



Sonoma County Planning Commission **STAFF REPORT**

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

FILE: PLP16-0011
DATE: July 12, 2018
TIME: 2:30
STAFF: Vanessa Starr, Comprehensive Planning

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma

Location: Countywide
APNs: Various Supervisorial District No.: All

Subject: Farm Stays, Hosted Rentals, and Marketing Accommodations in the three Agricultural Zones (LIA, LEA, and DA). Consider a General Plan Amendment to allow Vacation Rentals in LIA zone.

PROPOSAL: Amend the zoning code to allow hosted rentals, agricultural farmstays and marketing accommodations in the three agricultural zones (LIA, LEA, and DA). Do not amend the General Plan to allow vacation rentals, but allow existing permitted vacation rentals to be recognized and run with the land with a minor use permit.

Environmental Exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, §§ 15301 (existing facilities), 15305 (minor alterations in land use limitations) and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment).

General Plan: Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), and Diverse Agriculture (DA)

Specific/Area Plan: Various
Land Use:

Ord. Reference: Vacation Rental Ordinance No. 5908
Economic Stimulus Ordinance No. 6063
Farmstays Ordinance No. 5964
Exception to Allow Vacation Rentals in LIA for two years, Ord No. 5965
Extension of the Exception Ordinance for additional two years, Ord No. 6063

Zoning: Chapter 26, Article 4 (Land Intensive Agriculture)

Chapter 26, Article 6 (Land Extensive Agriculture)
Chapter 26, Article 8 (Diverse Agriculture)
Chapter 26, Article 88, Section 120 (Vacation Rentals)

RECOMMENDATION:

Recommend that the Board of Supervisors amend the zoning code to expand opportunities for hosted rentals, agricultural farmstays, and marketing accommodations in the three agricultural zones. Continue to prohibit new vacation rentals in the Land Intensive Agriculture (LIA) zone, but allow the existing permitted vacation rentals the option to apply for a minor use permit that would allow them to run with the land, rather than expire upon transfer of ownership.

ANALYSIS

Executive Summary:

Staff is proposing amendments to the zoning code that would expand opportunities for visitor serving uses in agricultural zones and additional income for farm operators, while ensuring consistency with the General Plan. The Sonoma County General Plan encourages visitor-serving uses in all agricultural land use categories that directly support agricultural production activities in the area. The Sonoma County General Plan also classifies bed and breakfasts of five or fewer bedrooms and campgrounds of up to 30 sites as recreational uses that are only permitted in the Land Extensive Agriculture (LEA) and Diverse Agriculture (DA) zones.

Staff is recommending the following changes to the zoning code regulations for the following uses:

1. Agricultural farmstays. Remove the requirement that the primary income be from agricultural operations and that the farmstay be located within the primary residence with the farmer in residence.
2. Hosted rentals. Add hosted rentals as a permitted use in the Land Intensive Agriculture (LIA) zone.
3. Marketing accommodations. Remove the restriction on renting out private marketing accommodations by allowing for visitor serving (transient) use in all three agriculture zones with some limitations.
4. Vacation rentals. Do not allow new vacation rentals in the LIA, but enable existing permitted vacation rentals to apply for a minor use permit that runs with the land to allow for the transfer or sale of the use. Existing vacation rentals that do not apply for the use permit will be able to continue operating under their zoning permit that will expire upon sale or transfer of the property.

These recommended changes are consistent with the current Sonoma County General Plan and will allow an opportunity to review policies related to protection of agricultural resources and visitor serving use during the upcoming update of the Sonoma County General Plan.

Background:

On November 9, 2010, the Board of Supervisors adopted a vacation rental ordinance (Ord No. 5908) which established permit requirements and operating standards for vacation rentals in certain zoning districts, except for the Land Intensive Agriculture (LIA) zone. The LIA zoning district was not included in those zoning code amendments because General Plan policies prohibit these uses within intensive farming areas, allowing only visitor-serving uses that are directly related to the agricultural operations.

