



SIERRA COUNTY PLANNING COMMISSION SPECIAL MEETING Agenda

March 10, 2022
10:00 AM

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

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

The Sierra County Planning Commission welcomes you to its meetings which are regularly scheduled for the second Thursday following the first Tuesday of each month. Special meetings may be called from time to time and the meeting location, time, and date will be announced at the appropriate time as required by law. This meeting will be open to the public for in-person viewing/participation, as well as available via video/teleconference using the link or phone # below.

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

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1. **CALL TO ORDER/ROLLCALL**
 2. **APPROVAL OF AGENDA**
 3. **WORKSHOP: Proposed Policies Governing “Short Term Rentals” (AirBnB, Vrbo, etc.)**

Public Workshop for discussion/direction to staff on final draft “Short Term Rentals” ordinance. This is not a formal public hearing and no action will be taken at this time.

4. **ADJOURNMENT**

The next regularly scheduled Planning Commission meeting is Thursday, April 14, 2022

Chapter 15.10

Specific Land Use Requirements and Standards

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 and being rented for less than thirty (30)-day periods. 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, standards to protect the health and safety of residents, visitors, and guests as well as the protection of neighborhoods where short-term rentals are permitted. This regulatory framework is intended to apply to the unincorporated areas of Sierra County.
- B. *Definitions.* The following definitions shall apply to this policy:
1. “Short-Term Rental” means transient occupancy of and/or short-term rental of an entire residence located on a legally created parcel of land for short-term, vacation lodging for a period of time less than thirty (30) consecutive days as may be advertised by individual property owners or by residential management service, or on a property management website. Short-term rental does not include those exemptions identified in this part.
 2. “Local Contact Person” means a person available by telephone on a twenty-four (24) hour basis. This local contact person shall be able to be physically on site of the short-term rental within thirty (30) minutes and have full access as well as authority to assume management of the unit. An agent or professional property management company that meets the availability requirements can serve as the local contact person.
 3. “Transient Occupancy Tax” means county tax imposed for any short-term rentals or lodging as defined by Sierra County Code
 4. Accessory Dwelling Unit or “ADU” means a residential structure as defined in California Government Code Section 65852.2(j)(1).
 5. “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.).
- C. *Short-Term Rental Permit Requirement.* It is unlawful for any person to advertise, 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 for Short-Term Rentals: Short-term rentals are only authorized, subject to issuance by the County of an administrative use permit as defined herein, within the following zones: Residential Single Family (R-1) Zoning District.
 2. Uses and Structures Prohibited as a Short-term Rental: A short-term rental is prohibited within caretaker houses or quarters; guest houses; accessory dwelling units (ADU), tiny houses, camp sites, travel trailers, campers, motorhomes, fifth wheels, boats, tents, yurts, or like facilities; or any storage shed, studio, or utility structure, cargo container, or other like structure or unit. Short-term rental of a portion of a residential structure (i.e., a bedroom) is prohibited. Multiple short-term rentals within a single residential structure are prohibited. More than one (1) short-term rental upon a legally created parcel is prohibited.
- D. *Exemptions to Administrative Use Permit.* Legal conforming uses or legal non-conforming uses as defined in this part that are exempt from a short-term administrative use permit include the following:
1. Hotel/motels, lodges, resorts, bed and breakfast operations, timeshares, and fractional ownership lodging facilities.
 2. Mobilehome Parks 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. 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 special use permit issued by the U.S. Forest Service.
 6. Home Owners' Associations (HOA), condominium and/or townhouse associations may be exempt from the permit requirements of this ordinance at the discretion of the County Planning Director and/or upon written request by the short-term rental owner. The request may be accompanied by acknowledgments from the HOA demonstrating its requirements restricted through covenants, conditions, and restrictions (CC&Rs) are equivalent to the standards and requirements contained within this policy. A residential association that has short-term rental permit exemption from the Planning Director shall notify the County Planning Department of any changes to the CC&Rs that may impact the residential association's ability to

manage and enforce requirements for short-term rental. The short-term rental permit exemption may be revoked by the County Planning Department if it is found that the short-term rental is not in compliance with this policy.

