



SIERRA COUNTY PLANNING COMMISSION

Meeting Agenda

June 16, 2022

10:00 AM

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

Location: Board of Supervisor Chambers
Sierra County Courthouse
100 Courthouse Square
Downieville, CA 95936

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.

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1. **CALL TO ORDER/ROLLCALL**
 2. **APPROVAL OF AGENDA**
 3. **APPROVAL OF MINUTES**
 - May 12, 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**

7. **PUBLIC HEARINGS**

8. **BUSINESS REQUIRING ACTION OR DISCUSSION**

8.1 Short-Term Rental Ordinance. The public hearing closed May 12, 2022 with a final 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 short-term rentals (Airbnb, VRBO, etc.). The Planning Commission conducted a public hearing April 20, 2022 and May 12, 2022, and closed the public hearing with direction to staff to make final changes to the ordinance and return with a final resolution for adoption, making formal recommendation to the Board of Supervisors for adoption. Planning staff's 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).

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, July 14, 2022.



SIERRA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, May 12, 2022

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

LOCATION: Board chambers
Sierra County Courthouse
100 Courthouse Square
Downieville, CA 95936

This meeting was open to the public for in-person viewing/participation, as well as available via video/teleconference.

1. CALL TO ORDER/ROLL CALL

The meeting was called to order at 10:08 am.

Commissioners Present: Chairman Mike Filippini, Liz Fisher, James Kelley, Janet Baldrige. Irv Christensen was absent.

Staff Present: Commission Secretary/Planning Director Tim Beals and Planner Corri Jimenez. Assistant Director Brandon Pangman was absent.

2. APPROVAL OF AGENDA

Thursday, May 12, 2022 regular meeting agenda, approved without changes

Motion: Kelley/Fisher **Approved** without changes. Vote: 4/0; Commissioner Christensen absent

3. APPROVAL OF MINUTES

March 10, 2022 minutes and April 20, 2022 minutes approved as presented.

Motion: Baldrige/Kelley **Approved** without changes. Vote: 4/0; Commissioner Christensen absent

4. CORRESPONDENCE

None.

5. PUBLIC COMMENT OPPORTUNITY

None.

6. WORKSHOPS

None.

7. PUBLIC HEARINGS

7.1 Woodruff ZV— Director Beals commented that this was a continued public hearing meeting from the April 20th meeting. He introduced the proposed project as a pair of zone variances in Sattley at the corner of Highway 89 and Route A23/Westside Road. The proposed project is for a zone variance for a workshop and a second zone variance for a pre-constructed, 120sf woodshed that is in the road setbacks adjacent to Highway 89. The Director outlined staff is recommending approval of the workshop variance but cannot support the variance for the as-built woodshed. He commended the owner, Mr. Andrew Woodruff, for what he has done with the small odd-shaped parcel. Director Beals stated that the

Environmental Health Department requested a secondary replacement septic field be shown as a constraint; and that planning staff supports the recommended conditions of approval in the staff report.

Chairman Filippini thanked the Director for the update and asked if there was anyone wanting to respond. Mr. Woodruff testified he received a challenging parcel from the previous property owner (Mr. Horton) as a triangular lot with several sheds and cows as neighbors. It has taken him 6 years to clear the property and he wishes to remove the last existing shed. He admitted he made a couple poor choices and thought his woodshed would be in a suitable place when he built it in October 2021, positioned so it is not over the designated replacement leach field. Moving the shed would be a “hardship” and he has limited space because of fruit trees in the vicinity. In addition, he said, the county puts snow on the corner. His request is to approve both the woodshed and the workshop variances.

Commissioner Baldrige asked Director Beals about Appendix B and the proposed space where the shed could be moved. The Director responded the concept is up to the applicant and he suggested that Mr. Woodruff move the shed out of the setback, possibly 5-6 feet. He was unsure on how it would be moved but it was built by the applicant within the setbacks, so it needs to move. He also responded that it did not equal a “hardship” and staff was looking to protect the setbacks of the Highway 89 and Mr. Woodruff could have built it elsewhere outside of his setbacks.

Commissioner Kelley responded that CalFire requires 10 feet from woodsheds to buildings and Director Beals responded that CalFire would have to grant the variance, however, that is an excellent point. Commissioner Baldrige asked the Director if building in the setbacks sets a precedence in the county for other people. The Director explained that we went through this on the previous penetration into the setbacks for an awning on Mr. Woodruff’s residence, which received an administrative variance; therefore, he was aware of the setbacks on his parcel. Commissioner Fisher asked about the larger shed and its prior zoning by the previous owner. Director Beals said he supported the variance for the proposed new workshop.