On January 31, 2012, the Board of Supervisors adopted standards and permit requirements for agricultural farmstays. The zoning code currently allows farmstays only in the primary residence and the

farm operator must reside in that residence. At this time, the Board also updated the Uniform Rules for Agricultural Preserves, which prohibits vacation rentals and bed and breakfast inns on lands under a Land Conservation Act (Williamson Act) contract, but allows farmstays and marketing accommodations, because they are directly related to agricultural production.

At that time, the Board also adopted an exception to allow staff to approve vacation rental permits for a two-year period within the LIA zoning district in order to legalize existing vacation rentals that did not qualify for farmstays. The Board also directed staff to consider a General Plan Amendment to allow vacation rentals within the LIA zoning district.

On April 15, 2014, the Board adopted an Ordinance (No. 6063) to extend the exception for vacation rental permits in the LIA zoning district for an additional two years (expired April 15, 2016).

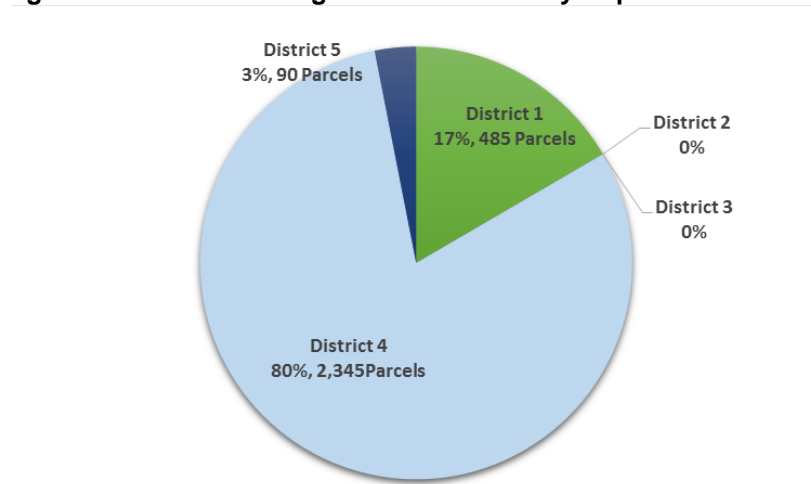
On March 15, 2016, the Board of Supervisors adopted revisions to the existing Vacation Rental Ordinance and amended the two agricultural zoning districts for Diverse Agriculture (DA) and Land Extensive Agriculture (LEA) to allow “hosted rentals”, previously classified as a “one-room bed and breakfast inn” in the zoning code. Hosted rentals are the rental of a single bedroom or sleeping area where the owner remains in residence throughout the rental period.

The LIA zoned lands are the County’s highest agricultural production areas and comprise of 27 percent of the total agricultural land in the County. The majority (80 percent) of LIA zoned lands are within the 4th Supervisorial District, 17 percent in the 1st District, and only 3 percent in the 5th District. Since 2012, staff has approved 62 vacation rentals within the LIA zoning district under the exception ordinances. On LIA zoned properties, there are 52 vacation rentals located in the 4th Supervisorial District, 9 in the 1st District, and 1 application in the 5th District. Of these, 37 vacation rentals are located on parcels of less than 5 acres; 14 vacation rentals are between 5 and 10 acres; and 11 vacation rentals are located on parcels larger than 10 acres.

Figure 1: Existing Vacation Rental Permits Approved Within Land Intensive Agriculture

Parcel Size	Number of Parcels	Number of Approved Permits
Under 2 acres	659	19
2-5 acres	443	18
5-10 acres	395	14
Over 10	1,458	11
Total	2,955	62

Figure 2: Percentage of Land Intensive Agriculture Parcels by Supervisorial District



DISCUSSION OF ISSUES

Issue 1: Protection of Agricultural Land

The Agricultural Resources Element was added to the General Plan in 1989. A primary goal of the Sonoma County General Plan is to protect agricultural resources and lands. LIA zoned properties are considered to have the highest production per acre of land due to the soil types, climate and availability of water for irrigation. The General Plan includes policies that limit lodging and other types of recreational and visitor serving uses in LIA zoning districts to those, which are directly related to agricultural production.