7. Rental of a residential unit for period in excess of thirty (30) days within any County zoning district located within Chapter 15 of the Sierra County Code where residential use is permitted.

E. *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 issued administratively by the Department if the proposed administrative use permit for the 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-year terms. Property owners may seek a renewal of an administrative use permit for additional terms of three years but shall be required to file a new application and provide an application fee. The renewal 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 Chapter 20 of the Sierra County Code unless otherwise specified within this policy.

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

1. **Property Owner(s):** The property owner(s) authorization is required for an agent to file a short-term rental application. Property owner or agent name and contact information, assessor's parcel number, physical and/or mailing address, and phone number for the short-term rental will be listed on the application.
2. **Local Contact Person/Management Representative:** A local contact person or Management Company representative, if different from the property owner(s) or

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

3. **Rental Unit Type:** If more than one residence is located on the property, the application shall specify the primary residential unit on the property and also designate the residential unit that is subject to the request for an administrative use permit for a short-term rental. Multiple short-term rentals shall be prohibited on any single, legal parcel.
4. **Number of Bedrooms/Onsite Wastewater Disposal System Certification:** A bedroom is a room that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code per the California Building Code (Title 24), including all life-safety provisions. The onsite wastewater disposal system serving the authorized number of bedrooms within the approved short-term rental on the property shall be reviewed by the County Environmental Health Department to verify that the existing onsite wastewater disposal system will be sufficient to handle the number of bedrooms proposed within the short-term rental and potential occupant load accordingly.
5. **Maximum Occupancy:** The maximum occupancy allowed in any short-term rental as defined herein shall be based on the analysis of the number of the compliant bedrooms within the proposed short-term rental; the certification by the County Environmental Health Department that the onsite wastewater disposal system on the property will be sufficient to serve the number of bedrooms; and certification from the County Transportation Department that an authorized driveway encroachment permit and off-street parking area meets or exceeds County standards; and any other limitations contained within this policy. Occupancy, for purposes of determining “maximum occupancy”, is defined as two people per bedroom and occupants shall include any children. Occupancy limits may be increased on a case-by-case basis, at the discretion of the Planning Director, based on findings and conditions outlined in the issued administrative use permit for the short-term rental.
6. **Transient Occupancy Tax (TOT):** A valid Transient Occupancy Tax certificate/letter issued by the Sierra County Treasurer-Tax Collector confirms that the short-term rental unit is registered for participation in the transient occupancy tax collection process.
7. **On-Site Parking:** Parking of vehicles and any trailers (boats, snowmobiles, and the like) shall be restricted to off-street locations on the property containing the short-

term rental. The number of parking spaces required shall be calculated on the basis of the maximum occupancy calculated for 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 shall be approved by both the County Planning Department and County Transportation Department.

8. **Application Special Inspection Fees:** If the information supplied as part of the application is not consistent with Sierra County records indicating that: 1) a land use violation exists on the property; 2) the residence that is being used as a short-term rental has an open building permit where occupant health and safety could be compromised; or, 3) or there is a need to have the County Building Department, Planning Department, or Environmental Health Department conduct an on-site visit to review and verify that the onsite wastewater disposal system is designed to serve the maximum occupancy of the proposed short-term rental unit, no administrative use permit shall be issued until these identified issues are resolved to the satisfaction of the County. An inspection fee as required by the Board of Supervisors shall be charged for the any site inspection needed to qualify the ability of the residence to be used for a short-term rental and this fee is in addition to the application fee required by this policy.
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:** On-site waste/trash removal service to the short-term rental shall be required and the location of waste cans conveniently located for occupant use and not within any front yard area and not within a proximity to an adjacent road.
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.

