



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-968, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: 4/5th

SUBJECT:

Extension of Urgency Ordinance Establishing a Temporary Moratorium on the Acceptance of Permits for Short-Term Rentals (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report and accept public comment; and
2. Adopt the Interim Urgency Ordinance Extending for 22 months and 15 days the Temporary Moratorium to Preclude Acknowledgement of Any Short-Term Rental Initiated After June 6, 2023 as a Possible Pre-Existing Use in the Unincorporated Area of the County Outside of the Areas Mapped with a V-Vacation Home Rental Combining Zone (Attachment 1), based on the findings set forth in the Interim Urgency Ordinance pursuant to Government Code sections 25123(d) and 65858(b) (4/5 vote required); and
3. If adopted, direct the Clerk of the Board to publish the post-adoption summary of the ordinance (s) within 15 days (Attachment 2) and direct Planning and Building Department staff to bring forward draft (permanent) ordinances prior to the 22 month 15 day expiration date.

SOURCE OF FUNDING:

The staff costs to prepare this staff report are expected to total approximately \$5,000 which will be paid by the General Fund's contribution to Long Range Planning (budget unit 1100-282).

DISCUSSION:

This item is being brought forward to your Board to continue the preemptive measure taken by the Board of Supervisors on June 6, 2023, when it adopted a 45-day urgency ordinance placing a moratorium on acknowledging vacation rentals initiated after June 6 while new regulations for these uses are being formulated.

As described in the previous staff report, in other jurisdictions when draft ordinances regulating short-

term rentals have been proposed, it has resulted in the proliferation of applications for short-term rentals. The Planning and Building Department released a draft ordinance regulating short-term rentals for public discussion and held a public workshop on June 28, 2023. This workshop was attended by 200 people. Nearly all who spoke were operators of short-term rentals.

If the Board supports extending the temporary moratorium on establishment of short-term rentals outside of the areas mapped with a V - Vacation Home Rental Combining Zone while a draft ordinance is being developed to modify the standards for them, the urgency ordinance extension in Attachment 1 should be adopted. It will expire in 22 months and 15 days, so if one or both ordinances are adopted, the Board should also direct Planning staff to bring back to the Board a draft (permanent) ordinance regulating these uses prior to the expiration. (Planning staff is anticipating holding a Planning Commission meeting on the draft ordinance in August, 2023 and for the Board to consider the draft ordinance in October.)

Extending the moratorium on establishment or permitting of short-term rentals outside of the areas mapped with a V - Vacation Home Rental Combining Zone would help prevent applicants from undermining the effectiveness of the draft short-term rental ordinance currently under review.

The Planning Department recommends extension of the interim ordinance temporarily prohibiting these uses which might conflict with new draft requirements the department is bringing forward in the coming months for consideration by the Planning Commission and Board of Supervisors.

Extension of Interim Urgency Ordinances is allowed by California Government Code sections 25123 (d) and 65858 and requires a four-fifths vote of the legislative body. The urgency ordinance protects the public safety, health, and welfare of the community as documented in the ordinances and summarized in the paragraphs below.

The proposed draft short-term rental ordinance currently being reviewed by the public would regulate dwelling units, or portions thereof, that are rented to guests for 30 consecutive days or less. This ordinance is needed because commercial use of residential structures for short-term rental has led to speculation on homes which has exacerbated housing scarcity and inflated housing prices, and the new regulations seek to better balance the supply and demand for housing with the business interests of those renting their residences for vacation/recreation purposes. Information on file with the Planning and Building Department demonstrates a large number of short-term rentals are advertised for use on the VRBO and Airbnb websites in violation of Humboldt County Code.

Environmental Review

Extension of these ordinances is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Temporarily prohibiting short-term rentals is not anticipated to result in any ground-disturbance so the ordinance is not anticipated to have any environmental impacts.

Also, adoption of the ordinance is exempt from CEQA review per section 15308 of the CEQA

Guidelines - Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. In this case temporarily preventing permitting short-term rentals will help ensure when they are permitted they conform to the new ordinances which will include standards to protect the environment, such as protection of water quality from the use of homes with on-site septic systems for short-term rentals.

FINANCIAL IMPACT:

There is anticipated to be no significant long-term financial impact from the extension of the urgency ordinance because it is only allowed to be in place for up to 2 years total at which time it automatically expires.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents .

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could decide to not extend the urgency ordinance if it believes the limitations are unnecessary to protect public health and safety. Staff does not recommend this alternative because other jurisdictions that approved short-term rental ordinances had applicants get around the new regulations by submitting applications or beginning the new use before the new ordinances became effective. Because the short-term rental regulations are intended to set standards for protection of public health, safety and welfare, it is in the public interest to temporarily not approve short-term rentals so they may be subject to the new regulations.

ATTACHMENTS:

1. Extension of the Interim Urgency Ordinance adopted on June 6, 2023, maintaining a temporary moratorium on the establishment of, acceptance of any application for, or issuance of any registration, permit or entitlement, or approval of any type, that authorizes the establishment, operation, maintenance, development or construction of any short-term rental in the unincorporated area of the County outside of the areas mapped with a V - Vacation Home Rental Combining Zone.
2. Post-adoption summary of the ordinance.

PREVIOUS ACTION/REFERRAL:

Meeting of: June 6, 2023

File No.: 23-622