

Ordinance Section Two:

Add Sub-Section .060 to Chapter 15.10 Specific Land Use Requirements and Standards, to read as follows:

15.10.060 Short-Term Rentals.

A. Purpose and Intent. The purpose of this section is to provide policies for the use of residential property as a short-term rental, being rented for a period of less than thirty (30) days. This ordinance provides standards for property owner and renter accountability; permit processes; and minimum standards for the use of a private property for short-term rental purposes including standards to protect the health and safety of residents, visitors, and guests as well as the protection of neighborhoods where short-term rentals are permitted. This regulatory framework shall apply to the unincorporated areas of Sierra County.

B. Short-Term Rental Permit Requirement. It is unlawful for any person to advertise, offer, maintain, operate, or use a property as a short-term rental in unincorporated Sierra County without possession of a lawfully issued administrative use permit as specified herein. The requirements for issuance by the County of an administrative use permit for short-term rentals are as follows:

1. Permitted locations: Short-term rentals are only authorized, subject to issuance by the County of an administrative use permit as defined herein, within the following zone: Residential One Family District (R1).

2. Short-term rentals may only be permitted on a legally-created parcel.

3. Short-term rental as a portion of a residential structure (i.e., a bedroom) is prohibited.

4. Multiple short-term rentals within a single residential structure are prohibited.

5. More than one (1) short-term rental upon a legally created parcel is prohibited.
6. Uses and structures prohibited as a short-term rental include: caretaker houses or quarters, guest houses, accessory dwelling units (ADU), junior accessory dwelling units, tiny houses, camp sites, travel trailers, campers, motorhomes, fifth wheels, boats, tents, yurts, or like facilities; or any accessory structure, storage shed, barn, studio, utility structure, cargo container, or other like structure or unit.

C. Exemptions. Uses that are exempt from a short-term rental administrative use permit and the provisions of this ordinance include the following:

1. Hotel/motels, lodges, resorts, permitted bed and breakfast operations, timeshares, fractional ownership lodging facilities; or boarding or rooming houses of more than thirty (30) days.

2. Mobilehome parks, organized camps, and/or special occupancy parks administered under Title 25 of the California Administrative Code (Mobilehome Parks Act).

3. Recreational tracts with summer cabins located on National Forest System lands as use of these residences are restricted under an approved special use permit issued by the U.S. Forest Service.

4. Occupancy of public or permitted private campgrounds.

5. Occupancy of mining claims in good standing on National Forest System lands provided the residential use of any mining claim is directly associated with the operation and maintenance of the mining claim and such residential use is consistent with an approved plan of operations and/or special use permit issued by the U.S. Forest Service.

6. Rental of a residential unit for period of at least thirty (30) days within any County zoning district located within Title 15 of the Sierra County Code where residential use is permitted.

D. Administrative Use Permit Required for Short-Term Rental. An administrative use permit is required for the use of property as a short-term rental. An application for administrative use permit is required to be filed with the County Planning Department and the administrative use permit shall be issued administratively by the Department if the proposed short-term rental conforms to this policy.

1. Application: The County Planning Department shall develop application forms, guidance, and information regarding the short-term rental policy and shall collect a reasonable fee, as adopted by the Board of Supervisors, for the recovery of costs
associated with application review, permit issuance, and permit monitoring of the short-term rental administrative use permit.

2. Permit Term and Renewal: Short-term rental administrative use permits shall be limited to two (2) year terms. Property owners may seek a renewal of an administrative use permit for additional terms of two (2) years but shall be required to file a new application and provide an application fee for each renewal. The renewed administrative use permit may include new or amended conditions of approval.

3. Permit Processing and Appeal: Applications for the administrative use permit shall be issued administratively “over the counter” by the County Planning Department if the application is complete and the request meets all of the land use requirements and standards contained in this policy. Appeal procedures shall be processed according to the appeal policies contained in Sierra County Code Section 20.05.130 unless otherwise specified within this policy.

E. Short-Term Rental Permit Application Process. The property owner of record or an agent of the property owner or management company, duly authorized to represent the property owner, may represent the property owner in submitting an application for an administrative use permit for a short-term rental. The application shall contain the following information:

1. Property Owner(s): The property owner(s) authorization is required for an agent to file a short-term rental application. Property owner or agent name and contact information, assessor's parcel number, physical and/or mailing address, and phone number for the short-term rental will be listed on the application.

2. Local Contact Person/Management Representative: A local contact person or Management Company representative, if different from the property owner(s) or agent, shall be required to be designated and identified by the property owner, and shall be accessible at all times, twenty-four-(24) hours per day. The local contact person/Management Company representative shall be available to respond to phone calls, emails, or be on-site of the short-term rental property as is required within thirty (30) minutes to allow timely and sufficient response to maintenance issues, complaints, or enforcement matters issued by the County or to address concerns, complaints, or other issues identified by the tenants during the course of occupancy of the short-term rental. The name(s), address, phone numbers, email address, and any other contact information shall be provided with the permit application.

3. Rental Unit Type: If more than one residence is located on the property, the application shall specify the primary residential unit on the property and also
designate the residential unit that is subject to the request for an administrative use permit for a short-term rental. Multiple short-term rentals shall be prohibited on any single, legal parcel.

4. Number of Bedrooms/On-site Wastewater Disposal System Certification: A bedroom is a room that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Code (Title 24), including all life-safety provisions. The on-site wastewater disposal system serving the authorized number of bedrooms within the approved short-term rental on the property shall be reviewed by the County Environmental Health Department to verify that the existing on-site wastewater disposal system will be sufficient to handle the number of bedrooms proposed within the short-term rental and potential occupant load accordingly.

5. Maximum Occupancy: The maximum occupancy allowed in any short-term rental as defined herein shall be based on the analysis of the number of the compliant bedrooms within the proposed short-term rental; the certification by the County Environmental Health Department that the on-site wastewater disposal system on the property will be sufficient to serve the number of bedrooms; and certification from the County Transportation Department that an authorized driveway encroachment permit and off-street parking area meets or exceeds County standards; and any other limitations contained within this policy. Occupancy, for purposes of determining “maximum occupancy,” is defined as two (2) people per bedroom and occupants shall include any children. Occupancy limits may be increased on a case-by-case basis, at the discretion of the Planning Director, based on findings and conditions outlined in the issued administrative use permit for the short-term rental.

6. Transient Occupancy Tax (TOT): A valid Transient Occupancy Tax certificate/letter issued by the County Treasurer-Tax Collector confirms that the short-term rental unit is registered for participation in the transient occupancy tax collection process.

