

**REGULAR MEETING
DUNSMUIR PLANNING COMMISSION
October 14th, 2020**

REGULAR SESSION: Beginning at 6:00 pm

Due to COVID-19, the Planning Commission meeting will be held online via Zoom
at: <https://us02web.zoom.us/j/99204517515>

Alternatively, participants may call **1(669)900-6833**. When prompted,
enter Meeting ID: **992 0451 7515**

**As a courtesy, please keep your phone or microphone on mute
unless the Chairperson calls on you. Thank you.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES**

A. August 12th, 2020

5. ANNOUNCEMENTS AND PUBLIC COMMENT

Make your announcements or comments when the Chairperson calls upon you to do so. The Planning Commission Chairperson will recognize you and ask for your name and address so that City staff can follow up on any issues requiring City action.

This time is set aside for citizens to address the Planning Commission on matters **not** included on the Regular Agenda. If your comments concern an item noted on the Regular Agenda, please address the Planning Commission when that item is open for public comment. **Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time.** Comments should be limited to matters within the jurisdiction of the City. The Planning Commission can only take action on matters that are on the Agenda but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the Planning Commission, please email them to adminasst@ci.dunsmuir.ca.us at least two days prior to the Planning Commission meeting. Alternatively, the documents can be mailed to the City of Dunsmuir Planning Commission, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025. If submitting documents via mail, please allow adequate time for the documents to arrive, be distributed, and reviewed by the Planning Commission prior to the meeting. Further, if mailing, please provide a minimum of nine (9) copies.

6. PUBLIC HEARINGS

Public Hearing Protocol:

- a. Chairperson will describe the purpose of the Public Hearing
- b. City Staff will provide the Staff Report
- c. City Staff will respond to questions by the Planning Commission
- d. Chairperson will open the Public Hearing

- e. Citizens wanting to comment should wait until the Chairperson asks for public comments and provide the City Clerk with their name and address prior to commenting

7. OLD BUSINESS –

8. NEW BUSINESS

- A. Short- Term Rentals: The project is a community workshop to evaluate and discuss the impact of short-term rentals on the City’s housing supply, as well as draft regulations regarding their establishment and use.

9. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF

- A. Staff:
- B. Commissioners:

10. ADJOURNMENT:

Copies of this agenda were posted at City Hall, the Dunsmuir Park and Recreation District Office, and at the Post Office on or before **6:00 PM Friday, October 9th, 2020.**

The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to accommodate participation in the meeting.

CERTIFICATION

This is the official Dunsmuir Planning Commission Agenda created and posted in accordance with the Dunsmuir City Protocols.

Wendy Perkins

Deputy City Clerk

10/08/2020

Date

**REGULAR MEETING
DUNSMUIR PLANNING COMMISSION
AUGUST 12TH, 2020
MINUTES**

1. CALL TO ORDER

Meeting was called to order at 6:01 pm by Co Chair Kay

2. ROLL CALL

Commissioners present: Harley, Kay, Bailey, Powers

Commissioners absent: Skalko, Spurlock, Warner (Warner joined late @ 6:09 p.m.)

Staff present: Planner Tinsman, Deputy City Clerk Perkins

3. APPROVAL OF AGENDA

Motion to approve the agenda by Powers, 2nded by Harley

Roll Call Vote: AYES: Harley, Kay, Bailey, Powers,

NOES: None

ABSENT: Skalko, Warner, Spurlock

ABSTAIN: None 4-0-3-0

4. APPROVAL OF MINUTES

Motion to approve the July 8th, 2020 minutes by Powers, 2nded by Harley

Roll Call Vote: AYES: Harley, Kay, Bailey, Powers

NOES: None

ABSENT: Skalko, Warner, Spurlock

ABSTAIN: None 4-0-3-0

5. ANNOUNCEMENTS AND PUBLIC COMMENT - None

6. PUBLIC HEARINGS – Commissioner Warner joins late @ 6:09 p.m.

a. Padilla Lot Line Adjustment and Variance:

1. Staff Report – CP Tinsman presented the Staff Report regarding the proposed reconfiguring and merger of four lots into two along with an associated variance to address a nonconforming side yard setback and lot size. Though project includes variance request, project would resolve multiple nonconforming setbacks and improve existing conditions.

2. Public Comment- None

Motion by Harley, 2nd by Warner to approve PC 2020-13 Lot Line Adjustment and Variance

3. Decision:

Roll Call Vote: AYES: Harley, Kay, Bailey, Powers, Warner

NOES: None

ABSENT: Skalko, Spurlock

ABSTAIN: None 5-0-2-0

b. Western States Real Estate Tentative Subdivision Map Use Permit and Historic Site Alteration Permit

1. Staff Report – CP Tinsman presented the Staff Report. The former Travelers Hotel would be renovated and converted into condominiums, with commercial space on ground floor and 28 residential units on the second and third floors. Project also includes proposed use permit for two accessible dwelling units on ground floor and a historic site alteration permit and sign permit for façade improvements, signs, and sign templates. Improvements shown in staff report and found to be consistent with purpose of historic preservation provisions of Code. With exception of ground floor residential, project is consistent with General Plan and zoning. No ground floor residential until permitted by Code.

Commissioner Comment: Warner expresses concern regarding parking

CP Tinsman states that per City Code there are no parking requirements for uses in existing buildings in Historic District.

Bailey: Remarks about hallways, elevator and fire safety. Other buildings in this county haven't been able to use the 3rd floor without an elevator. Asks why no elevator here.

Developer Greg Mengis – Replies that there is no proposed use of existing elevator because of the elevator doesn't conform to ADA requirements and to create a brand-new elevator would be cost prohibitive.