The primary policy issue to consider is compatibility of non-agricultural uses in intensive farming areas and the potential displacement of farm-related housing. In order to ensure land use compatibility with agriculture, and the maintenance of housing stock for farm related uses, the existing General Plan policies discourage uses unrelated to agricultural operations, such as vacation rentals, but allows for farm stays and marketing accommodations that are directly related to the agricultural use.

The following General Plan policies are pertinent to the vacation rental issue:

Objective AR-2.4: *Reduce economic pressure for conversion of agricultural land to non-agricultural use.*

Policy AR-4a: *The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.*

Objective AR-6.2: *Permit visitor serving uses in all agricultural land use categories if they support and do not adversely affect the agricultural production activities of the area. Bed and breakfast inns of five or fewer rooms, and campgrounds of up to 30 sites, are permissible recreational uses only in the "Land Extensive Agriculture" and "Diverse Agriculture" categories, if they do not adversely affect the agricultural production activities of the area.*

Policy AR-6a: *Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production. Limit recreational uses to the "Land Extensive Agriculture" and "Diverse Agriculture" categories, specifically to bed and breakfast inns and campgrounds of 30 or fewer sites.*

Policy AR-6b: *Except as allowed by Policy AR-6a, prohibit new restaurants and lodging. Recognize existing restaurants or lodging facilities and those which were approved prior to adoption of this plan, but limit their expansion or intensification.*

Policy AR-6d: *Follow these guidelines for approval of visitor serving uses in agricultural areas:*

- (1) *The use promotes and markets only agricultural products grown or processed in the local area.*
- (2) *The use is compatible with and secondary and incidental to agricultural production activities in the area.*
- (3) *The use will not require the extension of sewer and water.*
- (4) *The use is compatible with existing uses in the area.*
- (5) *Hotels, motels, resorts, and similar lodging are not allowed.*

- (6) *Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.*
- (7) *Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.*

Policy AR-6f: *Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:*

- (1) *Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.*
- (2) *Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*
- (3) *Whether the above uses would be detrimental to the rural character of the area.*

Land use in prime agricultural areas should be limited to only those uses that are required to support agricultural production. The Agricultural Resources Element only allows recreational uses that are directly related to, and are promotional of, agricultural production. Uses that can be accommodated in other non-prime agricultural areas are generally excluded. If higher value uses are allowed to encroach into farming areas, it may encourage conversion of agricultural lands to non-farm uses that could cause conflicts and discourage farming activities. Conflicts can become especially acute in areas where there are many substandard parcels (i.e. parcels that do not meet density or minimum lot size) such as in Dry Creek Valley. Both the Sonoma County General Plan and the California Land Conservation Act call for maintaining a minimum lot size of 10 acres in intensive farming areas.

Agricultural Preserves (Williamson Act)

Similarly, the County's Uniform Rules for Agricultural Preserves limit the type of uses on lands under a Land Conservation Act contract (Williamson Act) to those directly related to agricultural production and do not allow vacation rentals, but do allow farm stays and marketing accommodations with no commercial use. The County's Uniform Rules for Agricultural Preserves (Uniform Rules) and the California Land Conservation Act (Williamson Act) does not include vacation rentals as a "compatible use" and are therefore not allowed. Approximately 28 percent of LIA parcels (845 out of 2,955 parcels) are under a Land Conservation Act Contract.

On November 18, 2015, the California Department of Conservation issued a guidance letter (Attachment A) regarding vacation rentals on land restricted under Land Conservation Act contracts. The letter states "*The Department recommends that any short term vacation rentals of the principle residence be limited in scope, and be allowable only if the landowner is on site to manage the agricultural operations.*" This guidance is consistent with the County's Uniform Rules, General Plan policies, and zoning regulations, which only allow farmstays, and marketing accommodations on LIA zoned properties.