7. On-Site Parking: Parking of vehicles and any trailers (boats, snowmobiles, and the like) shall be restricted to off-street locations on the property containing the short-term rental. The number of parking spaces required shall be calculated on the basis of the maximum occupancy on the property containing the short-term rental. The application for administrative use permit shall contain a parking plan for the property that will contain the short-term rental. If sufficient on-site parking is not available on the property containing the short-term rental, an alternative parking plan may be prepared and submitted for consideration to the County Planning Department and may be approved by both the County Planning Department and County Transportation Department.
8. Application Special Inspection Fees: A special inspection fee as required by the Board of Supervisors, in addition to the regular application fee required by this policy, may be charged for any site inspection needed to qualify the residence to be used for a short-term rental, if the information supplied as part of the application is not consistent with Sierra County records and/or any of the following situations exist:
   a. A land use violation exists on the property.
   b. The residence that is being used as a short-term rental has an open building permit where occupant health and safety could be compromised.
   c. There is a need to have the County Building Department, Planning Department, or Environmental Health Department conduct an on-site visit to review and verify that the on-site wastewater disposal system is designed to serve the proposed maximum occupancy of the short-term rental unit.

No short-term rental administrative use permit shall be issued until these identified issues are resolved to the satisfaction of the County.

9. Site Plan: A site plan of the property drawn to scale shall be submitted as part of the application and contain the following information: property boundaries, generators, propane tanks, driveway, structures on the property, waste receptacles, off-street parking areas, any proposed propane fire devices, garden hoses, any patio areas, decks, or proposed for occupant gatherings, and exterior lights (other than exterior entrance and exit lights on the residence) that may be used (light strings, flashing lights, landscape, and site illumination devices) and any other like facilities.

10. Interior Floor Plans: Interior floor plan of the short-term rental unit showing all accessible spaces such as bedrooms, bathrooms, kitchen, laundry room, dining rooms, great rooms or living rooms, lofts, wood burning appliances, entrances and exits, locations of fire extinguishers and smoke/carbon monoxide alarms, telephone, and other interior space uses.

11. Waste/Trash Removal: Method of waste collection and disposal shall be identified on the plans and the location of waste cans shall be conveniently located for occupant use and not located within any front yard area.

12. Fire Extinguishers/Smoke Alarms: On-site fire extinguishers (charged and certified), smoke and carbon monoxide alarms, and exterior hoses are required to be provided during occupancy of a short-term rental. These facilities shall be identified on the site plan and interior floor plan as required herein.

13. On-site Snow Removal: If the short-term rental is offered for rent between October 1st and May 1st, provisions for snow removal shall be identified.
F. **Term and Scope of Permit.** An administrative use permit for the short-term rental issued under this policy shall be valid for a maximum term of two (2) years, and shall expire on December 31st of the second year, unless revoked, or otherwise suspended or canceled by Sierra County.

1. Permit Authorization: The administrative use permit authorizes the property owner to conduct only such uses as described in the permit and in accordance with the terms and conditions of the permit and this policy.

2. Amendments: Transfers of property ownership, or local contact person, or other change in the short-term rental shall require notification in writing to the County Planning Department.

3. Renewals: An administrative use permit for the short term rental may be renewed for additional terms of two (2) years. The property owner must file a request for renewal on forms provided by the County Planning Department prior to the expiration of the permit. The renewal application must contain any updated application information, if changes have occurred or required building code standards have been amended and said amendments require action on the part of the property owner of the short-term rental.

4. Application Fee: Payment of any permit fee, according to a fee schedule adopted by the Board of Supervisors, is required as part of the administrative use permit application or request for renewal.

G. **Property Inspection.** Short-term rentals shall be inspected as part of the initial application for the administrative use permit by County Planning Department to ensure compliance with this policy. Follow-up inspections during application for permit renewal may be made at discretion of the Planning Director. Refusal to allow an on-site inspection by the County Planning Department or designated agent shall be deemed an abandonment of the application or grounds for revocation of the administrative use permit issued for the short-term rental.

H. **Standards of Operation.** All short-term rentals authorized by an administrative use permit are required to comply with the following standards and shall not generate conditions that disturbs or otherwise impacts the health and safety and general welfare of the community or the neighborhood area where the short-term rental is located. The standards of operation, including but not limited to the following, shall be the minimum required for any short-term administrative use permit issued by the County, unless otherwise modified by the County:
1. Responsibility of property owner: It is the responsibility of the property owner and the management company or local contact person responsible for the short-term rental to be in control of the short-term rental unit; to inspect and visit the property as needed to assure compliance with this policy; and, to prevent nuisance behavior and maintain neighborhood peace, welfare, and safety.

2. Local Contact Person: The owner of the property containing the short-term rental shall appoint/hire a local contact person or a property management company that shall be available by telephone or in-person on a twenty four (24)-hour basis and who can physically be present at the property within thirty (30) minutes to service a call by the occupants of the short-term rental, to respond to complaints issued by any law enforcement agency or by the County Planning Department. The local contact person, who may be the owner of the property or an independent person, shall have the authority to assume management of the short-term rental in order to respond and remedy any occupant calls or official complaints. The local contact person shall be empowered by the property owner to address physical conditions or circumstances that constitute an immediate threat to public health and safety. The name and all contact information of the local contact person shall be provided to the occupants, clearly posted within the residence, and provided to the County Planning Department and be maintained with current information at all times.

3. Emergency Communications: A working, landline telephone is required to be installed and operational within the short-term rental. Emergency numbers shall be posted in plain view and immediately adjacent to the telephone. The property shall also be listed in the “Everbridge” Emergency Notification System maintained by the County Sheriff Department and County Office of Emergency Services so that any emergency alerts will be able to be received at the short-term rental.

4. Noise/Outdoor Activities: Noise limits and quiet hours are imposed from 10:00pm. to 7:00am, daily. During these “quiet hours,” any noise originating from outside locations or from inside the short-term rental unit (music, parties, gatherings, barking dogs, and like places or origin) that can be easily detected from adjoining properties is strictly prohibited. These hours and the need to respect “quiet hours” shall be posted inside the short-term rental in a location readily visible to all guests.

5. Pets and/or Animals: Traditional domestic pets (dogs, cats, birds) allowed within any short-term rental by the property owner shall be under control of the owner at all times and are not allowed to run-free on the short-term rental property unless the property is adequately fenced or otherwise secured by an enclosure. No agricultural animals and no exotic or wild animals (birds excluded) shall be permitted within
short-term rentals. Occupants of the short-term rental shall possess evidence for each animal’s current vaccination against rabies, canine parvovirus, and distemper.

6. Exterior Lighting: Exterior lighting is required for all entrances and exits located in the short-term rental and shall meet the general specification to “light the site, not the night.” Light glow and light beams shall be pointed downward from the light fixture toward the ground. Any site lighting, other than light fixtures attached to the short-term rental to illuminate entrances and exits, shall not have glare or illumination directed toward adjacent properties. Any lighting that interrupts or causes a nuisance condition to surrounding properties is prohibited. Tiki torches or like lighting products using open flame are prohibited.