Developer Thomas Leffingwell – Current elevator shaft is not large enough to comply with ADA compliance.

Bailey – Is the intention that no one occupy 1st floor until improvements throughout building are complete?

CP Tinsman – The intent to allow for phased development with occupancy of individual floors subject to Building Official approval.

Harley – Will there be any short-term rentals allowed as part of this project?

CP Tinsman – Unknown what developer's intent is but the City doesn't currently prohibit vacation rentals.

Kay – It would be up to the owners of the condos and the CCR's of the condo owners associations to approve short term vacation rentals there.

Warner – Joined commission because there is a plethora of short-term rentals and the absence of long-term rental homes. Would like to limit short term rentals.

Greg Mengis – Has thought about the issue. The fact that there are condos opens up potential for mixed use. No specific plans to prohibit short term rentals. Intention is NOT to make it a hotel.

Powers – Community would benefit from a laundromat and a public restroom.

Mengis – Is open to suggestions. Will add it to the list of consideration. Wants to provide the best commercial space for the best uses. They do not intend to run the businesses in the space. The tenants will decide what businesses to open.

Kay- They are building residential units to sell. Commercial units for sale. It would up to the business owners to decide what business owners to open up and run.

Harley – Inquiries about parking issues.

CP Tinsman – Restates that per City Code there is no parking required but that developer may nevertheless be looking into parking solutions for future residents.

- 2. Public Comments: None
- 3. Decision: Motion to approve Resolution PC- 2020-14 by Harley, 2ND by Powers
Roll Call Vote: AYES: Harley, Kay, Bailey, Powers, Warner,
NOES: None
ABSENT: Spurlock, Skalko
ABSTAIN: None 5-0-2-0

7. **OLD BUSINESS** – None

8. **NEW BUSINESS** - None

9. **ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF**

- A. Staff: CP Tinsman –One of the projects approved for SB 2 Planning Grant funding is objective design review for multifamily housing. Staff will be speaking with City Council about eliminating this task in favor of a comprehensive zoning code update instead. Proposing a solution to address residential in C-2. Owners of residential properties in C-2 have trouble obtaining financing due to the commercial zoning. As part of zoning code update, all C-2 outside of Historic District would be rezoned to new Mixed Use zoning district. Historic District overlay would be dissolved and its protective provisions incorporated into the existing Central Commercial.
- B. Commissioners: Bailey: Glad to see project with Traveler’s Hotel go through.
Kay- Remarks his great grandma used to live in the Traveler’s Hotel

10. **ADJOURNMENT:**

Motion to adjourn at 7:14 pm by Powers, second by Bailey

Voice vote: AYES: Harley, Kay, Bailey, Powers, Warner,
NOES: None
ABSENT: Spurlock, Skalko
ABSTAIN: None 5-0-2-0

Deputy City Clerk Perkins

Date



CITY OF DUNSMUIR

STAFF REPORT TO PLANNING COMMISSION

October 14, 2020

SHORT-TERM RENTALS

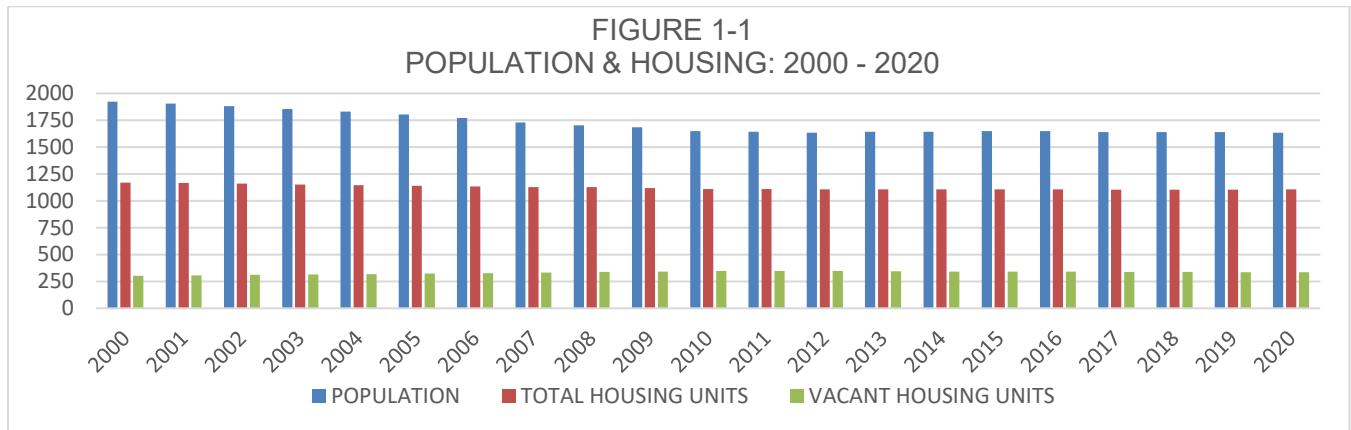
Due to concern about the lack of available long-term rental housing in the City and public perception that the conversion of residences to short-term rentals may be to blame, the City Council requested that the Planning Commission take up the matter for review. To assist the Planning Commission in this process, staff prepared an inventory of short-term rentals presently operating in the City, an analysis of population and housing over the past two decades, and draft short-term rental regulations that are intended for discussion only at this time.