Issue 2: Overnight Accommodations on LIA Lands

General Plan policy currently restricts recreational and visitor-serving uses on LIA lands to agri-tourism uses that directly promote agricultural products and that are secondary and incidental to agricultural

production. General Plan Policy AR-6a (above) allows lodging, bed and breakfast inns, camping, and other recreational uses on a limited basis only in the Land Extensive Agriculture (LEA) and Diverse Agriculture (DA) zoning districts. The following table includes a comparison of uses as it pertains to this staff report.

Figure 3: Comparison of Agri-tourism Uses

Type of Use	Connection to Agriculture Required?	Allowed under Williamson Act?	Subject to Transient Occupancy Tax?	Permit Requirements	Approved Permits Countywide
Farmstay	Yes	Yes	Yes	Zoning Permit	8
Hosted Rental (B&B)	No	No	Yes	Zoning Permit	135
Marketing Accommodation	Yes	Yes	No commercial use of private guest accommodations is allowed	Use Permit (typically part of winery use permit application)	14
Vacation Rental	No	No	Yes	Zoning Permit	1,398

Farmstays

In January 2012, the Board of Supervisors updated the zoning ordinance (Ord No. 5962) to allow “farmstays” - a type of lodging that is directly related to and supports farming operations. The zoning code defines a farmstay as a “*transient lodging accommodation containing five or fewer guestrooms in a single family dwelling or guest house, provided as part of the farming operation, with an on-site farmer in residence and that includes all meals provided in the price of the lodging.*” The code allows agricultural farmstays with a zoning permit.

General Plan policy differentiates uses that directly support agriculture by specifically allowing “farmstays” and “*promotional or marketing accommodations,*” and by not allowing vacation rentals or bed and breakfast inns. A farmstay is similar to a bed and breakfast inn, but requires that the owner reside onsite and be engaged in the farming operation. The main difference between a vacation rental and a farmstay or marketing accommodation is that both the farmstay and marketing accommodation must be directly related to agriculture and must promote agricultural products.

As of February 2018, there have been 19 farmstay applications and 8 have been approved. Eleven of these applications for farmstays did not meet the requirements for primary income or the use was not located in the primary residence. Of those approved, 6 are located on LIA zoned properties, 5 of which are under Land Conservation (Williamson Act) Contracts.

To provide more opportunity for farmstays, staff recommends removing restrictions related to primary income and allow the farmer to reside in a separate residence. These amendments would expand opportunities for a farmstay to be established on a property with a lower value agricultural use. It would also provide more flexibility to allow the farmstay to be within a separate home on the property. The following shows the amendment to the zoning code in legislative style with strikeout of existing text and bold indicating added text. The full text of the section is attached as Exhibit A to the resolution.

Section 26-88-085 (b)

(1) Where Allowed. Agricultural farmstays shall **only** be located on **a property that** ~~and be part of an agricultural enterprise that produces~~ **commercial** agricultural products as its primary source of

~~income.~~ The agricultural farmstay lodging and meals shall be incidental **and secondary** to the primary agricultural operation.

(2) Dwellings Allowed. Agricultural farmstays shall **only** be provided in ~~the primary~~ **a legally established** residence or guest house **as defined in Section 26-02-040** ~~on the property,~~ and ~~provided it is~~ **shall not be located within** agricultural employee housing, seasonal or year-round farmworker housing, farm family dwellings, or accessory ~~second~~ dwelling units. Tents and recreational vehicles (RVs) are not allowed as a part of an agricultural farmstay. **Only one (1) farmstay is allowed per agricultural enterprise, in compliance with the allowed residential density.**

Promotional/Marketing Accommodations

Visitor serving uses were allowed in agricultural zones until adoption of the 1989 General Plan. In 1993 the zoning ordinance was updated to match the new Agricultural Resources policies and the three agricultural zoning districts were amended to allow “*promotional or marketing accommodations.*” The zoning code currently allows marketing accommodations with a use permit for private guests only, if the use meets certain criteria. These accommodations are differentiated from farmstays in that they generally do not have kitchens and are therefore not counted towards residential density. These units have been limited to no more than two per agricultural enterprise. They cannot be leased or rented for commercial use and therefore are not subject to the Transient Occupancy Tax (TOT). They were intended primarily for use as overnight accommodations for distributors, investors or other industry representatives.