7. Parking: A parking plan showing all parking locations shall be provided for the property containing the short-term rental and sufficient parking spaces shall be provided for the “maximum occupancy” for the short-term rental. Parking spaces shall be off-street, clearly delineated, and located on the property containing the short-term rental. If sufficient space for off-street parking is not available for the maximum occupancy calculated for the short-term rental, the property owner may submit an alternate parking plan for consideration by the County.

8. Snow Removal: It shall be the responsibility of the property owner and/or local contact person to remove snow for guests.

9. Physical Address Posted: The short-term rental shall have posted in a clear and obvious location; the physical address of the property and such identification shall comply with street address standards found in Sierra County Code Section 11.40.060. The address identification shall be legible and placed in a position that is visible from the street or fronting road to the property. Whenever the address on the short-term rental is not clearly visible from the street or access road fronting the property, a second sign may be required by the County.

10. Rental Rules/Emergency Contacts/Visitor Information: The short-term rental shall have a binder available to the occupants that is readily accessible and complete with visitor information, maps of the area, emergency contact numbers, name and contact information for the “local contact person” or property manager, listing of available services, contact information to report utility outages or issues, emergency service organizations, law enforcement information, contact information for behavioral health crisis line and like services, and other pertinent information required for the guest(s) renting the home. The binder shall include operator manuals for primary appliances (furnace, generator and transfer switch, etc.), and operating instructions for fire, smoke, and carbon monoxide alarms, location of fire extinguishers, rules regarding
prohibitions contained in this policy such as prohibitions on tiki torches or outside lighting involving fire and flame, prohibition on wood fire pits, prohibition on barbeques other than propane fueled barbeques, designated quiet times, etc.

11. Fire Extinguishers, Smoke Alarms & Carbon-Monoxide Detectors: All short-term rentals shall have two (2) 5-pound and one (1) 20-pound charged fire extinguishers in the interior of the rental. Operating carbon monoxide and smoke detectors in good working order shall be located within any short-term rental as required by the California Building Codes, adopted by Sierra County. In accordance with the California Building Code, at least one smoke alarm shall be located in every bedroom and on every level of the short-term rental, including basements, garages, and habitable spaces.

12. Propane/LPG Barbeques and Outdoor Fires: Outdoor fixed or portable fire pits and barbeques fueled by Liquid Propane Gas (LPG or propane) limited to twenty (20)-pound fuel tanks or smaller may be used at short-term rentals, or if hard-plumbed to the LPG service to the house. Any LPG fire pit and any LPG barbeque shall be restricted to approved locations on the property outlined in an annual inspection by the County Building Department, serving fire district, or Authority Having Jurisdiction. Barbeques and fire pits fueled by charcoal briquettes or wood, or any other material other than LPG are prohibited. Tiki torches or like products are prohibited.

13. Water Supply: Short-term rentals not served by regulated public or private water systems shall either be subject to posting notice to occupants that the water is not tested, or the water supply shall be tested and cleared, according to standards of the County Environmental Health Department. For short-term rentals served by regulated water systems, a disclosure including the name of the water system and contact information shall be available. Water systems are required to provide annual “Consumer Confidence Reports” to the consumer and this annual report shall be available (shared) with the guests either “online” or available in the Emergency Communications/Visitor Information “binder” maintained within the short-term rental.

14. Exterior Water Source/Fire Defensible Space: Short-term rentals shall have operable exterior hoses of no less than 100 feet in length connected to at least two exterior hose bibs. These hoses shall be equipped with nozzles that are designed for on-off operation. The rental property shall comply with the defensible space and fire protection setbacks and applicable standards of any local ordinance and the regulations enforced by CalFire under Public Resources Code, Sections 4290 - 4291 and regulations found in Sierra County Code Chapter 8.12. These standards shall
include, but are not limited to, an available water supply, visible exterior posting of the property address, maintaining clearances of vegetation and maintaining defensible space around all structures, property lines, parking areas, and access/driveway locations.

15. Solid Waste Disposal: All solid waste and refuse generated from the rental of the property shall be properly disposed of in compliance with Sierra County Code Chapter 8.05 (Solid Waste Disposal Ordinance) and trash shall be properly disposed of after each rental is conducted. Refuse containers shall comply with the provisions regarding Black Bear Management and Safety per Sierra County Code Chapter 8.40 and shall be conveniently located for occupant use and not within any front yard area. Evidence of compliance with this requirement shall be provided as part of the short-term rental administrative use permit application. The short-term rental shall be maintained free of any litter and waste shall not be stockpiled at the short-term rental with any and all waste cans required to be emptied at least once per week. Brush piles, green waste piles, limbs, and other flammables shall not be maintained on the property.

16. Sewage Disposal: The approved and advertised occupancy of a short-term rental shall not exceed the existing design-capacity of the septic system and the maximum occupant load as required by this policy.
   a. Capacity: The property owner shall not advertise nor allow occupancy of the short-term rental for more persons than the design capacity of the individual On-Site Waste Treatment System (OWTS), septic tank that is in existence on the property. County Environmental Health Department will verify how many bedrooms the existing OWTS is approved to serve including the maximum number of people that can reside in the short-term rental.
   b. Guidance Information: Guests staying at the short-term rental will be provided guidance information on how to properly dispose of waste. County Environmental Health Department can assist to provide informational handout as to what can be flushed in the toilet, grinded in the garbage disposal, or poured down the sink, shower, and/or bath. Guests should be made aware that everything that goes down the drains ends up in the septic system of the short-term rental and overall affects how well the septic system functions.

17. Transient Occupancy Tax (TOT) Registration and Certificate: The short-term rental shall comply with the Transient Occupancy Tax requirements outlined in the Sierra County Code Chapter 5.20 and an annual certification issued by the County Tax Collector shall be provided to the Planning Department at last every two (2) years as
part of the permit or renewal process to ensure that the property complies with these requirements.

I. **Prohibitions and Restrictions.** The following are prohibited uses on properties containing short-term rentals:

1. **Incidental Camping:** No incidental overnight camping shall be permitted on the exterior grounds of a property containing a short-term rental including but not limited to the occupancy of tents, yurts, recreational vehicles, campers, travel trailers, motorhomes, camp trailers, or any like use. An administrative use permit for a short-term rental does not authorize any incidental camping on the property.

2. **Special Events:** Receptions, weddings, retreats, and/or any other similar events, which create or have the potential to create traffic issues, parking issues, noise concerns, impacts to sewage disposal capacities, trash and refuse issues, or like issues in Sierra County neighborhoods, are prohibited on the property containing a short-term rental.

3. **Subletting:** Guests and occupants of a short-term rental shall not sub-lease the occupancy and use of a short-term rental or otherwise bypass the requirement for an administrative use permit.

