

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: October 18, 2022	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
--	---

DEPARTMENT: Planning Department APPROVING PARTY: Tim H. Beals PHONE NUMBER: 530-289-3251

AGENDA ITEM: - Adoption of Resolution approving a County-wide Ordinance on Short-Term Rentals and determination that the project is exempt under CEQA. - Waive second reading and adoption of Ordinance amending Title 15 of Sierra County Code implementing regulations for Short-Term Rentals in Sierra County.
--

SUPPORTIVE DOCUMENTS ATTACHED: <input type="checkbox"/> Memo <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Agreement <input checked="" type="checkbox"/> Other Ordinance

BACKGROUND INFORMATION: 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.) as recommended by the Sierra County Planning Commission. 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)
--

FUNDING SOURCE: GENERAL FUND IMPACT: No General Fund Impact OTHER FUND: AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2022- _____ Agreement 2022- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
---	---	---

COMMENTS:

CLERK TO THE BOARD

DATE

**BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA**

RESOLUTION NO. 2022-___

**IN THE MATTER OF APPROVING
AN AMENDMENT TO
SIERRA COUNTY CODE CHAPTERS 15.08 AND 15.10
PERTAINING TO SHORT-TERM RENTALS**

WHEREAS, the Sierra County Planning Commission conducted public workshops on March 11, 2021; April 15, 2021; May 27, 2021; February 10, 2022; and March 10, 2022, including open discussions and soliciting comments pertaining to proposed amendments of the Sierra County Zoning Code Chapters 15.08 and 15.10 to regulate Short Term Rentals; and, whereas the Planning Commission held duly noticed public hearings on proposed draft regulations on April 20, 2022, May 12, 2022 and June 16, 2022 to consider all public comments as well as Planning Department staff's analysis including recommendations contained within Staff Recommendation No. 1237; and having concluding the public hearing on June 16, 2022 the Planning Commission adopted Resolution #2022-02 recommending to the Board of Supervisors approval of a draft ordinance; and,

WHEREAS, the Sierra County Board of Supervisors conducted duly-noted public hearings on September 6, 2022 and continued the hearing to September 20, 2022 to allow adequate public testimony and comments on the matter; and, after closing the public comment period, did carefully consider the comments received and deliberate with one another and gave direction to staff to return with a final draft of a proposed ordinance, and continued the matter to their regularly scheduled meeting on October 4, 2022 where staff did present the Board of Supervisors with a final draft reflecting the Board's previous comments and direction; and,

WHEREAS, the Board of Supervisors determined that the modifications to the proposed ordinance, when compared to the version recommended for their approval by the Planning Commission, were minor and did not introduce anything that had not previously been considered by the Planning Commission, and therefore did not warrant referring the matter back to the Planning Commission for report and recommendation, pursuant to Government Code Section 65857.

NOW THEREFORE BE IT RESOLVED BY THE SIERRA COUNTY BOARD OF SUPERVISORS, that based upon the Record of Proceedings from the Board of Supervisors public hearing, including the Planning Commission Administrative Record, the Board of Supervisors hereby accepts and adopts the findings contained within this Resolution; Planning Commission Resolution no. 2022-02; and Staff Report and Recommendation no. 1237, and similarly finds that the project is exempt from CEQA; and does hereby approve the proposed

zoning amendments and the adoption of the ordinance introduced at the regularly scheduled Board meeting on October 4, 2022 pertaining to the regulation of Short Term Rentals in unincorporated Sierra County.

ADOPTED BY THE BOARD OF SUPERVISORS of the County of Sierra on the 18th day of October, 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

Paul Roen, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Heather Foster
Clerk of the Board

David Prentice
County Counsel

**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/applicant as of the effective date of this ordinance. The record owner of any property that has changed ownership after the effective date of this ordinance shall not be qualified to apply for and receive an administrative use permit for a minimum period of two (2) years following the recording date of transfer of ownership of the property in question.

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 three (3) year terms. Property owners may seek a renewal of an administrative use permit for additional terms of three (3) 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 as of the effective date of this ordinance or a minimum of two (2) years has passed since the record owner obtained title to the property.
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) and Business Property Statement:** The applicant shall provide 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 and has been in good standing. The applicant shall also provide evidence from the County Assessor that any required “business property statement” for the property as may be required by the Office of the County Assessor has been timely submitted.
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 or restriction exists based on an official letter, notice, or other like document that has been issued by the County Department of Environmental Health, California Regional Water Quality Control Board, or other agency that has jurisdiction, on the design capacity or operable status of the septic system serving the property.

Should any of these issues be identified, no short-term rental administrative use permit shall be issued until any one or all of these 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 1 and May 1, 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 three (3) years, and shall expire on December 31st of the third year, unless revoked, or otherwise suspended or canceled by the 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. Any administrative use permit issued under this policy is not transferable and should a property containing a short-term rental be transferred/sold during the term of an administrative use permit, the permit shall be void upon effective date of transfer of ownership. Consistent with Section B-(9) herein, property that transfers ownership subsequent to the effective date of this ordinance shall not qualify for an administrative use permit for two (2) years following the effective date of the property transfer.
3. Renewals: An administrative use permit for the short term rental may be renewed for additional terms of three (3) years. The property owner must file a request for renewal on forms provided by the County Planning Department prior to the expiration of the current administrative use permit. The renewal application must contain any updated application information and may be required to include any life-safety or mandatory updates to structures that may be required through updates or changes to State imposed uniform building codes used by the County.
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 all exterior lighting 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 to 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 that creates an open flame 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 by the owner 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 every year as part of the permit or renewal process to ensure that the property complies with these requirements. Failure to provide this certificate or operating in violation of the County TOT program is cause for revocation or suspension of the administrative use permit.

18. Business Property Statement: The short-term rental shall comply with the request of the County Assessor regarding the filing of annual “business property statements” and failure to provide evidence of annual compliance with this condition is cause for revocation or suspension of the administrative use permit.

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 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 and 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: Campfires, wood-burning open pits, open bonfires, vegetation burn piles, or any other devices creating open flame are prohibited 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 any 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 short-term rental information binder with a notation that the barbeque is restricted to the approved specific location.
6. Fireworks and Firearms: Fireworks and discharge of any firearms is strictly prohibited. Firearms include pellet guns, BB guns, bows, and like equipment.
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. Any person who violates the provisions of this Section may be deemed guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00), imprisonment for a term not to exceed six (6) months, or both. Alternatively, the District Attorney may prosecute or authorize or direct the prosecution of this Section as an infraction as provided in this Code, Chapter 1.16.

2. 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 Sierra 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 Sierra County Planning Department shall be corrected before any further occupancy is authorized of the short-term rental unit.
3. In addition to any other remedy for the violations of this Section, the Planning Director or his/her designee may suspend or revoke a short-term rental administrative use permit. Failure of the property owner to timely correct any noted deficiencies or noted violations shall be a basis for suspension or revocation of any issued short-term rental administrative use permit.

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 January 1, 2023, upon 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 4th day of October, 2022, and passed and adopted by the Board of Supervisors on the 18th day of October, 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