Due to the increasing trends in agriculture to provide direct-to-consumer marketing and promotional activities, staff recommends expanding opportunities for the marketing accommodations to be rented for agri-tourism use similar to farm stays. Staff recommends allowing marketing accommodations that promote on-site production or processing, with TOT registration and payment with a use permit. The following changes to the existing standards for marketing accommodations are recommended as shown in Exhibit B to the resolution.

1. *The use promotes or markets agricultural products grown or processed on the site, The scale of the use is appropriate to the ~~production and/or~~ processing use on the site, and complies with General Plan Policies AR-6d and AR-6f;*
2. **No more than two marketing accommodations (rooms) are allowed per farm operation. Each marketing accommodation shall not exceed 640 square feet in size;**
3. **Marketing accommodations shall not include a kitchen and therefore do not affect residential density;**
4. ~~No commercial use of private guest accommodations is allowed;~~
5. **The property owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites;**
6. **Marketing accommodations shall not be permitted within accessory dwelling units, nor in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, or farmworker housing;**
7. **Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation;**
8. **Marketing accommodations are not allowed on properties where other overnight accommodations are provided, including hosted rentals, farmstays, or vacation rentals; and,**

9. *Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.*

Issue 3: Displacement of and Farm-Related Worker Housing

Sonoma County is experiencing a severe housing crisis with critical issues related to both affordability and low inventory, all of which has been exacerbated by the recent fires. The potential allowance of vacation rentals in the LIA zoning district has heightened concern regarding the potential conversion of permanent housing on agricultural land to non-farm uses.

Vacation rentals are currently prohibited from being located within an agricultural employee dwelling unit, farm family unit, accessory dwelling unit, or farm worker housing units (bunk houses). However, there are many LIA zoned parcels with older legal non-conforming units that do not carry the same protections as agricultural housing, and could be converted to vacation rentals. Farm family members, farm-related employees or employees of related agricultural support uses, such as wineries, vineyard management companies and the like, have historically occupied many of these housing units. Staff believes it is essential that they remain available for local farm-related housing and support uses, rather than allow conversion to visitor-serving uses.

The Sonoma County Community Development Commission has recently documented this type of housing displacement and the corresponding increase in rental costs. Rising rents in tourist areas have occurred throughout California and the nation due to the sharing economy of online rentals and many communities are struggling to maintain affordable housing. For these reasons, staff does not recommend changing the General Plan or Zoning to allow vacation rentals in intensive farming areas, but rather recommends expanding opportunities for additional income related to agricultural production, including marketing accommodations, farmstays, and hosted rentals. Existing vacation rental zoning permits that remain in good standing in the LIA zoning district would be allowed to continue operating until sale or transfer of the property.

Policy Options:

1. **Do not amend the General Plan but consider amending the LIA zone in the following ways:**

- A. **Allow existing vacation rentals to convert to use permits.** This option would allow owners with existing vacation rental permits in LIA zoning districts to apply for minor use permits in order for the vacation rental use to “run with the land” and be transferred or sold as a continuing use. The owner would be required to submit an application for a minor use permit and pay the fee (\$1,041). The application would be reviewed by a planner and noticed for 10 days. Members of the public would be able to respond to the notice and request a hearing for further review of any of the vacation rental permits. If a request for a hearing is received within the 10-day period, a staff report will be drafted and a planning commission hearing will be scheduled. If the use permit is not approved the zoning permit would remain in place but would expire upon sale or transfer of the property. Staff further recommends that the revised standards (below) be added to any use permits issued for vacation rentals in the LIA zone to provide greater compatibility with agricultural uses.
 - i. Include a Standard to Prohibit Events. Events are currently allowed in conjunction with vacation rentals with a use permit. Events on LIA zoned lands, usually related to tasting rooms, are allowed on a case by case basis with a use permit. The vacation rental exception ordinance adopted by the Board of Supervisors prohibited events in conjunction with a vacation rental. Restricting events as part of vacation rentals in LIA zoning districts would provide greater consistency with General Plan policy.