4. **Non-Propane Outdoor Fireplaces and Fire Pits:** No campfires, wood-burning open pits, open bonfires, vegetation burn piles, or any other flammable devices are permitted for use by occupants of a short-term rental. LPG (aka, Propane) fueled fire pits using twenty (20)-pound fuel tanks or less are acceptable for outside use if they permanently located and are setback a minimum of twenty-five feet from any property line and fifteen (15) feet away from any structure, trees, flammable vegetation, or other source. The County Building Department, CalFire, or serving fire protection district must approve the type and location of the propane fire pit.

5. **Outdoor Grills and Barbeques:** Charcoal briquettes, wood, or other like type of barbeques or grills that are not fueled by LPG are prohibited. A specific area shall be designated for placement and operation of a LPG-fueled barbeque. These devices shall be no less than fifteen (15) feet away from any structure and at least twenty-five (25) feet from any property line. Guests are prohibited from relocating the barbeque to another location on the property.

6. **Fireworks and Firearms:** Fireworks and discharge of any firearms is strictly prohibited.
7. Accessory Dwelling Units (ADU) as a Short-Term Rental: No ADU, guesthouse, or caretaker unit shall be advertised, maintained, operated, nor put to use, as a short-term rental. If the building was permitted as an ADU, it shall not be used as short-term rental.

8. Vehicle Maintenance and Repair: No vehicle or equipment maintenance or repair shall occur by any occupant of an approved short-term rental.

J. **Processing of Complaints/Violations of Short-Term Rentals.** In the event that complaints are received by the County alleging a public nuisance or non-compliance of the short-term rental with this policy, the property owner, local contact person and/or management agency will be notified by the County Planning Department who will investigate and render a report on its findings. Distribution of the investigative report shall be made to the property owner, County Sheriff, County Environmental Health Department, County Transportation Department, and the serving fire protection district, as appropriate. Failure of the property owner to correct any noted deficiencies or noted violations shall be a basis for suspension or revocation of any issued short-term rental administrative use permit. Correction of any noted violation of this policy or abatement of any noted Sierra County Code violation affecting the short-term rental shall be corrected within a reasonable time as specified by the County Planning Department. In the case of any violation of this policy, code violation, or finding of nuisance that is considered a matter of life-safety for any occupant of the short-term rental or which is necessary to be corrected for public health and safety once served on the property owner by the County Planning Department shall be corrected before any further occupancy is authorized of the short-term rental unit.

K. **No Property Rights Conferred.** Short-term rental permits do not provide a vested interest or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land. Property owners must notify the County Planning Department and County Treasurer-Tax Collector upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this policy.

L. **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**STANDARD LANGUAGE ON ENFORCEMENT, FINES, APPEALS, ETC. TO BE DRAFTED BY COUNTY COUNSEL.**
Ordinance Section Three:

This ordinance shall take effect thirty (30) days after the effective date of its passage. Before expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in The Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors, County of Sierra, State of California, on the ___ day of ______, 2022, and passed and adopted by the Board of Supervisors on the ___ day of ______, 2022, by the following roll call vote, to wit:

AYES: Supervisors
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

Paul Roen, Chairman
Board of Supervisors

ATTEST: APPROVED AS TO FORM:

___________________________  __________________________
Heather Foster                        David Prentice
Clerk of the Board                 County Counsel
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Corri, After reading the article of what Truckee just passed. I think your ordinance will need to be equal or stronger than Truckee to avoid air BNB investors just moving to the next county, with that said I believe meaningful fines for violations would also need to be incorporated.

Best,
Cindy & Glen Haubl
Sierra Pines Resort
104 Main Street
Sierra City, CA 96125
(530) 862-1151
www.SierraPinesResort.com
Remember to LIKE us on Facebook! @SierraPinesResort

On Wed, Mar 30, 2022 at 6:27 PM Corri Jimenez <cjimenez@sierracounty.ca.gov> wrote:

Dear Cindy and Glen,

Thank you in advance for your comments and support. I will add your concerns/questions into the administrative record. I have “cc”ed both Director Beals and Assistant Director Pangman on the email so we can respond appropriately in the staff report on these questions. Currently, I am collecting comments and will address them in my staff report so that the Planning Commission has all the necessary specifics to make a recommendation, if it moves forward to the Board of Supervisors.

Take care for now and hope you can attend the Planning Commission meeting on April 14th!

Corri Jimenez
Planner II
Sierra County Planning Department
101 Courthouse Square
Downieville, CA 95936
Hello Corri,
Thank you for taking the time to discuss my concerns regarding the proposed short term rental ordinance currently being discussed by the county.
I would like to obtain the zoning of the building and the occupancy status of the upper floors. It is my understanding that if the upper floors have been determined to have a certificate of occupancy the restrictions under the proposed legislation may not apply and short term rentals will continue to be allowed.
Please let me know if I can provide additional information.
Thanks,

Jeff Champlin

415 990 9227
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received this from our water person and am wondering why. I live on Butte St in a house that was my mothers. I have the main house where I live plus a lower lot that years ago she had it plumbed with water, electricity and a good size septic tank. At times over the years she would allow someone to rent for an extended period of time. I believe at one time she had paperwork saying that was okay to do.

Am I to assume by your emails that this would no longer be okay to do? Am I mis-reading this or what. The people that I have rented to have stayed for a good period of time, have done as they should, and took care of the property.

Please advise as this really will hurt my future.

Thanks
Joan
joanodum@att.net

Begin forwarded message:

From: Wendy Wayman <wwayman@mac.com>
Sent: Wednesday, March 30, 2022 1:33 PM
To: Jonathan Bowne <jonbowne@gmail.com>; Joan Odum <joanodum@att.net>; Bruce Madsen <brucemadsen5@yahoo.com>; tyoung@sierravacation.com; Joanne Patheal <jpatheal@aol.com>
Subject: Fwd: 1693 Routing Commenting Agencies-Short Term Rental Ordinance (Draft)
Hi Lee and Liz,

Thanks for allowing us to share some thoughts on the proposed ordinance regulating short term rentals in Sierra county. As we read the current ordinance short term rentals would be prohibited in commercials zones. This would mean our building at 208 Main street would not be allowed to continue short term rentals as has been done for the past 20 years.

First of all, Bibi and I are very much in support of the broader goals of the ordinance. We purchased 208 Main street in 2013 and have heard almost from that time, concerns from locals regarding the availability of rental units. When we first came to Downieville, we were one of, maybe, three short term rentals. I imagine that number has tripled. That said, the ordinance, as it reads currently, would prohibit the short term rental of the upper floors of our building. The elimination of that unit would do nothing to add to the available rental stock and would have signification and lasting detriment to the town.