BACKGROUND

Dunsmuir has long been a popular destination for vacationers. Well before the City incorporated in 1909 adventurous outdoorspeople were coming to recreate in the Upper Sacramento River canyon by way of the Siskiyou Trail. With completion of the railroad through the canyon in the late 1880s and the development of popular resorts and mineral springs adjacent to the rail line, the area soon attracted growing numbers of visitors each year. Over the ensuing decades, as automobile ownership grew and the highway system improved, the once popular railside resorts faded and new hotels, motels, and auto parks sprung up along Highway 99 to take their place. Entire neighborhoods, such as Shasta Retreat, and recreation facilities that included the Dunsmuir Community Pool were developed for and because of tourism. While some longstanding hotels and motels, and a few new ones, continue to operate in Dunsmuir, there has been - or appears to have been prior to the pandemic - a growing interest among some travelers to stay in residences made available by their owners as short-term rentals.

POPULATION AND HOUSING

When considering the potential impact of short-term rentals on the City's housing stock, it is worth undertaking a review of the past few decades of population and housing data to better identify and understand trends in housing availability. The information for this review is provided by the California Department of Finance (DOF), which utilizes the U.S. Census Bureau's decennial census data, annual reporting by cities and counties, and other sources to provide estimates of population, total housing units by housing type, and vacancy rates. A summary of 20 years of population and housing data for the City of Dunsmuir is provided in **Figure 1-1** below, with **Figures 1-2** through **1-4**. providing greater detail.

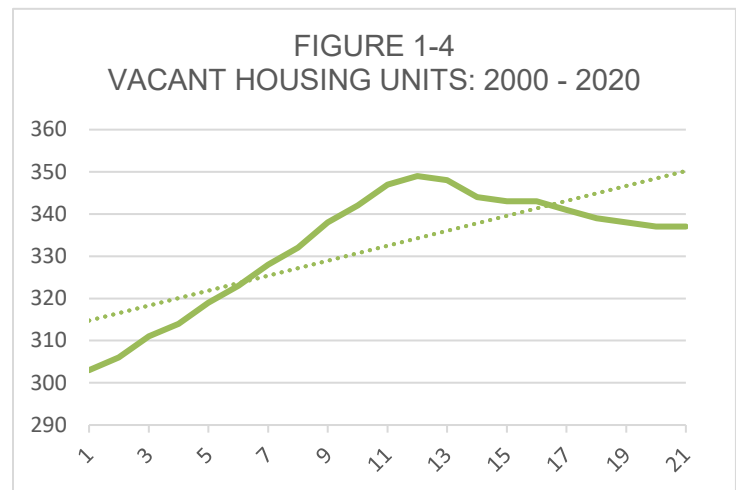
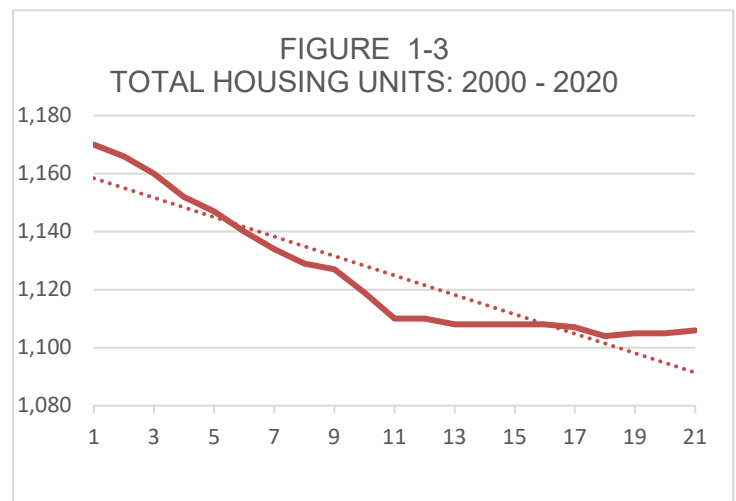
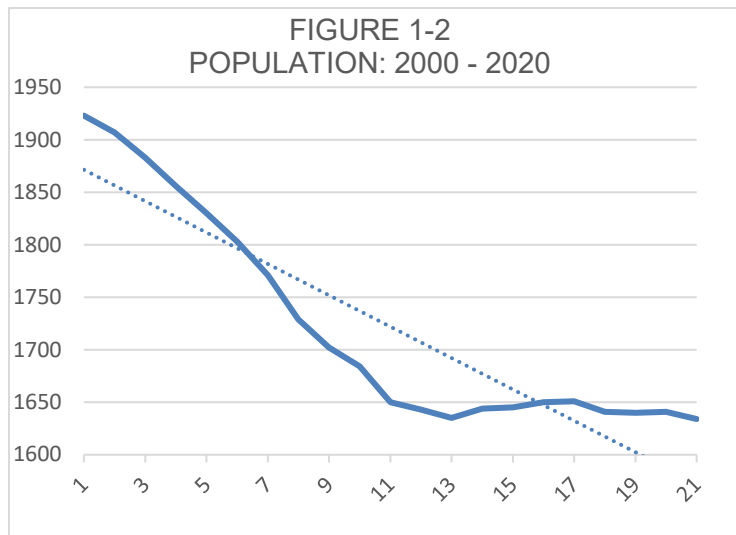


According to DOF, it is estimated the City of Dunsmuir has a current (2020) population of 1,634, 725 single-family dwellings and 368 multifamily dwellings (1,106 total units) in its housing stock, and a vacancy rate of 30.5 percent. Between 2000 and 2020, the City's population is estimated to have declined by 289 persons or approximately 15.0 percent, while its housing stock is estimated to have declined by 64 units or approximately 5.5 percent. Over the same 20-year period, the City's vacancy rate is estimated to have grown from 25.9 percent to 30.5 percent.

As shown in **Figure 1-2**, the City experienced most of the population loss during the past two decades between 2000 and 2010, with the population decline largely leveling off and, in some cases, reversing itself since that time. More precisely, DOF estimates that the City's population declined by 273 persons between 2000 and 2010 and by only 16 persons since 2010.