- ii. Require a Right to Farm Declaration and Agricultural Impact Easement. This would require vacation rental owners to acknowledge that farming activities take precedence through a Right-to-Farm Declaration and Agricultural Impact Easement. An agricultural impact easement protects the agricultural operator from damages related to agricultural operations.
- B. **Allow hosted rentals.** This option would not require a General Plan Amendment but would require an amendment to the LIA zoning district to allow hosted rentals. Hosted rentals require that the owner remain in the residence, which encourages greater compatibility with onsite agricultural operations.
- C. **Create more opportunities for farmstays.** This option would amend the farmstay ordinance to remove restrictions limiting the farmstay to the farmer's residence allowing a separate home to be used as a farmstay. This would also remove the associated income requirements.
- D. **Allow marketing accommodations to be rented for transient use-** This option would allow marketing accommodations to be rented for transient use with the following additional standards:
- i. Registration to pay Transient Occupancy Tax
 - ii. Limit accommodations from being located in accessory dwelling units and other restricted farm worker or affordable units.
 - iii. Limit to two accommodation units per farm operation not to exceed 640 square feet in total. No tents, yurts, RVs, and other provisions intended for temporary occupancy. No kitchens and the units are not counted towards density.
 - iv. Accommodations are not allowed on properties where another visitor serving use is present, including hosted rentals, farmstays, or vacation rentals.

2. Amend the General Plan to Allow Vacation Rentals

Property owners and real estate groups have advocated for amending the General Plan Land Use Element to allow vacation rentals in the LIA land use category with related amendments to the zoning code. Some argue that vacation rentals help support agri-tourism, allow people who are buying second homes for future retirement to rent them out part time, and allow owners greater economic flexibility. This option would require an amendment to the policy language in Objective 6.2 and Policy AR-6a

Staff Recommendation: Staff recommends **Option 1, A through D**, which would not change the General Plan policies, and continue to prohibit vacation rentals in the LIA zoning district. Staff recommends giving owners the opportunity to choose if they would like to continue operating with a zoning permit until the property is sold or transferred or apply for a minor use permit which could require a public hearing and neighborhood input. Staff recommends expanding opportunities for agri-tourism by allowing hosted rentals in the LIA zoning district. Both of these actions would include standards prohibiting events and requiring a Right to Farm Declaration and Agricultural Impact Easement.

Staff also recommends amending standards for farmstays and marketing accommodations to provide greater flexibility and opportunities in all three agricultural zones (LIA, LEA, and DA). All of these options have a clear connection to agriculture. These recommendations provide consistency with existing General Plan policies and would not require a General Plan Amendment, but allow greater flexibility for farmers to have added income.

Staff recommends the Commission adopt the attached Resolution recommending to the Board of Supervisors that no action be taken to amend the General Plan, but that zoning text amendments be adopted. If the Commission wishes to recommend a different option, or a combination of the above

options, then the Commission should provide direction to staff and continue the item in order to consider a revised resolution.

LIST OF ATTACHMENTS

Resolution

Draft Ordinance, with Exhibits:

Exhibit A Agricultural Farmstays

Exhibit B Marketing Accommodations

Attachment A: Letter from State Department of Conservation dated November 18, 2015

Resolution Number

County of Sonoma
Santa Rosa, California

July 12, 2018
PLP16-0011 Vanessa Starr

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING ADOPTION OF AMENDMENTS TO CHAPTER 26 OF THE SONOMA COUNTY CODE, TO ALLOW HOSTED RENTALS IN THE LAND INTENSIVE AGRICULTURE ZONING DISTRICT, REVISE COUNTYWIDE STANDARDS FOR AGRICULTURAL FARMSTAYS, ADD STANDARDS FOR MARKETING ACCOMMODATIONS