I think the main concern the ordinance attempts to address is the removal of available long term rental units in favor of converting those units to short term rentals available through Airbnb, VRBO and the like. We purchased our building in 2013 from Eric Gellerman. Eric had a long family history in Downieville and long wanted to build a mountain biking center. He purchased 208 Main street sometime around 2003 – at least that is when he pulled permits to rebuild the building. And rebuild it he did from the ground up, literally – he poured something like 10 trucks worth of concrete. The building was designed around the bike shop. Eric’s goal was always to have a loft sitting above the bike shop that catered to mountain bikers. Everything about that building is designed to accommodate large groups for short terms. The loft is county limited to 8 people but can sleep 13. All of these people sleep in essentially one bedroom. There are no doors in the living areas and not a single closet to hang a shirt. As a practical issue, the ceilings are 40 feet high which means the loft is difficult to heat in the winter. It requires constant heating which would cost at least 500 dollars a month. There is really no way that space would allow normal tenancy and we would not consider making it a long term rental if the legislation passes.

Parking is also listed as a concern. The loft does have legally assigned parking in the space along the Yuba theatre fence. This space may not accommodate all parties staying in the loft but, as almost all of our guests are mountain bikers, they would be driving to use the services of the bike shop anyway. We don’t think the loft represents a burden on available parking spaces.

Should the loft no longer be allowed short term rentals there would be significant financial detriment to the town. Since 2014 we have paid almost 20,000 dollars in transient tax. That pales in comparison to the revenue our renters have brought to town. In that same period we have hosted probably 2,000 people. These people rent shuttles, buy bikes, go to local restaurants, and spend lots of time at the St Charles. Hard to imagine how much money those people have spent in town. None of that is possible under the current ordnance.

I think it is worth pointing out that Bibi and I have never thought of our building as a money making venture. We purchased the building simply so we could spend more time in Downieville. We brought rental rates up to market value in 2013 and have never raised those rates in the following 9 years – with one exception. We did increase the cleaning fee which goes to the house keeper (another loss should this legislation pass). We do not see that fee. As you are likely aware, we also donate the Main street space to the Yuba Gallery. BJ pays utilities and a very small percentage of sales once the artists have
been paid. Again, we do not see this as a money maker. In fact, most months see no profit. When Cherry Simi was asked to vacate her space in the building next door we called her right away and offered our space for her business. She pays a small fraction of what she paid next door and that fee will likely only cover additional utilities.

Like I said, we very much support the goals of the proposed legislation but as it reads now, these goals are in no way advanced and there will be significant downsides. By any measure, we have been good corporate citizens. We really do have the welfare of town in mind. I hate to think our efforts in that regard would go unrecognized.

I am not sure what the next steps would be but we would very much like to see the section of the ordinance that prohibits short term rentals in commercial zoned areas removed. Perhaps the restrictions could be applied to units moving forward as it seems unfair to retroactively apply these restrictions which completely upend the way the loft has been rented for almost 20 years. Maybe a simple exemption could apply.

We are open to any further conversation you think might be helpful.

Best Regards,

Jeff Champlin

415 990 9227
Sierra County Planning Commission  
P.O. Box 530  
Downieville, CA 95936  

April 19, 2022

Dear Mike Fillipini, Planning Commission Chair, et. all,

This letter is in response to the notice that a public hearing will be held in regard to the new regulations on short term vacation rentals in Sierra County.
I have turned my residence in Sattley into a vacation rental managed by VACASA, an international vacation rental company.

Corri Jimenez, my new neighbor and recent employee of the Sierra County Planning department has notified me and sent to me pending regulations regarding vacation rentals in our county: Chapter 15.10.060 Short Term Rentals. From that document, I have learned that my house at 150 Main Street in Sattley is designated as “Residential Single Family (R-1) Zoning district. Therefore it will be a bonafide legal vacation rental: much to my delight.

The short term rental ordinance document is rather thorough and your people have done an excellent job covering most of the concerns one would have concerning the matter.

However, if I may, I have a few additional concerns;

1.) There needs to be a way of communicating to the authorities when the owner will be occupying the dwelling. For example, I am planning a birthday celebration for my friend at my Sattley house. There will be many people attending, understanding that tents will not be allowed for the renters, tents will be set up in the yard for our birthday party. In addition, my family will all be present during Christmas Holidays. Although fires will not be allowed for the renters, we always have a fire during that holiday for our particular spiritual celebration.

2.) Regarding item F11: Currently, trash removal is requested to be removed by the guests. This has worked out fine since last October. VACASA housekeeper removes what the guests miss.

3.) If you haven’t noticed it yet; There is a discrepancy between items E2 and G3. Will the permit length be 2 or 3 years?

4.) I would like there to be an exemption clause somewhere. For example: I would like an exemption to be permitted for my home for item #1-3. I have a landline presently. However, a new transmission tower has been installed in Sierrville which has allowed excellent cell phone service to my house ever since. I never use the landline, nor does anyone else. It costs me $60.00 per month. I had finally decided to cancel it. But regulation I-3 says that one must have an installed phone. I understand this regulation would be absolutely necessary in Sierra City, Downieville, Alleghany etc., where there is no cell service. In my case and all others in Sierra Valley with excellent cell service should have an exemption available!! PLEASE!!!

I sincerely thank you for giving the public an opportunity to comment.
Suzi Schoensee  
150 Main Street  
Sattley, CA 96124
Dear Corri, Planning Department and Board of Supervisors,

Thanks for taking the time to read this letter/email. We very much appreciate it.

We purchased our home in Sierraville last March first and foremost to enjoy the home, retire there, and leave it as gathering place for our children and grandchildren. We are not investors. We want to plant roots. We love this area and the community which we are becoming a part of. We plan to be here for the long haul.

The home includes a wonderful, finished and self-contained apartment above the garage. We have been considering short-term renting this apartment to partially offset some costs (property tax, utilities, etc). This is the kind of thing we would only do minimally throughout any given year - maybe 60-90 nights at most during the times when we’re not able to be up in the area.

The unit also includes:

- Two dedicated parking spaces that are just off the street (no impact to street/local parking)
- Independent utility infrastructure from the main house
- Occupancy of 1-3 which would not impact our septic system
- The garage and the above apartment are a separate, detached structure from the main house
- We would work with a local contact person to be on call during rental periods, and deal with garbage and snow removal.

We feel we can satisfy and adhere to all the rules proposed in the new ordinance, however, the current proposed ordinance (if we are
understanding it correctly) might consider this apartment an ADU or one of the other structures addressed in section B6. If this is the case, we’re having trouble understanding the reasons to not allow such a dwelling. And is there a way to gain approval for such a dwelling?