There appears to be a similar situation with regard to housing. As shown in **Figure 1-3**, the City experienced most of the loss to its housing stock between 2000 and 2010, with losses slowing since that time and new construction just recently beginning to stabilize the supply. This represents a net loss of 60 housing units between 2000 and 2010 and a net loss of four dwelling units since 2010.

As shown in **Figure 1-4**, the number of vacant housing units grew by 34 units over the past 20 years. Once again, the change was significantly more pronounced in the first 10 years and slowed or reversed course since that time. According to DOF, 303 dwelling units, or 25.9 percent of the City's housing stock, were vacant at the time of the 2000 U.S. Census, and an 44 additional units were vacant at the time of the 2010 U.S. Census (31.3 % vacancy). Since that time, it is estimated that 10 housing units have become "occupied", which has reduced the vacancy rate to 30.5 percent. When averaged over a 20-year period, this is a conversion rate of 1.7 units per year. While this is a relatively low rate of conversion, the persistent elevated vacancy rate is indicative of a high number of vacation or second homes in the area.



A Caveat Regarding the Data

It is important to note that DOF estimates incorporate U.S. Census Bureau data as benchmarks, however, because the results of the 2020 census are not yet available, changes to population or housing since the 2010 census have yet to be verified. This is evidenced by the fact that former Paradise residents that resettled in Dunsmuir following the Camp Fire do not yet appear to be accounted for in DOF population estimates. With this in mind, staff reviewed news articles regarding post-Camp Fire resettlement and reached out to the Dunsmuir Community Resource Center for its assessment of the Camp Fire’s impact on Dunsmuir’s population. According to staff at the Community Resource Center, 10 families from Paradise initially moved to Dunsmuir following the fire, however, only five of those families currently remain. As such, it is anticipated that the City’s population may be higher than reported by DOF by as much as 20 persons.

It is also important to note that staff has reservations about the housing estimates reported by DOF. This is because according to DOF, the City has 368 multifamily residential units in its housing stock, yet staff has only been able to account for 171 of these multifamily units. While it is anticipated that some of these unaccounted-for multifamily housing units are located within commercial buildings that were formerly utilized for residential purposes, such as Travelers Hotel and Dunsmuir Hotel, there is still a significant number of multifamily dwellings that remain unaccounted for. That said, DOF estimates regarding the City’s supply of single-family dwellings appear to be reasonably good.

SHORT-TERM RENTAL INVENTORY

Based upon a review of city-registered short-term rentals, discussions with local property managers, and short-term rental listings on Airbnb, Vrbo, Expedia, and other websites, staff has identified 71 short-term rentals operating within Dunsmuir city limits. While it is understood that there were additional short-term rentals operating in the City prior to the pandemic, the City is aware that at least a few of those former short-term rentals have since been converted to long-term residential use. Whether the rest of the former short-term rentals will become active again once the pandemic is over remains to be seen.

While 71 short-term rentals is equivalent to 6.4 percent of the City’s estimated housing stock, it is important to note that the short-term rentals are situated on 48 distinct properties, and that 25.0% of these properties are located in a commercial zoning district that permits hotels, motels, and similar uses by right. Moreover, 19 of the short-term rentals are located in the Dunsmuir Hotel and the Mossbrae Hotel, which calls into question whether these are actually short-term rentals or hotel rooms that are being marketed as short-term rentals. When the short-term rentals located on commercially zoned property are factored out, it is estimated that there are 36 short-term rentals operating on 35 residentially zoned properties in the City. **Table 1-1** provides a breakdown of the City’s short-term rentals by zoning district.

Table 1-1: Short-Term Rentals By Zoning District

Zoning District	Total Units
Single-Family Residential (R-1)	21
Duplex Residential (R-2)	7
Multiple-Family Residential (R-3)	6
Multiple-Family Residential & Professional (R-4)	5
Neighborhood Commercial (C-1)	0
Central Commercial (C-2)	11
Central Commercial Historic District (C-2-H)	21

A map of all short-term rentals that have been identified as currently operating in the City is included as **Attachment A**.

DRAFT REGULATIONS

Other than to require a business license and payment of transient occupancy tax (TOT), the City does not currently regulate short-term rentals. Although there is a belief among some members of the public that the use should be regulated to protect the availability of long-term rentals, staff is not necessarily in agreement that short-term rentals warrant regulation for that reason at this time. For perspective, the Town of Truckee is in the process of developing its short-term rental ordinance because short-term rentals comprise approximately 12.9% of the Town's housing stock, which is the equivalent of 1,722 housing units, and short-term rentals grew by approximately 81% between 2012 and 2018. While the impact of short-term rentals on Dunsmuir's housing supply is far from that experienced by Truckee, staff is of the opinion that adoption of short-term rental regulations could better protect the public health, safety, peace, and general welfare of the City and its residents. Accordingly, draft short-term rental regulations have been developed for discussion by the Planning Commission and participating members of the public.

The draft regulations were developed following a review of the short-term rental ordinances adopted by, or in the process of being developed by the cities of Mt. Shasta, Truckee, Mammoth Lakes, Big Bear Lake, Nevada City, and Monterey, and the counties of Siskiyou, Placer, and Mendocino. While the draft regulations have been modified for Dunsmuir and to integrate with other provisions of the Dunsmuir Municipal Code, they are intended only as a starting point for discussion rather than a staff recommendation. The key elements of the draft regulations are summarized below, and the draft regulations are provided in their entirety as **Attachment B**.