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

1. **Permit Authorization:** The administrative use permit authorizes the property owner to conduct only such uses as described in the permit and in accordance with the terms and conditions of the permit and this policy.
2. **Amendments:** Transfers of property ownership, or local contact person, or other change in the short-term rental shall require notification in writing to the County Planning Department.
3. **Renewals:** An administrative use permit for the short term rental may be renewed for additional terms of two (2) years and the property owner must file a request for renewal on forms provided by the County Planning Department prior to the expiration of the permit. The renewal application must contain any updated application information, if changes have occurred or required building code standards have been amended and said amendments require action on the part of the property owner of the short-term rental.
4. **Application Fee:** Payment of any permit fee, according to a fee schedule adopted by the Board of Supervisors, is required as part of the administrative use permit application or request for renewal.

H. *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 maybe 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 administrative use permit issued for the short-term rental.

I. *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 County Planning Department and be maintained with current information at all times.
3. **Emergency Communications:** A working 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 secured or leashed at all times and are not allowed to run-free on or off the short-term rental property. No agricultural animals and no exotic or wild animals (birds excluded) shall be permitted within short-term rentals. Occupants of the short-term rental shall possess evidence for each animal of current vaccination against rabies, canine parvovirus, and distemper.
6. **Exterior Lighting:** Exterior lighting is required for all entrances and exits located in the short-term rental and shall meet the general specification to “light the site, not the night”. Light glow and light beams shall be pointed downward from the light fixture toward the ground. Any site lighting, other than light fixtures attached to the short-term rental to illuminate entrances and exits, shall not have glare or illumination directed toward adjacent properties. Any lighting that interrupts or

causes a nuisance condition to surrounding properties is prohibited. Tiki torches or like lighting products using open flame are prohibited.

7. **Parking:** A parking plan showing all parking locations shall be provided for the property containing the short-term rental and sufficient parking spaces shall be provided for the “maximum occupancy” for the short-term rental. Parking spaces shall be off-street, clearly delineated, and located on the property containing the short-term rental. If sufficient space of 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. **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 08.01.070. 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 will not be clearly visible from the street or access road fronting the property, a second sign may be required by the County.
9. **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 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.
10. **Fire Extinguisher, Smoke Alarms & Carbon-Monoxide Detectors:** All short-term rentals shall have charged fire extinguishers in the interior of the rental, in any garage (attached or detached), and on all levels of any two to three-story buildings. 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 alarm should be located on every level of the short-term rental, including basements, garages, and habitable spaces. On-site manufacturer’s installation instructions shall be posted in the short-term rental binder for guest(s).
11. **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 can be used at short-term rental. Any LPG fire pit and

any LPG barbeque shall be restricted to approved locations on the property outlined in an annual inspection by the County Building Department, serving fire district, or Authority Having Jurisdiction. Barbeques and fire pits fueled by charcoal briquettes or wood, or any other material other than LPG are prohibited. Tiki torches or like products are prohibited.

12. **Water Supply:** Short-term rentals not served by regulated public or private water systems shall be regulated as a local small water system by the County Environmental Health Department to ensure that available water is potable and meets basic drinking water quality standards. For short-term rentals served by regulated water systems, a disclosure including the name of the water system and contact information should 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.
13. **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, Section 4290 and regulations found in Sierra County Code, Section 12.08.070. 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.
14. **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 Section 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, Section 8.40. Evidence of compliance with this requirement shall be provided as part of the short-term rental administrative use permit application. The short-term rental shall be maintained free of any litter and waste shall not be stockpiled at the short-term rental with any and all waste cans required to be emptied at least once per week. Brush piles, green waste piles, limbs, and other flammables shall not be maintained on the property.
15. **Sewage Disposal:** The approved and advertised occupancy of a short-term rental shall not exceed the existing design-capacity of the septic system and the maximum occupant load as required by this policy.
 - a. **Capacity:** The property owner shall not advertise nor allow occupancy of the short-term rental for more persons than the design capacity of the individual

On-site Waste Treatment System (OWTS), septic tank that is in existence on the property. County Environmental Health Department will verify how many bedrooms the existing OWTS is approved to serve including the maximum number of people that can reside in the short-term rental.