Finally, our home is in Zone CC, which seems to automatically exclude us from participating in STRs. But our home is a home: It’s not a store, restaurant, farm, hotel or bed & breakfast. It’s a home meant for a single family that just happens to be in a commercial area. We would hope that the Board of Supervisors would consider a carve out for such unique properties. And we’re not looking to compete with any existing hotel or B&B. We simply have a small, self-contained dwelling on site that we would like to rent out a handful of times throughout the year to make a little bit of income to offset our bills. We don’t see that having any significant impact on local hotel or B&B business, and may in fact give a little bit of help to our local restaurants, cafes and stores.

Thanks for reading and appreciate your consideration
Greg and Christine Munson
Greetings,

Here is the research I was speaking about in today's meeting. Further in there is a breakdown of VRBO/Airbnb breakdowns and information on monthly rentals, as well as proposed how they may affect our rental opportunities for local people.

They are also proposing a housing incentive program to encourage homeowners to rent their properties for short-term seasonal employees in our county as a 3 month plus start. Hopeful it will build relationships/trust with some of the vacant summer homes as a potential they will open up and rent on a more long term basis in the future.

Possible solution to less growth while housing local workers. See report below.

**Hiring needs:** Still Collecting Data, three are more needs than indicated below, but it's a start!

*Downieville & Sierra City:*
- 2 PT Carriage House
- 2 PT Riverside mountain Lodge
- 2 PT Empire Creek Provisions
- 1 FT Empire Creek Provisions
- 2 PT Cold Rush
- 1 FT Cold Rush
- 1 PT Boomtown Lounge
- 1 FT Boomtown Lounge
- 2 PT Downieville River Inn
- 2 PT Downieville Outfitters
- 3 PT Downieville School
- 2 FT Downieville School Teachers
- Various positions at Court House (Judi Belkhe will get me numbers soon)
- 2 PT Sierra Shangri-la
- 1 PT Sierra Pines

**Total right now: 18 Part-time positions & 6 Full-time positions**

*Loyalton:*
- 3 FTE Loyalton High School
- 2 PTE Loyalton Schools
- 1 PTE Timber Cafe
Total right now: 3 PTE & 3 FTE

*Still collecting data with Wendy Jackson for East Side

We also need data on which residents have only temporary housing right now and cannot find long-term housing: I.E.

*Siobhan Markee in Sierra City (DVL teacher)

*Deputy in DVL staying in Autumn’s basement.

**Downieville Vacant homes:**

Of the 160 properties surveyed by Jeff Sperry—a member of the Trail Stewardship about 50% of the homes are vacant with out of state or out of city owners.

The recent census in 2020 shows that there are only 60 households in Downieville with year-round residents.

Meaning that over 70% of the properties in Downieville are not available for long-term OR short-term rentals (more than 1 month).

**Vrbo “houses and apartments”:**

Sierra City: 5 properties

Downieville: 8 properties

Calpine, Sattley, & Sierraville: 3 properties

Loyalton & Sierra Brooks: 0

**Total in Sierra County: 16 properties**

**Airbnb “houses and apartments”:**

Sierra City: 11 properties

Downieville: 2 properties

Calpine, Sattley, & Sierraville: 10 properties

Loyalton & Sierra Brooks: 4 properties

**Total in Sierra County: 27 properties**
Airbnb (monthly stays):

Downieville: 6

Sierra City: 7

Calpine, Sattley, & Sierraville: 6 properties

Loyalton & Sierra Brooks: 5 properties

**Total in Sierra County: 24 properties**

*Many of the properties on VRBO and Airbnb overlap, please note that the team did not have time to disaggregate this data fully.

**Analysis:**

So, we know that Airbnbs and VRBOs and other vacation-style rentals affect the housing prices as well as rental prices for families. *Forbes*: The ‘Airbnb effect’ is to some extent remarkably similar to gentrification in that it slowly increases the value of an area to the detriment of the [local] residents, many of whom are pushed out due to financial constraints. A separate U.S. study found that a 1% increase in Airbnb listings leads to a 0.018% increase in rents and a 0.026% increase in house prices. It might not seem like much on the surface but there’s a cost creep for those looking to rent long-term or buy—and these rates become exponential over years and decades. Today there is a discussion about limiting the amount of Airbnbs and VRBOs in Sierra County as we feel these effects here.

However, short-term rentals are not so competitive in the area (many of the Airbnbs and VRBOs operate more like the hospitality industry with under 30 day stays). When we look at Downieville for example—of the roughly 160 properties or so—only 8 are Airbnbs and Vrbos–60 are family homes and residencies—and the other 92 properties are just second or third homes, completely empty until the homeowners choose to visit. Therefore, teh SCVB is not so sure that it's necessarily Airbnb and VRBO (right NOW) that are the main issue in finding families rentals. Perhaps, we should consider obstacles to allowing further vacation rentals, such as permits or application processes that are more selective and rigorous, but a cap at this point would detract from the real issue at hand: property hoarding and wealth extraction from Sierra County. Researchers found that in local neighborhoods with a lower share of owner-occupancy, Airbnb had a higher impact on rising housing prices and rents. In areas with a higher share of owner-occupancy, Airbnb had somewhat less of an impact on property prices and rents. For instance, The Top Story in Loyalton is an Airbnb out of a single residence home. That space would not be rented out to a family with or without an Airbnb or cottage market.

However, letting non-Sierra County residents benefit from our natural resources without giving back to the local economy or community with either social or fiscal assets creates a vacuum of wealth—they are not spending their money in our county, supporting our businesses, sending their kids to our
schools, or stimulating the economy in any way with their homeownership. Instead they spend their wealth in other counties and states and bar access to long-term housing needs for our communities to survive. [https://www.huduser.gov/publications/pdf/wealthaccumulationandhomeownership.pdf](https://www.huduser.gov/publications/pdf/wealthaccumulationandhomeownership.pdf) has more information about the correlation between wealth extraction and homeownership in a more broad context.

Therefore, the Sierra County Visitors Bureau is advocating for a housing incentive program that encourage these homeowners to rent their properties for short-term seasonal employees in our county—as a start (3 month plus)—and hoping that this will build trust with those homeowners to potentially consider long-term rentals. The Truckee and Tahoe Landing locals program found a lot of success with their program, which we drew inspiration from, and all homeowners who opened their homes to locals for middle-income employment are re-upping their leases this year! Their incentive is offering around $10,000 to each homeowner (studios and single bedrooms at about $5000) to allow long-term rentals.

This was funded by the county government through the American Rescue aide from the White House—$20,000 to kick it off and then Landing Locals has generated its own revenues (paired with an increase in ToT tax) to sustain the program. The West Side of Sierra County has a very high ToT tax and the SCVB proposes that Loyalton consider a ToT tax to support housing and emergency services as well in community effort to support our community! For instance, the Riverside Mountain Lodge and Carriage House raised $40,000 in one year for ToT tax for programs—Loyalton businesses could equally contribute (or at least consider a moderate ToT tax) to maximize efforts and leverage funding to benefit the entire county. Additionally, we do think permits and regulations for new VRBO and Airbnb rentals should be considered as well.