Registration

An annual registration and registration fee would be required for all short-term rentals. The registration requirement would take effect beginning in early 2021, though operators of existing short-term rentals would be allowed six months to bring the short-term rental into compliance with the registration requirement.

Occupancy Limit

No more than two people per bedroom, excluding children under five, would be permitted to occupy a short-term rental.

Parking

When located in a zoning district where off-street parking is required, one off-street parking space would be required for short-term rentals with two or fewer bedrooms and two off-street parking spaces would be required of short-term rentals with three or more bedrooms. When located on property with more than one dwelling unit, the off-street parking requirement for the short-term rental would be in addition to all other off-street parking requirements.

Garbage and Recycling

The accumulation of trash and debris outside of a short-term rental would be prohibited at all times. Garbage and recycling would not be permitted to be left at the street for collection prior to the day of pickup. If due to space limitations, garbage and recycling would be stored outside of the vacation rental, it would need to be stored in a fully enclosed structure or a bear resistant trash enclosure. If required, operators would have until June 2021 to install the bear resistant trash enclosure outside of setbacks.

Fire Safety

To address fire safety, visible address numbers, working fire extinguishers, smoke alarms, and carbon monoxide detectors would be required at every short-term rental. Short-term rentals would be prohibited from having charcoal grills and outdoor fire pits, except those operated by gas. Each dwelling would be subject to inspection by the Dunsmuir-Castella Fire Department prior to authorization for use as a short-term rental and once every three years to ensure compliance with the short-term rental requirements and the City's hazardous vegetation ordinance.

Public Health

Pools, spas, saunas, and shared laundry facilities are considered public facilities and, if provided, would be subject to review by the Siskiyou County Environmental Health Division for compliance with State regulations. Environmental Health charges operators a fee for these inspections.

Code Compliance

The existing residence would be subject to inspection by the Building Department and Planning Department to determine if the short-term rental complies with city standards. Proof of compliance would be required prior to authorization for use of the dwelling as a short-term rental. The cost of inspections would need to be offset by inspection fees established by the City Council.

Special Events

Weddings, corporate events, commercial functions, and any other similar events would be prohibited at short-term rentals.

Local Contact Person

Every short-term rental would need to have a designated local contact person available by telephone on a 24-hour basis and who could be physically present at the short-term rental within 45 minutes of contact by the City or a short-term rental guest.

Interior Postings

All short-term rentals would be required to post short-term rental rules, including occupancy limits, garbage, parking, and noise restrictions; contact information for the designated local contact person; emergency evacuation information; and notice of financial penalties for violations.

Violations

The regulations would impose an administrative penalty of up to \$500 per day for each violation for a first administrative citation, and up to \$1,000 per day for each violation contained in a second or subsequent administrative citation. A short-term rental certificate would be revoked if a unit receives three citations within a 12-month period, and a new certificate would not be issued for a period of 12 months.

ATTACHMENTS

- A. Short-Term Rental Inventory Map
- B. Draft Short-Term Rental Regulations

ATTACHMENT A
SHORT-TERM RENTAL INVENTORY MAP

SHORT-TERM RENTALS

CITY OF DUNSMUIR

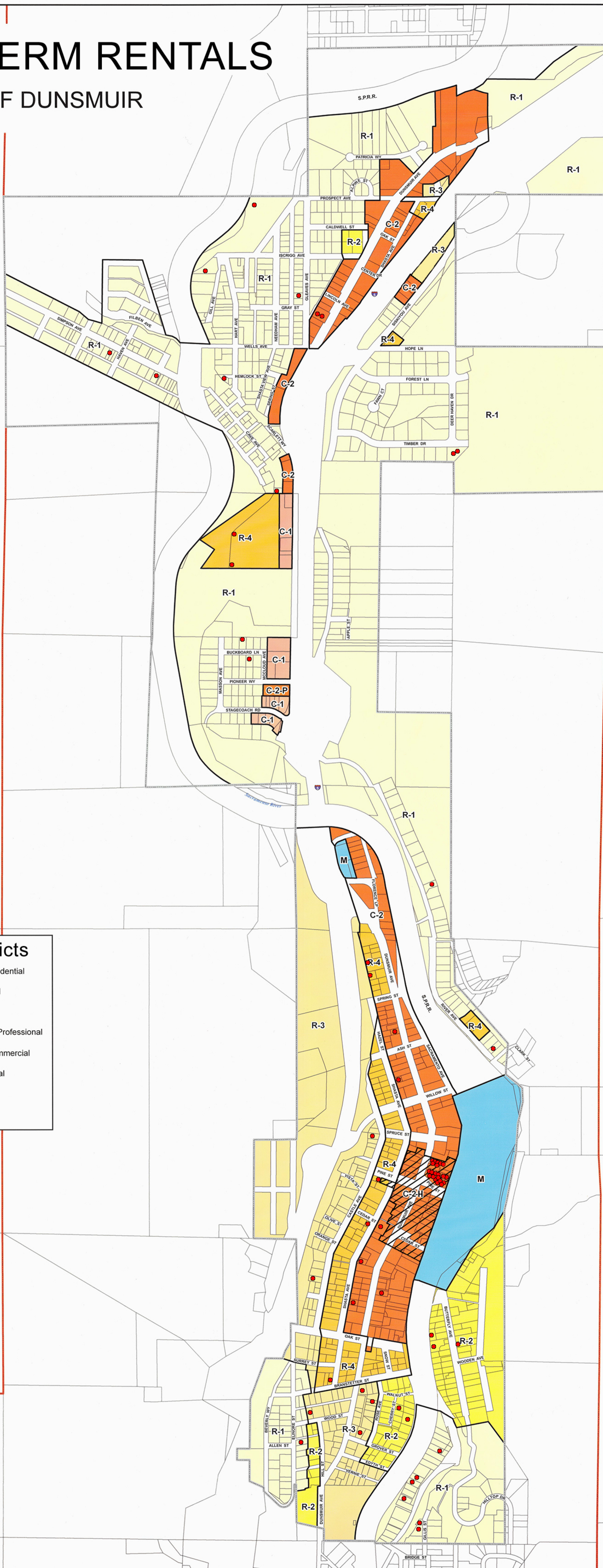
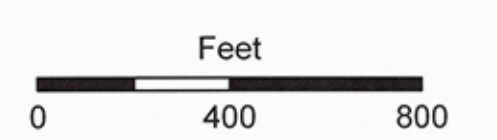


