

ORDINANCE NO. CC-20-282

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHASTA LAKE
APPROVAL OF A REVISION TO THE SHASTA LAKE MUNICIPAL CODE CHAPTER 17.88,
BY THE ADDITION OF SECTION 17.88.275 "SHORT-TERM RENTALS".**

WHEREAS, the General Plan of the City of Shasta Lake has been adopted to guide development in compliance with State Law; and

WHEREAS, the Government Code allows the City to adopt ordinances and standards to reasonably control the development of property and to protect the environment consistent with the direction provided by the General Plan; and

WHEREAS, the City of Shasta Lake proposes to amend the Municipal Code by the by the addition of Section 17.88.275 "Short-Term Rentals" as reflected in Attachment "A" to this resolution; and

WHEREAS, the City of Shasta Lake proposes to amend Municipal Code Chapter 17.88 "Special Uses" by the addition of Section 17.88.275 "Short-Term Rentals" to permit the use of single-family homes as vacation rentals; and

WHEREAS, the Planning Commission conducted a public hearing on July 23, 2020 and considered public testimony provided regarding the proposed amendments; and

WHEREAS, the Planning Commission recommended to the City Council the recommended municipal code amendments; and

WHEREAS, the City Council conducted a public hearing on August 18, 2020 and considered public testimony provided regarding the proposed Municipal Code amendments; and

WHEREAS, pursuant to Section 15305 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the City Council determines the proposed Development Code amendment constitutes a minor alteration in land use limitations (which do not in-and-of themselves create or allow an impact to the environment) and therefore the amendment is Categorically Exempt from further environmental review.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHASTA LAKE DOES ORDAIN AS FOLLOWS:

SECTION I: Makes the following findings:

1. The proposed amendments would further the public necessity, convenience and general welfare because the amendments would provide citizens with opportunities to participate in the planning and decision-making processes of the City relative to the development of property. In addition, the amendments provide a basis for decision making, including a nexus to support enforcement of the zoning criteria which limit incompatible uses of residential property. The proposed ordinance would also preserve and enhance the quality of life of residents by supporting development of a variety of living environments

and accommodating growth, but only within well-defined and understood limits intended to preserve the overall environment of the community.

2. The proposed ordinance amendment is consistent with the General Plan because it serves as a framework for review of private development proposals. The ordinance will help to facilitate administration of the planning process by a) The efficient and expeditious handling of planning matters through the coordination and communication of the various departments and divisions of the City and other government agencies; and b) timely and decisive action on planning matters.
3. The proposed revisions are in compliance with the applicable Government Code requirements of the State of California as implemented by the General Plan and Municipal Code of the City.
4. The proposed revisions are consistent with the City's General Plan by supporting the adopted goals, objectives, policies and implementation measures including but not limited to the following:
 - a. Objective I-6. To ensure that administration of the planning process is characterized by: The efficient and expeditious handling of planning matters through the coordination and communication of the various departments and divisions of the City and other government agencies; and
 - b. Objective LU-1. Promote a development pattern which will accommodate, consistent with the other objectives of the Plan, the growth which will be experienced by City of Shasta Lake during the planning period (1999-2020), and as such period is extended by future revisions of the Plan.
5. The proposed project will not result in significant adverse impact on the environment as it is a regulatory revision that will implement the General Plan and specifically the Land Use and Element of the General Plan, consistent with the Final Environmental Impact Report prepared for adoption of the General Plan. Pursuant to Section 15305 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the Planning Commission determines that the proposed Zoning Code amendment constitutes a minor alteration in land use limitations (which do not in-and-of themselves create or allow an impact to the environment) and are, therefore, Categorically Exempt from further environmental review.

SECTION II: Approval of the code amendments as outlined in Attachment A to this Ordinance.

PASSED, APPROVED, AND ADOPTED this 1st day of September 2020, by the following vote:

AYES: FARR, KERN, MORGAN, WATKINS, POWELL
NOES: NONE
ABSENT: NONE

JANICE POWELL, MAYOR

ATTEST:

TONI M. COATES, CMC
City Clerk

Attachment A – Ordinance re: SLMC Section 17.88.275 “Short-Term Rentals

Attachment A: Ordinance Revision

17.88.275 - Short-term rentals.