Commissioner Baldrige asked about the effects of snow and the Director responded that there is a right-of-way for snow removal on the west side since Westside Road is a county right-of-way. He continued that damage to private property can ensue and he can put in a claim with the Public Works Department. “Snow, to be honest, is just conditions we live with here,” he said, and “Caltrans has concerns over a busy intersection and the safety and approach.” Mr. Woodruff responded that it does pile up and stacks up in his driveway.

Director Beals concluded there are other locations for the woodshed as an option; however, it is in the setbacks and staff cannot support it. He informed Mr. Woodruff that he can appeal the Planning Commission’s decision to the Board of Supervisors, and it would be considered *de novo*, which would include the commission’s findings.

Motion: Fisher/Kelley **Approved**, as recommended **Vote:** 4/0; Commissioner Christensen absent

7.2 Short-Term Rental Ordinance—Director Beals commented that this was a continued public hearing meeting from April 20th and there were consensus points heard. For one, planning staff heard the commission’s wishes to expand into other zoning districts, such as Agricultural and General Forest. On page 2-3 of the draft ordinance, commercial properties can now have a Short-Term Rental (STR) with the condition of where it is appropriate only as a permitted accessory Group R-3 mixed occupancy. To do that, a building permit for a change of occupancy would be needed. In addition, the Director said the STR cannot comprise the use of the property. One example is the owner of the Yuba Gallery building who put in a written comment noting that the building they occupy has a residence upstairs and there is a valid commercial use. They can use it as a STR. A second example is the Old Forks Building/Bike Shop/Sabrina’s: there is a residential use upstairs and if it has a Group R-3 occupancy, they too could use it as a STR.

Chairman Filippini opened the hearing to public comments. Ingrid Larson spoke about her property that is zoned Commercial Residential (CR) at 117 Main Street, Downieville. Her residence is in the front as a 400sf cabin that was connected to the Downieville Motor Inn, which burned. Her objection was that CR should not be added to the ordinance since “hotels” are listed as an exception. Second, Ms. Larson

expressed concern that if she builds a two-story commercial building, the first floor will need to be commercial, and she would not be able to use her ADU as a STR. She stated that she feels STRs are a component of residential zoning districts. Additionally, if she sells and doesn't develop it, the next owners will have to wait 2 years to use it as a STR under the current draft ordinance. Director Beals addressed Ms. Larson's concerns as follows: one, State law prohibits ADUs as STRs, and she cannot have more than one ADU on a parcel. He clarified, if you have multiple units on the property, only one STR is permitted, and hotels/lodges/motels are transient R-1 occupancy, which would be exempt. The Director continued that the Planning Commission gave staff direction to add commercial to the ordinance. Her options to build a hotel would not hinder her and she would need a permit for a residence as a STR; however, commercial use would need to be the primary use on the property.

The next speaker, Ms. "Clancy," was concerned about the Yuba Gallery and the Group R-3 occupancy. Director Beals responded that under this amended ordinance, the second floor may have already been converted to this occupancy and "we just need to look at the building permit file."

Chairman Filippini asked what zones can and cannot have a STR. The Director said the Agricultural zone, which is Long and Sierra Valleys, and General Forest was added. It is currently not allowed in the Industrial District, Scenic Corridor, Forest Recreation, Timber Production Zone Business Park, Planned Development, Open Space Residential Districts, and Rural Residential Districts. "All of Calpine is permitted," he said, "except those to the west of town, the Sierraville community, except the Amodei Ranch. Most of Verdi would not be able to have a STR whereas most of the communities in Sierra City and Downieville would be possible." Commissioner Filippini asked, "Why exclude Rural Residential?" and the Director said, "Sierra Brooks was a master plan community with 400 lots on public water, and there could be a problem with that." Planner Jimenez commented that there were only two STRs in Sierra Brooks compared to the dozen in Downieville and Sierra City.

Ms. Larson asked why this would not be permitted where there are duplexes or in Residential 2 District (R-2). The Director said, "we are trying to keep that available for affordable employee housing." The Chairman also reiterated what the Director originally said and anyone in Sierra Brooks would be in violation of the law to do a STR and it is not allowed outside of those districts listed in the ordinance.

Mary Davey testified by reading Gary Grutkowki's letter (see PC Exhibit K), which she said voiced her opinion. Ms. Davey was concerned about the fees applied to STRs. Chairman Filippini interrupted her since he was outlining the current draft ordinance and wished to hold off on her question. He asked Director Beals if there was anything to add as changes since the last revision. The Director said septic system verifications were streamlined and added the existing system needed to support the proposed STR occupancy. He supplemented, "when staff receives the application, it will go to the Environmental Health Department for review and any limitations on the system—such as septic, ground water, bodies of water—can't be ignored."