Thank you for your time!

Niecea Wilson,

Any questions or source sites, please email Niecea at niecea@visitsierracounty.com
Corri Jimenez

From: Sabrina Smith <sabismith@hotmail.com>
Sent: Tuesday, April 26, 2022 12:31 PM
To: Corri Jimenez
Subject: Proposed Sierra County Short Term Ordinance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning, Corri:

First, thank you for your research and efforts pertaining to this very sensitive project. I am sure your team have spent a lot of time working this through.

If the proposed short term ordinance (Proposal) is approved as currently described, its impact will effect the use and $value of our Downieville property, the Forks Building located on Main Street. As a result, I am getting acquainted with the process and want to understand the intent of the Proposal.

Did the County procure an attorney to draft the proposal? If so, can I have that information? Or, I understand that for our small County, it is understandable to utilize sister Ca. Counties policies on this subject as a boilerplate. If this is the case, did your team acquire those county board meeting minutes to gain understanding of the intent of the particulars included in the policy? If yes, can I please acquire that research?

Thank you for your time.

Sincerely,
Sabrina Smith
(530) 862-0733

Sent from Mail for Windows
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the clarification Corri. I think this takes a step in the right direction.

From the Sierra county coding website regarding Commercial Residential zones -

A. Purpose and Intent. To provide for transient residential and retail commercial and amusement uses which are appropriate to highway location and dependent on highway travel.

I am not a city planner nor a lawyer but it seems "transient residential and retail..." directly applies to 208 Main street. With that in mind, is it reasonable to ask the the proposed ordinance 15.10.060 section B paragraph 1 be revised to state -

1. Permitted locations: Short-term rentals are only authorized, subject to issuance by the County of an administrative use permit as defined herein, within the following zones: Residential One Family District (R1) and CR commercial residential zone.

I don’t see how the intentions of the ordinance are weakened and the county does not then lose a valuable asset.

I think there are also other avenues that will allow the short term rental model that has existed in that building for at least 20 years to remain in place.

Tim, if you think an in person conversation would be useful I am available at your convenience.

Thanks,

Jeff Champlin
415 990 9227

On Wed, Apr 27, 2022 at 1:52 PM Corri Jimenez <cjienez@sierracounty.ca.gov> wrote:

Jeff,

I am sorry for misleading you on the zoning. Your property is “Commercial Residential,” not “Community Commercial” (see zoning map and Sierra County Code 15.12.110). In regard to meeting, I am unsure on what “changes” you are looking to do but I am assuming it is about the short-term rental ordinance and your property. I am “cc”ing both Director Beals and Assistant Director Brandon Pangman, if you would like to meet.
Overall, this item will be heard on Thursday May 12th as a continuation Planning Commission meeting, which will be a public hearing, and the commission will be making the recommendation to the Board of Supervisors per the ordinance. Planning staff, under Director Beals, will be making changes to the draft ordinance per what was heard at the Planning Commission. You are welcome to submit a second letter if you want and I can enter it into the administrative record that will be included the Planning Commission's next packet. Any letters to the commission need to be received by May 4th. You are also can testify at the Planning Commission on May 12th and at the Board of Supervisor meeting, whenever that is set.

I hope this is helpful. Take care and talk to you soon, corri

Corri Jimenez

Planner II

Sierra County Planning Department

101 Courthouse Square

Downieville, CA 95936

(530) 289-3251 - c jimenez@sierracounty.ca.gov

From: jeff champlin <jeffchamplin@gmail.com>
Sent: Wednesday, April 27, 2022 12:59 PM
To: Corri Jimenez <c jimenez@sierracounty.ca.gov>
Subject: Re: 208 Main Street, Downieville

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Corri,

I am wondering what the next steps will look like.

I have received additional information that indicates 208 Main street may be "Commercial Residential" rather than "Community Commercial"

Did you ever get the clarification you requested regarding zoning from Brandon?

I guess the most straightforward thing to do is to actually meet with Tim regarding changes to the legislation prior to the supervisors vote.
On Tue, Apr 19, 2022 at 12:43 PM Corri Jimenez <cijimenez@sierracounty.ca.gov> wrote:

Thank you, Jeff, for your letter and I will add your letter as a new Planning Commission Exhibit (PC Exhibit D) to the Planning Commission’s agenda for tomorrow. Hopefully you can attend either in person or online. You can review the Planning Commission Packet on the Agenda Center at Agenda Center • Sierra County, CA • CivicEngage, which has a Teams link to join online. I also am “cc”ing Director Beals on this email exchange since he is the Secretary of the Planning Commission, plus I want to keep him in the loop so it is brought to all of commissioners’ attention.

Take care and talk to you soon, Corri

Corri Jimenez

Planner II

Sierra County Planning Department

101 Courthouse Square

Downieville, CA 95936

(530) 289-3251 - cijimenez@sierracounty.ca.gov

From: jeff champlin <jeffchamplin@gmail.com>
Sent: Tuesday, April 19, 2022 12:19 PM
To: Corri Jimenez <cijimenez@sierracounty.ca.gov>
Cc: Brandon Pangman <bpangman@sierracounty.ca.gov>; Bonnie Vierra <bvierra@sierracounty.ca.gov>
Subject: Re: 208 Main Street, Downieville

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Corri,

Here is the feedback I promised regarding the short term rental restrictions we discussed in the form of a letter I sent to Lee Adams.

Please let me know if you would like to discuss further.

Thanks,

Jeff

415 990 9227
On Fri, Apr 1, 2022 at 3:42 PM Corri Jimenez <cijimenez@sierracounty.ca.gov> wrote:

Hi Jeff,

Thank you for the email. I found the building permits for the “Gellerman/Trout” remodel that was done in 2002-2004 for 208 Main Street, Downieville. The remodel from 2003 (Permit #2003-24) is an open permit and has not been finalized, therefore, we have no certificate of occupancy on it. The remodel (Permit #2002-76) was finalized but there is no certificate of occupancy in the folder. Both permits are located in the Planning Dept and I am unsure if it is connected to a project Brandon has been working on per this building, so FYI.

Brandon, for your information, I spoke to Jeff today who owns 208 Main Street (the Yuba Gallery) and is adjacent to Sonya’s Gill Clark/Yellow building here in Downieville. Jeff and I had a conversation on the draft short term rental ordinance and he is concerned he will not be able to rent it on Airbnb for bicyclists. His building is zoned Community Commercial (CC) and is Commercial in the General Plan. As a commercial building, does he need to have a certificate of occupancy for the second floor to use it as a short-term rental residence? I am trying to get clarification on how best to answer questions on commercial buildings when it comes to the Short Term Rental ordinance and if they are “safe” since hotel/motel/property are permitted uses in the CC District. Please let me how to respond.