- A. Purpose. The purpose of this section is to establish an appropriate permitting process and standards for short-term rental of single-family dwellings and dwelling units located in the City of Shasta Lake; to provide a visitor experience and accommodation as an alternative to the typical hotel, motel, and bed and breakfast accommodations customarily permitted in the city; to minimize potential negative secondary effects of short-term rental use on surrounding residents and neighborhoods; to retain the residential character of the neighborhoods in which any such use occurs; and to ensure the payment of required transient occupancy taxes.
- B. Definitions. For purposes of this section, the following short-term rental facilities are established:
 - 1. Hosted Homestay. An owner (or the primary occupant with the written permission of the owner) occupied single-family dwelling unit where, for compensation, individual overnight room accommodations are provided for a period of less than thirty days. Hosted homestays do not include the provision of meals prepared by the hosts for consumption on-site by guests.
 - 2. Vacation Rental. An entire dwelling unit where, for compensation, overnight accommodations are provided for a period of thirty days or less, and the owner (or the primary occupant with the written permission of the owner) may or may not reside within the dwelling unit for the term of the rental.
- C. Short-Term Rental Permit Requirements. No person shall use, advertise, or market for use, any dwelling unit on any parcel in any zoning district for short-term rental purposes without first obtaining approval as required by this section. The provisions of this ordinance apply to all existing and future short-term rentals as defined in this section. Existing short-term rental facilities shall either apply for, or obtain authority to operate, within sixty days of the effective date of this ordinance. The following approval process is established:
 - 1. Hosted Homestay and Vacation Rentals: Such use is permitted within all zoning districts subject to obtaining an administrative approval from the Development Services Director or designee. Applicants shall be required to provide information determined necessary by the Director, or designee, to establish compliance with this section and shall pay an application fee as may be established by resolution of the city council. Administrative permits for short-term rentals issued by the Director or designee in accordance with the provisions of Chapter 17.92,050 "Administrative Permits" shall expire twelve months from issuance unless renewed annually.
- D. Permitted locations. The regulations of this chapter shall apply to short-term rentals within a legally established single-family dwelling in all zoning districts.
- E. General Requirements - Hosted Homestays and Vacation Rentals.
 - 1. No more than one dwelling unit on a lot may be used at any one time for rental purposes.
 - 2. A maximum of two rooms may be available for rent at any time within a hosted homestay.
 - 3. Occupancy shall be limited to a maximum of two adults plus one child per rented room.
 - 4. The property owner or the primary occupant with the written permission of the owner must always occupy the residence when rooms are being provided for rent within a hosted homestay.
 - 5. A minimum of one on-site parking space shall be provided for each room that is rented beyond three rooms. Guest parking spaces shall be within the primary driveway or other on-site location. External changes to a property including converting significant areas of front yard landscape for purposes of meeting parking requirements is not allowed.
 - 6. Short-term rentals shall comply with applicable building, health, fire and safety codes, including provision of working smoke and carbon monoxide detectors.
 - 7. The owner shall post, emergency evacuation instructions and "house policies" inside the home in a common area accessible to all tenants. The house policies shall be included in the rental agreement and shall be enforced by the owner. At a minimum, the house policies must:

- a. Establish outdoor "quiet hours" between 10:00 p.m. and 7:00 a.m. to minimize disturbance to neighboring residences. Outdoor activities shall be prohibited during "quiet hours."
 - b. Require that guest vehicles be parked on the premises, and further directing that on-street parking for periods in excess of four hours is prohibited in compliance with this section, except as may otherwise be allowed pursuant to Section 17.88.275.F.2.c. of the Shasta Lake Municipal Code.
 - c. Provide notice that the property shall not be used to host non-property owner related weddings or other events involving the assembly of more than 10 people.
8. On-site advertising signs or other displays indicating that the residence is being utilized as a short-term rental, is prohibited.
 9. A City business license shall be obtained, and transient occupancy taxes paid in accordance with Chapter(s) 3.20 and 5.04 as applicable. All advertising for any short-term rental shall include the City of Shasta Lake transient occupancy tax number and the business license number, assigned to the owner-applicant. With submittal of transient occupancy taxes, the operator shall also submit a statement indicating the number of daily guest stays, and the number of guests for the reporting period.
 10. The short-term rental permit is not transferrable to a subsequent property owner or to another property.
 11. This ordinance shall not be construed as waiving or otherwise impacting the rights and obligations of any individual, group, or the members of any homeowner's association, as defined, to comply with or enforce CC&R's.
- F. General Requirements - Vacation Rentals.
1. With the exception of items 2 and 4 listed in Section 17.88.275.E. above, the general requirements for hosted homestays shall apply to all vacation rentals as defined herein.
 2. The following additional provisions shall be applicable to vacation rentals. These provisions may be supplemented by additional requirements established by the Development Services Director, or designee, as necessary to maintain compatibility of the use with surrounding properties.
 - a. A vacation rental shall not be rented to multiple unrelated parties concurrently unless the owner (or the primary occupant with the written permission of the owner) is residing on the premises during the rental period, in which case the rental shall be limited to two unrelated parties.
 - b. The owner/applicant shall keep on file with the city the name, telephone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the vacation rental. This information shall be posted in a conspicuous location within the vacation rental dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the vacation rental within sixty minutes, if necessary. The name and contact information of the local contact person will be made available to the public.
 - c. Depending on the physical nature of the property and surrounding properties, where full city street improvements exist, the Director, or designee, may allow on-street guest parking not to exceed credit for one parking space as required by this ordinance.
- G. Application Requirements. Where a permit is required by this section, applicants for a short-term rental use shall apply for a permit in accordance with the provisions of Chapter 17.92.050, Administrative Permits, and shall pay the application fee established by resolution of the City Council. In making a determination to approve, conditionally approve, or deny an application, the Director or designee may consider factors, including but not limited to, proximity of the property to other vacation rentals, bed and breakfast establishments, and neighborhood and site characteristics including but not limited to availability of adequate parking, potential for traffic impacts, and other factors which may adversely affect the general public and neighborhood welfare and/or safety.

- H. Permit Renewal. Holders of an administrative permit allowing for a short-term rental use shall apply annually for a renewal of the permit and shall pay the renewal fee established by resolution of the city council. In making a determination to approve, conditionally approve, or deny a renewal application, the Director or designee may consider factors including but not limited to, prior complaints from neighbors and code enforcement activity, timeliness of business license renewal, timeliness of Transient Occupancy Tax submittals, proximity of the property to other vacation rentals, proximity to bed and breakfast establishments, and other relevant neighborhood and site characteristics.
- I. Violations/Revocations. Enforcement of the provisions of this Section may include the civil and equitable remedies as permitted by state law, the issuance of a citation and fine, or other legal remedy as provided by Chapter 17.94 of the Shasta Lake Municipal Code. Upon notification by the city, any short-term rental operating in violation of the requirements of this section must terminate operations immediately. Further, a permit issued under the authority of this section may be revoked in accordance with the procedures established in Chapter 17.92.050. H.