- b. Guidance Information: Guests staying at the short-term rental will be provided guidance information on how to properly dispose of waste. County Environmental Health Department can assist providing 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 aware that everything that goes down the drains ends up in the septic system of the short-term rental and overall affects how well the septic system functions.

16. 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 and an annual certification issued by the County Treasurer-Tax Collector shall be provided as part of the annual permit process to ensure that the property complies with these requirements.

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

1. Incidental Camping: No incidental overnight camping shall be permitted on the exterior grounds of a property containing a short-term rental including but not limited to the occupancy of tents, yurts, recreational vehicles, campers, travel trailers, motorhomes, camp trailers, or any like use. An administrative use permit for a short-term rental does not authorize any incidental camping on the property.
2. Special Events: Receptions, weddings, retreats, and/or any other similar events, which create or have the potential to create traffic issues, parking issues, noise concerns, impacts to sewage disposal capacities, trash and refuse issues, or like issues in Sierra County neighborhoods, are prohibited on the property containing a short-term rental.
3. Subletting: Guests and occupants of a short-term rental shall not sub-lease the occupancy and use of a short-term rental or otherwise bypass the requirement for an administrative use permit.
4. Non-Propane Outdoor Fireplaces and Fire Pits: No campfires, wood-burning open pits, open bonfires, vegetation burn piles, or any other flammable devices are permitted for use by occupants of a short-term rental. LPG (aka, Propane) fueled fire pits using twenty (20) pound fuel tanks or less are acceptable for outside use if they permanently located and are setback a minimum of twenty-five feet from any property line and fifteen (15) feet away from any structure, trees, flammable vegetation, or other source. The County Building Department, CalFire, or serving fire protection district must approve the type and location of the propane fire pit.

5. Outdoor Grills and Barbeques: Charcoal briquettes, wood, or other like type of barbeques or grills that are not fueled by LPG are prohibited. A specific area shall be designated for placement and operation of a LPG-fueled barbeque. These devices shall be no less than fifteen (15) feet away from any structure and at least twenty-five (25) feet from any property line. Guests are prohibited from relocating the barbeque to another location on the property.
6. Fireworks and Firearms: Fireworks and discharge of any firearms is strictly prohibited.
7. Accessory Dwelling Units (ADU) as a Short-Term Rental: No ADU, guesthouse, or caretaker unit shall be advertised, maintained, operated, nor put to use, as a short-term rental. If the building was permitted as an ADU, it shall not be used as short-term rental.
8. Vehicle Maintenance and Repair: No vehicle or equipment maintenance or repair shall occur by any occupant of an approved short-term rental.

K. *Processing of Complaints/Violations of Short-Term Rentals.* In the event that complaints are received by the County alleging a public nuisance or non-compliance of the short-term rental with this policy, the property owner, local contact person and/or management agency will be notified by, and the County Planning Department who will investigate and render a report on its findings. Distribution of the investigative report shall be made to the property owner, County Sheriff, County Environmental Health Department, County Transportation Department, and the serving fire protection district. Failure of the property owner to cause correction of any noted deficiencies or noted violations shall be a basis for revocation of any issued use permit as provided in Chapters 8, 15, and 20 of the Sierra County Code. Correction of any noted violation of this policy or abatement of any noted Sierra County Code violation affecting the short-term rental shall be corrected within a reasonable time as specified by the County Planning Department. In the case of any violation of this policy, code violation, or finding of nuisance that is considered a matter of life-safety for any occupant of the short-term rental or which is necessary to be corrected for public health and safety once served on the property owner by the County Planning Department shall be corrected before and further occupancy is authorized of the short-term rental unit.

THE SECTIONS BELOW ON ENFORCEMENT, FINES, APPEALS, DENIAL, SUSPENSION, REVOCATION WILL BE DRAFTED BY COUNTY COUNSEL AND MAY REFER TO EXISTING SECTIONS OF THE COUNTY CODE, THUS ELIMINATING THE NEED TO REPEAT THE PROVISIONS HERE.