Zoning Districts

	R-1 Single Family Residential
	R-2 Duplex Residential
	R-3 Multiple Family
	R-4 Multiple Family & Professional
	C-1 Neighborhood Commercial
	C-2 Central Commercial
	C-2-H Historic District
	M Manufacturing

Map Features

	City Limit
	Sphere of Influence
	Parcels
	Short-Term Rental



ATTACHMENT B
DRAFT SHORT -TERM RENTAL REGULATIONS

CHAPTER 17.40, SHORT-TERM RENTALS

17.40.010 – Purpose.

Being situated in an area of scenic natural beauty adjacent to a major transportation corridor, Dunsmuir offers easy access to recreational opportunities throughout the region. As a result, short-term rentals have existed in the community for many years. Nevertheless, growth in the popularity of this lodging type has generated a need to establish short-term rental regulations that protect the public health, safety, comfort, and general welfare of the city's residents and visitors. In addition to the requirements, regulations, and standards for short-term rentals imposed by this chapter, all other applicable requirements, regulations, and standards imposed elsewhere in the Dunsmuir Municipal Code and pursuant to state and federal law apply.

17.40.020 – Definitions.

The following words, phrases, and terms as used in this chapter shall have the following meanings:

"Bedroom" means a room that contains a minimum of seventy (70) square feet and a closet, the construction of which was authorized by a building permit, if a building permit was required at the time of construction, and which currently meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.

"Guest" or "Guests" means the individual or individual(s) occupying the short-term rental for the purpose of staying overnight.

"Local contact person" means an individual who is personally available by telephone on a twenty-four (24) hour basis and who maintains the ability to be onsite within sixty (60) minutes and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

"Operator" means any and all of the following: the person who is a legal owner of a short-term rental; a person who has the legal right to possession of a short-term rental; a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

"Short-term rental" means any place, space, or structure, or portion of any place, space, or structure, which is or may be occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging, or similar use in conformance with the city's zoning regulations, and shall include, but not be limited to the following: single-family dwellings, second dwelling units, apartments, cottages, studios, condominiums, townhouses, duplexes, triplexes, fourplexes, guesthouses, a bedroom or bedrooms within an existing residential unit, cabins, and other forms of shelter constructed with a building permit and rented for the purpose of continuous overnight lodging for a period of not less than one night and not more than thirty (30) days.

"Transient occupancy registration certificate" means the certificate of registration described in Section 3.24.050 of this code.

17.40.030 - Registration Certificate Requirements.

- A. Registration certificate required. It is unlawful for any person to advertise, maintain, operate or use a short-term rental within the city without a transient occupancy registration certificate, or in violation of the terms and conditions of the certificate or of this chapter (including without limitation the occupancy restrictions set forth in the certificate). It is unlawful for any person to

advertise, maintain, operate, or use as a short-term rental an accessory dwelling unit or junior accessory dwelling unit, as those terms are used in California Government Code Section 65852.2, as it may be amended from time to time. No transient occupancy registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit. Each rental occurring without a transient occupancy registration certificate, and each rental of an accessory dwelling unit or junior accessory dwelling unit, shall be a separate violation. Transient occupancy registration certificates shall be renewed annually, and separate certificates are required for each short-term rental. The certificate requirements for short-term rentals are set forth below. The issuance of any certificate pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the short-term rental or the property in which it is located. Short-term rentals are allowed in all zone districts that allow residential use with approval of a transient occupancy registration certificate.

- B. Application process. An application for a transient occupancy registration certificate shall be submitted by the operator to the city clerk or the clerk's designee. Each transient occupancy registration certificate application shall be accompanied by a nonrefundable transient occupancy registration certificate fee. The fee schedule shall be established by resolution of the city council following a public hearing and may be adjusted by resolution of the city council following a public hearing. Permits and fees required by this chapter are in addition to any license, permit, certificate, or fee required by any other chapter of this code. Each application shall at a minimum include the following:
1. Operator name and contact information.
 2. The name of the local contact person, if different from the operator, and a telephone number at which the local contact person may be immediately reached.
 3. Address and assessor's parcel number for property at which the short-term rental is located.
 4. Rental unit type (i.e., single-family dwelling, duplex, apartment, etc.). If more than one residential unit is located on the property, the application must identify if the rental unit is the property's primary or secondary dwelling.
 5. Maximum occupancy. The maximum occupancy of a short-term rental shall be two guests per bedroom, excluding children under five (5) years of age. Occupancy limits shall apply between the hours of 10:00 pm and 7:00 am.
 6. Total number of off-street parking spaces available on-site.
 7. Number of trash receptacles satisfying the requirements of Section 17.40.050.
 8. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.
 9. Type and location of public facilities, including pools, spas, saunas, and shared laundry facilities, and evidence of inspection of same by the Siskiyou County Environmental Health Division for compliance with State regulations within the previous six months.
 10. Date of the most recent inspections of the short-term rental, if any, conducted by city staff and the Dunsmuir-Castella Fire Department pursuant to this chapter.
 11. Acknowledgment that the operator has read and understood this chapter, and the city's noise, parking, garbage collection, guest safety and operational standards.

