



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-1530, Version: 1

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Draft Short-term Rental Ordinance
Record No.: LRP-2022-17963 & LRP-2023-18254
All unincorporated areas of Humboldt County

Inland and coastal zone ordinances to allow the use of residences for short-term rentals within the unincorporated areas of Humboldt County. The ordinance does the following:

- a) Creates two tiers of rentals consisting of units partially rented by the occupants of the residence and rental of the whole unit;
- b) Establishes performance criteria for the operation of short term rentals;
- c) Creates an Administrative Permit to authorize rentals which comply with the ordinance and allows approval of a discretionary permit when deviations from standards are requested.
- d) Creates a cap for the number of units allowed around the Humboldt Bay Area

The new ordinance would affect the following code sections:

1. Inland: Adds section 314-60.05, amends the tables in section 314-6 and 314-9, amends sections 314-37, 314-44, 314-55, 314-138, 314-141, 314-143, 314-153, 314-154, 314-157, 314-158, 314-163, 314-174 and 314-177 in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County.
2. Coastal: Adds section 313-61.05, amends the tables in section 313-6, and amends sections 313-44, 313-50, 313-55, 313-141, 313-143, 313-154, 313-157, 313-163, 313-172, and 313-177 in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County.

RECOMMENDATION(S):

That the Planning Commission:

1. Request staff provide introduction to the changes made to the draft Short-term Rental Ordinance in response to comments and Planning Commission deliberations at the October 26, 2023, and the November 2, 2023, Planning Commission meetings.
2. Allow for public comment on the proposed draft ordinance.
3. Deliberate and comment on the draft Short-term Rental Ordinance.
4. Provide guidance to Planning & Building Staff on any desired amendment selections to the draft ordinance and provide a recommendation to the Board of Supervisors.

DISCUSSION:

Project Location: All of the unincorporated areas of Humboldt County.

Present Plan Designations: All land use designations where residences are allowed as a principal use.

Present Zoning: All zoning districts where residences are allowed as a principal use.

Environmental Review: The ordinance is exempt from environmental review under §15301 (Existing Facilities) and §15061(b)(3) of the State CEQA Guidelines.

State Appeal Status: The Short-term Rental Ordinance for the coastal unincorporated areas of Humboldt County must be approved by the California Coastal Commission prior to taking effect.

EXECUTIVE SUMMARY:

During the Planning Commission hearing held on October 26, 2023, the Short-term Rental (STR) ordinance was presented by staff and public comment was received. Staff presented the ordinance to the Commission by section, allowing the Commission to provide comment on each section of the ordinance and vote on or alter alternatives presented to the Commission. The Planning Commission made selections of alternatives provided by staff and requested changes which have been included in the draft ordinance and outlined in the policy discussion below.

POLICY DISCUSSION CONTINUED:

The policy objective of this ordinance is to allow an activity that has benefits to the County in such a way as to minimize the impact on housing stock and impacts to neighborhood character. The following sections highlight changes made since the last ordinance revisions presented at the October 26, 2023, Planning Commission meeting.

Good Neighbor Guide Additions:

During deliberations on November 2, 2023, Commissioners identified that there should be safety information made available to tenants in the form of a safety manual. This manual should at a minimum identify evacuation routes and provide a list of the nearest public service facilities

(hospital, police station, fire station, etc.), with associated contacts. The Commissioners agreed that the Good Neighbor Guide is a good idea to remain transparent with neighbors. To help maintain neighborhood integrity, the Good Neighbor Guide will now have to include a traffic etiquette pamphlet, outlining acceptable traffic guidelines for tenants. Good Neighbor Guides must now be submitted to Planning and Building and be present in all Short-term Rentals for tenants to view.

Pathway for STRs in AOB (Alternative Owner Builder):

There was continued discussion of allowance of AOB for use for STR. After deliberation, the Commissioners agreed that it is not in the interest of the public's health, safety, and welfare to have a commercial activity occur in a structure built with alternative materials and not receiving a final structural review. Applicants who wish to pursue an STR permit with an AOB structure may still apply, though they would have an alternative pathway than the standard STR Permit. An AOB owner will have to apply for a Special Permit and an after-the-fact Building Permit to be considered for approval. Proof of submittal of the Building Permit application shall be included in the Special Permit application. The Special Permit shall not be approved until after the Certificate of Occupancy is issued by the Building Division.

Per Person Cap:

Alternatives were provided to the Commissioners to be able to select how many permits a person or business should be allowed to have. There was not a unanimous consensus on this, but the Commissioners ultimately voted that no business or person should be allowed to own more than three (3) Short-term rental permits. This is a reduction from the previous draft which allowed five (5).

Transferability and Ownership:

There was a continued in-depth conversation about how to prevent the STR permit from becoming a commodity. The public, operators in particular, are worried about transferability, particularly to direct family. Commissioners wrestled with the idea of regulating who can inherit or pass on these permits and agreed that these permits should be able to be passed down to relatives. Though Commissioners supported the alternative presented allowing for transfer to next of kin, there was agreement that the language was not strong enough to be defensible. Staff has prepared Alternative 1, including legal language provided by the Assessor's office to strengthen this alternative. It should be noted that the Commissioners did not support blanket transferability.

Private Parties and Gatherings:

Private parties and gatherings are the main source of complaints for STRs. In an effort to find a more equitable cap for parties and gatherings, Commissioners voted to select the alternative provided by staff allowing for twice the maximum occupancy of the short-term rental, during the hours of 8 a.m. to 10 p.m. so long as gatherings are identified in the STR application and adequate parking is identified/provided.

ATTACHMENTS:

1. Inland Draft Short-term Rental Ordinance
2. Coastal Draft Short-term Rental Ordinance
3. STR PC Resolutions (Inland & Coastal)
4. Public Comment
5. 10.26.23 PC Package

Please contact Cade McNamara, Planner, at cmcnamara@co.humboldt.ca.us or 707-268-3777 if you have questions about this item.