Director Beals said open building permits cannot proceed on the STR and if there is an existing violation on the property because of life and safety, the property cannot be a STR. Chairman Filippini had no concerns with this condition. In answer to Ms. Davey's original fee question, according to the Director, nothing has been added. Application fees will be set by the Board of Supervisors. Director Beals continued that planning staff removed the maximum occupancy language and set it as two-people per bedroom as well as a grace period of two-years before the property can be permitted as a STR. Chairman Filippini said that he was comfortable with 2-year grace period and had seen this in other counties. Commissioner Baldrige concurred with this provision. Director Beals continued with another change to the draft ordinance that is if the property is sold or there is a change of ownership, "the administrative use permit would be voided;" and staff also removed the pet vaccination requirements.

Chairman Filippini asked about incidental camping at a STR, cited in a PC Exhibit (PC Exhibit E). Director Beals clarified that the ordinance is only in place and enforced while it is being used or in operation as a STR. Staff will craft some language in the ordinance that will only affect it as a STR when it is rented out and not under private use by the property owner. The Director also addressed the BBQ setback and said that 25 feet to the property line might not work with some properties and wished to have the first sentence stand on its own under 15.10.060(H)(12). Commissioner Fisher said there will be a

period of “no open flame” coming soon plus there were two propane BBQs fires last year in the county. Ms. Davey commented that her deck was 10 feet wide, and it would be hard to comply. Ms. Davey asked about fire/home insurance and if it would comply with inspections, possibly putting the county at ease regarding the permit process. Commissioner Baldrige commented that there are people in her community who don’t carry fire insurance and moving the BBQ to a designated space is a good suggestion to the Director’s statement. Chairman Filippini liked having a designated spot for a BBQ since it would be easier to enforce. Ms. Davey said not all homeowners are required to have insurance, which was countered by Commissioner Baldrige who said Ms. Davey was “running a business.” Commissioner Fisher chimed in that the difference between Ms. Davey and someone coming into the community from the Bay Area is she was aware of the fire danger. The Director recommended simplifying the section on BBQs and striking the last sentence.

Director Beals mentioned that staff advised County Counsel that a violation of the ordinance would be an infraction other than a misdemeanor. Planner Jimenez read into the record the new exhibit items since the April 20, 2022 meeting with PC Exhibit 14 as the current draft ordinance, and PC Exhibit 15 from County Counsel on enforcement. She also identified the new public comment exhibits staff received (PC Exhibits H-K). Commissioner Kelley concluded he liked the 2-year waiting period because this is becoming a national issue from predatory investors renting them out and felt this is one way of controlling it.

At 12:01 pm, the public hearing was closed, and Chairman Filippini recommended that staff bring back a final ordinance for approval that included County Counsel comments. Commissioner Fisher asked at its close if there could be a number added to STRs and Director Beals responded if the Planning Commission wishes, the ordinance can always be amended.

8. BUSINESS REQUIRING ACTION OR DISCUSSION

None.

9. PLANNING DIRECTOR’S/STAFF REPORT

None.

10. PLANNING COMMISSIONERS’ REPORTS

Chairman Filippini mentioned that TimberFest was occurring in Loyaltown on the weekend, May 14, and encouraged everyone to attend. He said the new owners of the Loyaltown Mill has organized it as a “logging rodeo” and invited the commissioners and staff to “come down for a hamburger.”

11. ADJOURNMENT

Motion to adjourn: Kelley/Baldrige Vote: 4/0; Commissioner Christensen absent

The meeting was adjourned at 12:10 pm with the next regular Planning Commission Meeting scheduled “at the convenience of the Planning Department.” No official meeting was announced.

Respectfully submitted,

Corri Jimenez

Corri Jimenez
Planner II

Approved as Witnessed

Tim H. Beals
Commission Secretary



Planning Department Staff Report & Recommendation

Thursday June 16, 2022

PC Exhibit 1

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

Please see attached the latest draft Short-term Rental Ordinance (Version 9) and the Planning Commission Resolution (2022-02), which follows this cover sheet.

**PLANNING COMMISSION
COUNTY OF SIERRA
STATE OF CALIFORNIA**

RESOLUTION NO. 2022-02

**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 May 12, 2022, 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 designations of Rural Residential, Forest, Agriculture, and Commercial designations where accessory residential uses are permitted.
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.

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 and May 12, 2022 public hearings, 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 16th day of June, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Tim H. Beals, Secretary
Planning Commission

Mike Filippini, Chairman
Planning Commission

EXHIBIT A

BOARD OF SUPERVISORS COUNTY OF SIERRA STATE OF CALIFORNIA

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 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:** 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. A specific area shall be designated for the location of any LPG barbeque in the binder with a notation that the barbeque is restricted to that specific location.
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. *Violations.*

1. Violations of this section shall be classified as an infraction rather than a misdemeanor.
2. 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.
3. 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.

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
Clerk of the Board

David Prentice
County Counsel