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INTERIM URGENCY ORDINANCE NO. 4436

An interim urgency ordinance of San Bernardino County, State of California, to preserve the status quo and place a temporary pause on the approval of new short-term residential rental unit permits.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of San Bernardino County finds that:

(a) At just over 20,000 square miles, San Bernardino County (County) is the largest county in the contiguous United States which includes world renowned tourist destinations within its mountain and desert communities. Due to the unique landscape and prestige of the area, the County’s mountain and desert communities offer unique living and vacation opportunities.

(b) Due, in part, to the COVID-19 pandemic, tourism has increased dramatically in the mountain and desert regions of the County, resulting in a surge of new short-term residential rental (STR) listings and STR occupancy rates in unincorporated areas of the region. With the increase in occupancy rates, the community has expressed increased concern with the behavior of STR guests, including noise, parties, disruptive events, over-occupancy, parking problems, and safety issues.

(c) In response to community concerns related to STRs, the Board of Supervisors (Board) adopted Urgency Ordinance No. 4408 on June 22, 2021 (Item No. 136), an ordinance increasing fines and penalties for violations of the County’s STR regulations. Additionally, in August 2021 the County’s Land Use Services Department (LUS) surveyed STR hosts and county residents to solicit areas of concern with STRs. The survey yielded over 2,000 responses with the main areas of concern being trash, noise and loss of neighborhood feel. In response, LUS prepared a proposed ordinance to amend the STR regulations (Proposed STR Amendments) that the Board will consider

1 on June 14, 2022. While the Proposed STR Amendments address a number of concerns
2 identified by the community, the Board finds that in order to protect the public health,
3 safety and welfare this interim urgency ordinance is necessary to provide the County
4 additional time, in which it intends to study zoning proposals to increase enforcement
5 efforts, hire additional code enforcement staff, study enforcement activities and zoning
6 proposals of other jurisdictions, and implement the updated Proposed STR Amendments
7 considered on June 14, 2022, each of which standing alone is sufficient to support
8 adoption of this ordinance.

9 (d) Absent this interim urgency ordinance, new STRs may be established that
10 could adversely impact the residential character of neighborhoods and conflict with
11 proposals the County intends to study. Accordingly, there is a current and immediate
12 threat to the public health, safety and welfare if permits for new STRs are issued.

13 (e) This interim urgency ordinance is not subject to review under the California
14 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of
15 Regulations, sections 15060, subdivision (c)(2) (the activity will not result in a direct or
16 reasonably foreseeable indirect physical change in the environment) and 15061,
17 subdivision (b)(3) (there is no possibility the activity in question may have a significant
18 effect on the environment). There are no unusual circumstances under CEQA Guidelines
19 Section 15300.2, subdivision (c) that would render these exemptions inappropriate. Each
20 exemption stands as a separate and independent basis for determining that this
21 ordinance is not subject to CEQA.

22
23 SECTION 2. Notwithstanding anything to the contrary in the San Bernardino
24 County Code:

25 (a) No application for a permit or entitlement that would authorize the operation
26 of a new short-term residential rental unit authorized pursuant to Chapter 84.28 of the
27 San Bernardino County Code shall be approved while this interim urgency ordinance, and
28 any extension thereof, is in effect.

1 (b) Section 2, subdivision (a), shall not apply to (i) an application for a short-
2 term residential rental permit submitted prior to the adoption of this interim urgency
3 ordinance; or (ii) an application to renew a short-term residential rental unit permit that
4 expires while this interim urgency ordinance, and any extension thereof, is in effect if the
5 short-term residential rental unit owner had a valid permit prior to the adoption of this
6 ordinance and timely submits a renewal application pursuant to the requirements of
7 Chapter 84.28 of the San Bernardino County Code.

8 (c) Notwithstanding Section 2, subdivision (a), the County will continue to
9 accept applications for a permit filed after the effective date of this ordinance. However,
10 any application submitted shall be at the applicant's sole cost and risk with the
11 understanding that no permit for operation of a new short-term residential rental unit shall
12 be issued while this interim urgency ordinance, and any extension thereof, is in effect.

13 (d) For purposes of this interim urgency ordinance, the term "short-term
14 residential rental unit" shall have the same definition as Chapter 84.28 of the San
15 Bernardino County Code.

16
17 SECTION 3. This ordinance is an interim ordinance adopted as an urgency
18 measure pursuant to Government Code section 65858, and it shall be of no further force
19 and effect after forty-five (45) days from its date of adoption.

20
21 SECTION 4. The Board of Supervisors declares that it would have adopted this
22 interim urgency ordinance and each section, sentence, clause, phrase, or portion of it,
23 irrespective of the fact that any one or more sections, subsections, clauses, phrases or
24 portions of it be declared invalid or unconstitutional. If for any reason any portion of this
25 urgency interim ordinance is declared invalid or unconstitutional, then all other provisions
26 of it shall remain valid and enforceable.

27
28 SECTION 5. This ordinance is declared an urgency measure necessary for the

1 immediate protection and preservation of the public peace, health, safety and welfare for
2 the reasons stated in Section 1, and it shall take effect immediately upon its adoption,
3 pursuant to Government Code Sections 25123(d) and 65858.

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CURT HAGMAN, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors

1 STATE OF CALIFORNIA)
2 SAN BERNARDINO COUNTY) ss.
3)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the 14th day of June, 2022, at which meeting were present
7 Supervisors: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe
8 Baca, Jr. and the Clerk, the foregoing ordinance was passed and adopted by the following
9 vote, to wit:

10 AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford,
11 Dawn Rowe, Curt Hagman, Joe Baca, Jr.

12 NOES: SUPERVISORS: None

13 ABSENT: SUPERVISORS: None

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this 14th day of June, 2022.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 TOM BUNTON
24 County Counsel

25 By: _____
26 JOLENA E. GRIDER
27 Deputy County Counsel

28 Date: _____