12. If the information supplied by the operator on the application for a transient occupancy registration certificate is not consistent with city records, an additional inspection may be required prior to or after the issuance of the transient occupancy registration certificate. An inspection fee shall be charged for the inspection.
- C. Term and scope of certificate. A transient occupancy registration certificate issued under this chapter shall expire at the end of the calendar year for which it is issued, unless revoked or suspended earlier. The certificate authorizes the operator to operate the short-term rental only in accordance with the terms and conditions of the certificate. Subject to the provisions of Section 17.40.050 herein, a permit certificate will be renewed if prior to expiration, the following is provided: updated application information (if changes have occurred), new certifications and acknowledgments required in subsections (B)(8) and (B)(11) above, and payment of the registration fee. Renewal applications may be submitted commencing on October 1st of each year. Renewals for which applications received after November 30th in a given year might not be received by applicants prior to January 1st, and the advertisement or operation of a short-term rental for which a renewed certificate has not been received shall constitute a violation of this chapter.
- D. Acceptance of registration certificate. Acceptance by an operator of a transient occupancy registration certificate shall constitute acknowledgment and acceptance of, and consent to, the requirements and provisions of this chapter.
- E. Effective date. This section shall take effect on January 1, 2021, provided that operators without transient occupancy registration certificates shall not be in violation of the transient occupancy registration certificate requirement until July 1, 2021.

17.40.040 – Inspections.

All short-term rentals shall be inspected by the city, the Dunsmuir-Castella Fire Department, and Siskiyou County Environmental Health, if applicable, prior to commencement of the use. The inspection shall verify compliance with all standards and conditions of operation including safety requirements. After the initial inspection, said rental unit shall be re-inspected not less than once every three years following the original registration date, for as long as the unit is used as a short-term rental. The operator shall submit a completed inspection form to the city showing that the unit has passed inspection and is approved for rental. Completion of the semi-annual inspection will be verified at the time of business license renewal. The actual cost of such inspections, plus any administrative charges, shall be paid by the operator pursuant to the city's adopted fee schedule.

17.40.050 - Operational Standards.

All short-term rentals shall comply with the following standards and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.

- A. Operator responsibilities and recordkeeping. The operator shall inform guests that they must not violate the standards of this chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this chapter and other applicable provisions of this code. The operator shall collect and maintain for each guest registration the name and contact information of the registered guest, the number of guests, and the amount of rent paid (including all ancillary charges such as cleaning charges). All such records shall be maintained for a period of three years and shall be furnished to the city within five days upon request.
- B. Local contact person. A local contact person shall be personally available by telephone on a twenty-four (24) hour basis and shall be physically present at the short-term rental within forty-

five (45) minutes of contact by city employees or agents or the guest(s). Upon receiving a call or complaint about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the local contact person shall immediately contact the appropriate law enforcement, fire, or other authority.

- C. Parking. When located in a zoning district where off-street parking is required, one off-street parking space shall be provided for short-term rentals with two or fewer bedrooms and two off-street parking spaces shall be provided for short-term rentals with three or more bedrooms. When located on property with more than one dwelling unit, the off-street parking requirement for the short-term rental is in addition to all other off-street parking requirements. No vehicle, including without limitation boat trailers and recreational vehicles, maybe parked at a short-term rental in an unpaved area or in a location or manner that does not comply with city standards.
- D. Trash and recycling. The accumulation trash, debris, and recyclable materials outside of a short-term rental at any time is prohibited. Weekly trash collection and recycling shall be provided for each short-term rental. A minimum service level of one trash can shall be maintained for each short-term rental in addition to recycling service. If one trash can is insufficient to accommodate all trash generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash generated onsite. Garbage and recycling shall not be placed outside for collection prior to the day of pickup. When garbage and recycling are stored outdoors prior to the day of pick up, it shall be kept within a bear- and rodent-resistant container that is situated outside of required setbacks and that is large enough to accommodate all garbage and recycling generated onsite within a one week period.
- E. Interior posting requirements. The following information shall be posted within the interior of the rental unit in a visible location: the name of the operator and a telephone number at which that party can be reached on a 24-hour basis; the maximum number of guests permitted to stay overnight in the unit; the maximum number of vehicles that are allowed to be parked on the property; notification that trash and recyclable materials must be placed into cans provided for that purpose; notification that vehicles must be parked on paved areas on the property; off-street parking requirements during snow storms and snow removal; a description of the city's audible alert system; the telephone number of the Sheriff's Office; building exits, exit routes, and fire extinguisher locations; emergency evacuation information; a notice regarding potential penalties associated with violation of this section; and for short-term rentals with wood- burning fireplaces or woodstoves, instructions on the safe operation of such appliances and the safe disposal of ashes.
- F. Smoke alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, and at least one alarm on every level of the short-term rental, including basements and habitable attics.
- G. Carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed at a minimum outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.
- H. Fire extinguisher and ash can. Each short-term rental shall be equipped with one five- pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order. Each short-term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.

- I. Visible address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code. A short-term rental in a condominium or apartment building that does not have an individual address may utilize the condominium or apartment building address and need not comply with these requirements.
- J. Emergency communications. If located in an area with inadequate cellular service, each short-term rental unit shall contain a working landline phone or Voice Over Internet Protocol phone.
- K. Accessory uses. Pools, spas, saunas, and shared laundry facilities, if provided, are considered public facilities and shall be subject to Environmental Health Department review for compliance with regulations for public pools and laundries.
- L. Advertisements. Each advertisement for a short-term rental shall list the maximum number of occupants permitted by the transient occupancy registration certificate, the maximum number of parking spaces onsite, and the number of the transient occupancy registration certificate.