L. *Appeal, Enforcement, and Penalties.* It is a misdemeanor and a public nuisance to violate any of the provisions of this policy. Any person including guests, property managers, local contact person, agent, and/or property owner that violates the provisions of this ordinance may be subject to administrative and/or judicial remedies. Sierra County has the authority to suspend or revoke the administrative use permit for the short-term rental; initiate nuisance abatement proceedings; or create a cause of action for injunctive relief

since any violation is hereby declared to be contrary to the public interest. 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 other Sierra County ordinances. In the event of any conflict between the penalties set forth in this ordinance and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

1. Fines: The fine for code violation(s) pursuant to this section may be an administrative penalty of up to five hundred dollars (\$500) per day for each violation 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 of this section shall be an earlier administrative citation for violation of this ordinance on the same property that occurred less than one year prior to the current citation.
2. Denial, Suspension, and/or Revocation of an Administrative Use Permit: A permit for a short-term rental may be revoked by the Planning Director for non-compliance with this policy and for any of the following reasons:
 - a) The administrative use permit application for the short-term rental is incomplete; or
 - b) The administrative use permit application for the short-term rental contains a false or misleading statement or omission of a material fact; or
 - c) The short-term rental's property owner, agent, and/or guest is currently in violation of any local, state, or federal laws, statutes, rules, or regulations pertaining to the use of the property containing a short-term rental; or
 - d) Code enforcement staff has responded to the property, and such response results in at least one citation for violations on each visit, if occurring three times within any twelve (12)-month period; or
 - e) The property owner or agent is delinquent on any payment to Sierra County of any required fees, penalties, taxes, or any other fees, or assessments related to the short-term rental unit; or
 - f) The operation of a short-term rental has been deemed a threat to the public health, safety, or welfare or has been declared a public nuisance; or
 - g) A fire inspection conducted at the short-term rental has identified fire safe violations that present an immediate threat to public health and safety, or the property owner, occupants, or property manager of a short-term rental has refused to allow a fire inspection required by the Sierra County for any short-term rental; or

- h) Absence/expiration of a current Transient Occupancy Tax (TOT) certificate/registration; or
 - i) Any required application fee or renewal fee has not been paid.
3. Appeal Process: A property owner of the short-term rental may appeal any decision to the Planning Director regarding an enforcement action, a decision on an administrative use permit application pursuant to this policy or a revocation of any short-term rental by filing a written notice of appeal to the Planning Director within ten (10) calendar days of the service of the notice of the action that is subject to appeal.
- a) If an appeal is filed, the Planning Director or designee shall schedule an administrative appeal meeting within ten days with the property owner of a short-term rental. The decision of the Planning Director to proceed with any enforcement action can be modified or amended by the Planning Director as a result of the administrative hearing.
 - b) The decision issued by the Planning Director resulting from the administrative appeal meeting may be appealed by the property owner of the property containing the short-term rental. The appeal shall be filed with the Clerk of the Board of Supervisors within ten days following notification by the Planning Director to the owner of property containing a short-term rental, of any decision regarding an enforcement action initiated under this policy.
 - c) The Board of Supervisors shall proceed with review of the appeal filed with the Clerk of the Board and shall determine if an appeal hearing is to be scheduled. Once the appeal hearing has been scheduled, written notification thereof shall be given to the guest/property owner/agent by certified mail at least ten (10) calendar days prior to the hearing date.
 - d) At the hearing, the property owner shall have the right to testify, to be represented by counsel, to present witnesses, to cross-examine all other witnesses and to present oral and written documents and evidence on the proposed enforcement action.
 - e) The Board of Supervisors shall issue a decision on the appeal at the conclusion of the hearing, and may sustain, modify, or reverse the decision of the Planning Director.
 - f) The decision by the Board of Supervisors shall be the final level of the administrative appeal.

4. Costs of Enforcement:

- M. *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 Sierra County Planning Department and Sierra 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.

- N. *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.
- O. *Administration.* The Sierra County Planning Director, Sierra County Director of Environmental Health, and Sierra County Sheriff shall be authorized to administer and enforce this ordinance.