Thank you in advance! Take care and talk to you soon, corri

Corri Jimenez

Planner II

Sierra County Planning Department

101 Courthouse Square

Downieville, CA 95936

(530) 289-3251 - cijimenez@sierracounty.ca.gov

From: jeff champlin <jeffchamplin@gmail.com>
Sent: Friday, April 1, 2022 12:41 PM
To: Corri Jimenez <cijimenez@sierracounty.ca.gov>
Subject: 208 Main Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Hello Corri,

Thank you for taking the time to discuss my concerns regarding the proposed short term rental ordinance currently being discussed by the county.

I would like to obtain the zoning of the building and the occupancy status of the upper floors.

It is my understanding that if the upper floors have been determined to have a certificate of occupancy the restrictions under the proposed legislation may not apply and short term rentals will continue to be allowed.

Please let me know if I can provide additional information.

Thanks,

Jeff Champlin

415 990 9227
The Forks Building
310 Main Street
Downieville, CA 95936

May 4, 2022

District 1: Lee Adams
District 2: Peter W. Huebner
District 3: Paul Roen
District 4: Terry LeBlanc
District 5: Sharon Dryden

Subject: Sierra County Proposed Short-Term Rental Ordinance
312 Main (312 Main) Street, Downieville, CA 95936

Dear Sierra County Board of Supervisors:

We are writing about the historical Forks Building located on Main Street, Downieville, California. Please accept this letter as a request for consideration by the county Board of Supervisors to keep the current usages of 312 Main. The current usages bolster our ability to maintain The Forks building in repairs and taxes. Moreover, retaining its value and utilization for our businesses.

Background

The 312 Main is located above two businesses 1) Downieville Outfitters Mountain Bike Shuttle, Repair, and Rental Company 2) Sabrina’s At The Forks Wine Bar and Deli. This year, Downieville Outfitters (DVO) is celebrating its 25-years doing business in Downieville and Sabrina’s At The Forks Wine Bar and Deli (SATF) is celebrating its 5-years doing business in Downieville. The 312 Main is a three-bedroom apartment zoned MULTIPLE-FAMILY RESIDENTIAL ZONE (R3). The R3 residence is included in our building insurance which conducts annual fire extinguisher and health and safety inspections. 312 Main does not use VRBO or Airbnb. We have a Transient Occupancy Tax (TOT) permit and report and pay taxes to the County on all income received for any short-term stays.

To our knowledge, 312 Main has not been used as a long-term residence in over 20+ years. Except for a few exceptions with up to 6 months long-term usage. For example, in the Summer of 2021 and Winter of 2022, 312 Main was leased to a couple of families who used the apartment for periodic stays while either building a home or another who had no access to their home due to weather conditions. In 2020, we participated in a housing program with the Sierra County Department of Social Services, and we are open to continuing our support for this housing program.
The Forks Building
310 Main Street
Downieville, CA 95936

Another benefit we offer to the public are one-night stays. Other Downieville hotels require two- and three-night minimums. As proven in a recent automobile accident on Highway 49, there are times that a person driving through Downieville may need some sleep and an affordable one-night stay. We accommodate that need to help keep people and our highways safe.

Otherwise, for the past 20+ years 312 Main usages include: short-term rentals; rooming for business affiliates, such as, musicians, vendor representatives including brand sales reps and owners; employees; family and friends; the owners and their children; DVO and SATF customers; and in the past, we received guest referrals from Downieville hotels when they were sold out.

We are aware of the issues pertaining to second homes and escalating housing challenges in Downieville. In fact, SATF business was directly impacted in 2021. SATF Chef was unable to secure housing for purchase or rental forcing a family to move to Loyalton. Other issues impacting our business is when homes remain vacant any time during the year, mainly in the Winter. Although, Winter and Summer alike bring challenges. When vacationers and homeowners do come to stay, they bring food supplies from outside of our County. This directly impacts the number of coffees and other food items we can sell at SATF. It is the goal of SATF to remain open a minimum of ten months a year and ultimately, twelve months. 2021 SATF was able to remain open ten months. The hotel business was critical for our remaining open during the fall, however, the commerce dynamics have changed in Downieville, and we no longer have the same support. Therefore, reliance on year-round residences is monumental for sustaining SATF Deli and Café.

Long-Term Rental Concerns

312 Main is not located in a residential zoning, therefore, the same nuisances as experienced by R1 zones are less likely to occur. In fact, it was a long-term renter at 312 Main who had numerous domestic disturbances. On more than one occasion the renter of 312 Main was yelling, crying, or cussing during business hours causing hostility for our customers. Other concerns for long-term renting include our businesses open as early at 7AM and remain open as late as 2PM. Music is part of our business environment; customers congregate and talk outside on the sidewalk which is all heard above our shop. Another concern is the St. Charles Bar share a wall with two bedrooms of the 312 Main apartment which can shake caused by the bar’s music. We have reimbursed guests because of complaints of not getting any sleep due to the disturbance of the music, people chatting on sidewalk, and cigarette smoke coming into open windows.
Moreover, the risk of jeopardizing our businesses inventory and the buildings wellbeing is monumental because landlords have little to no control of people’s lifestyles or habits such as smoking, lighting fires, theft, etc. incidents we experienced with a long-term resident at 312 Main.

Summary
As long time Sierra County business owners we have firsthand experience with the impact of Downieville’s housing challenges, we respect the work the county is putting into this matter and support your efforts.

Thank you for your consideration of our request to retain 312 Main current usage practices.

Greg Long and Sabrina Smith
Owners
August 31, 2021

Mr. Brandon Pangman  
Assistant Director at Sierra County Planning and Building Department  
Sierra County Planning Department  
101 Courthouse Square  
P.O. Box 530  
Downieville, CA 95936

Re: Bed and Breakfast Ordinance

Dear Mr. Pangman,

We are writing to you to express our concerns about a possible ordinance regulating the Bed and Breakfast (B n B) properties in our community and throughout Sierra County. As property owners, we are adamantly opposed to any regulation and/or ordinance that curtail the use of our property. We as individuals recognize Real Property Rights. As a property tax payer and owner, we should have the right to B n B, lease, rent, sell, or leave our property vacant as we wish.

Please feel free to contact me at 530.289.3365 if you have any questions.

Regards,

Lora Lee and Gary V. Grutkowski  
424 Main Street  
Downieville  
gary@grutkowski.com

Sierra County Planning & Building Departments

SEP 2 2021

Received
DOWNIEVILLE, CA 95936
P.O. Box 530
Sierra County Planning Department
Assistant Director of Planning

ME. BEAUVO PAUGMAN

31 AUG 2021 PM 5
SAN FRANCISCO CA 940

GEUTKOWSKI

PC EXHIBIT K, Gary Grutkowski, received on September 2, 2021