17.40.060 – Prohibitions.

- A. Prohibited short-term rentals. A structure or property with a recorded covenant, deed restriction, or agreement restricting its use, including without limitation dwelling units with affordability restrictions, and dwelling units for which short-term rentals are prohibited, shall not be used for short-term rentals. Short-term rentals are not allowed in structures not intended for residential occupancy under the California Building Code Standards and this code.
- B. Incidental camping. A transient occupancy registration certificate does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.
- C. Outdoor fires. No outdoor fires (e.g., fire pits, campfires, etc.) are permitted at short-term rentals. Propane burning fireplaces and fire pits are acceptable provided the device is at least ten (10) feet from a structure and any flammable materials.
- D. Grills and barbeques. Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures. All grills and barbecues shall be no less than ten (10) feet away from a structure and any flammable materials, such as a woodpile. Charcoal grills of any type are prohibited at short-term rentals.
- E. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid transient occupancy registration certificate may advertise and rent a residential unit as a short-term rental.
- F. Special events. Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at a short-term rental property.

17.40.070 - Penalties; certificate denial, suspension, and revocation.

It is a misdemeanor and a public nuisance to violate any of the provisions of this chapter. Violations of this chapter are subject to the administrative citation provisions set forth in Chapter 1.08 of this code, provided that fines for violations of this chapter shall be as set forth below. Any person violating the

provisions of this chapter, including without limitation guests, operators, and local contact persons may be subject to administrative and/or judicial remedies as set forth herein. In addition, the city shall have the authority to suspend or revoke the transient occupancy registration certificate, or to maintain an action for injunctive relief. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or this code. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

- A. Enforcement. An administrative penalty of up to five hundred dollars (\$500) per day may be imposed for each violation of this chapter contained in a first administrative citation, and up to one thousand dollars (\$1,000) per day for each violation contained in a second or subsequent administrative citation. A prior citation for purposes of this section shall be an earlier administrative citation for violation of this chapter on the same property that occurred less than one year prior to the current citation.
- B. Denial, suspension, or revocation of a transient occupancy registration certificate. The city may deny, suspend, or revoke a transient occupancy registration certificate for any of the following reasons:
 - 1. The transient occupancy registration certificate application is incomplete;
 - 2. The transient occupancy registration certificate contains a false or misleading statement or omission of a material fact;
 - 3. The short-term rental, operator, or guest is currently in violation of, has been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, ordinances, rules or regulations pertaining to the operation of a short-term rental;
 - 4. The transient occupancy registration certificate of a short-term rental for which three citations have been issued for violations of this chapter within a 12-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, and a new certificate shall not be issued for a period of 12 months from the date of the certificate revocation.
 - 5. The operator is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;
 - 6. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;
 - 7. The operation of a short-term rental is a threat to the public health, safety, or welfare;
 - 8. The lack of a fire inspection within the preceding three years, a failed fire inspection unless documentation is provided that the conditions causing the failure were corrected and the short-term rental passed a subsequent fire inspection, or a refusal to allow a fire inspection or other inspection of the short-term rental;
 - 9. Absence/expiration of a transient occupancy registration certificate; or
 - 10. Any required application fee or renewal fee has not been paid.
- C. Appeal. Any operator or guest may appeal a penalty imposed pursuant to this chapter, or a denial, suspension, or revocation of a short-term rental permit to the city manager by filing a notice of appeal with the city clerk within 10 calendar days of the serving or mailing of notice of the action taken. Following receipt of a notice of appeal, the city clerk shall give not less than

five days written notice to the appellant of an appeal hearing at a time and place fixed in the notice. At such hearing, the operator or guest may appear and offer evidence why the action being appealed should be overturned or modified. After such hearing, the city manager shall determine whether the action should be sustained, overturned, or modified and shall thereafter give written notice to the appellant in the manner prescribed herein of such determination. An operator or guest aggrieved by the city manager's decision regarding such appeal may appeal to the city council by filing a notice of appeal with the city clerk within ten (10) calendar days of the serving or mailing of notice of the city manager's decision and tendering a deposit for the cost of the appeal in an amount established by the city council. The city clerk shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at the last known place of business or to such guest at the guest's address as set forth in the appeal. At the hearing, the appellant shall have the right to testify, to be represented by counsel, to present witnesses on the appellant's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues. The findings of the city council are final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any fine or penalty found to be due is immediately due and payable upon the service of notice.

- D. Costs of enforcement. All money and assets collected in payment of penalties for violations of this chapter and all money and assets collected for recovery of costs of enforcement of this chapter shall be used to offset the cost of enforcement of this chapter.
- E. No duty to enforce. Nothing in this chapter shall be construed as imposing on the city or any employee thereof any duty to issue a warning notice, administrative or judicial citation, or notice to abate, nor to abate any violations of this chapter, and neither the city nor any employee thereof shall be held liable for failure to issue an order to abate any violation of this chapter.

17.40.080 - Changes in ownership.

Short-term vacation rental permits do not provide a vested interest in or entitlement to the continued operation of a short-term rental upon a change of property ownership. The new owner of a property for which a short-term rental permit has been issued shall notify the city upon a change of ownership of the short-term rental. Short-term rental permits shall not run with the land and shall expire upon any partial or complete transfer of ownership of a short-term rental, regardless of whether notice of the change in ownership has been provided to the city.