WHEREAS, Sonoma County General Plan policies prohibit most visitor-serving uses within the Land Intensive Agriculture (LIA) land use in order to protect prime agricultural land and preserve these areas for agricultural operations; and

WHEREAS, maximizing agricultural land preservation is necessary not only to maintain the local agricultural economy but also to ensure production of adequate, healthful, and nutritious food for residents of the county, state, and nation; and

WHEREAS, visitor serving accommodations such as farmstays and marketing accommodations, which provide a connection to the agricultural use on-site, are already allowed within the LIA zoning district; and

WHEREAS, on January 31, 2012, the Board of Supervisors adopted standards and permit requirements for agricultural farmstays; and

WHEREAS, on January 31, 2012, the Board also adopted an exception ordinance allowing vacation rental permits to be issued for a two-year period for parcels in LIA zoning districts to legalize existing uses that did not qualify for farmstays. The Board also directed staff to evaluate existing policy for consideration of vacation rentals within the LIA on a permanent basis; and

WHEREAS, on April 15, 2014, the Board of Supervisors adopted Ordinance No. 6063 to extend the allowance for vacation rentals in the LIA for an additional two years, expiring on April 15, 2016; and

WHEREAS, on March 15, 2016, the Board of Supervisors adopted revisions to the existing Vacation Rental Ordinance, along with "hosted rentals," previously known as a "one-room bed and breakfast inn;" and

WHEREAS, on December 13, 2011, by Resolution Number 11-0678, the Sonoma County Board of Supervisors adopted updated Uniform Rules for Agricultural Preserves and Farmland Security Zones ("Uniform Rules") to govern local administration of the County's agricultural preserve program;

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 12, 2018, at which time the Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed legislation. All interested persons were given an opportunity to hear and be heard regarding the proposal; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the proposal; and

WHEREAS, it is the determination of the Department that the adoption of the proposed regulations is exempt from the California Environmental Quality Act (CEQA) pursuant to Cal. Code Regulations, title 14 §§ 15301 (Existing Facilities), 15305 (minor alterations in land use limitations) and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment). Implementation of the regulations does not increase

residential density or the intensity of use as the standards adopted herein are consistent with otherwise allowable agricultural and residential uses.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does make the following findings:

1. The proposed amendments to the Zoning Code exempt from CEQA review under the CEQA Guidelines Section 15301 (Existing Facilities), Section 15305 (Minor Alterations) and Section 15061(b)(3) (exempting activities where it can be seen with certainty that that there is no possibility that the activity may have an adverse effect on the environment).
2. The proposed amendments to the Zoning Code are consistent and compatible with the Agriculture Resources Element of the Sonoma County General Plan for the following reasons:
 - a. They reduce economic pressure for conversion of agricultural land to non-agricultural uses as set forth in Objective AR-2.4; and
 - b. They encourage agriculture related visitor serving uses as set forth in Policy AR-4a; and
 - c. They promote agricultural production of products grown or processed in the County as set forth in Policy AR-6a; and
 - d. They follow the guidelines for approval of visitor serving uses in agricultural areas as set forth in Policy AR-6d.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to Chapter 26 of the Sonoma County Code.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chairman declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 (ZONING ORDINANCE) OF THE SONOMA COUNTY CODE TO ALLOW HOSTED RENTALS WITHIN LAND INTENSIVE AGRICULTURE ZONING DISTRICTS, REVISE STANDARDS RELATED TO FARMSTAYS, AND CODIFY STANDARDS FOR MARKETING ACCOMMODATIONS IN AGRICULTURAL ZONING DISTRICTS

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

SECTION I. Existing Section 26-88-085 (Agricultural Farmstays) is amended to delete the current text in its entirety and add new text as set forth in Exhibit A.

SECTION II. New Section 26-88-086 (Marketing Accommodations) is added to read as set forth in Exhibit B.

SECTION III. Section 26-04-010 (LIA Land Intensive Agriculture—Permitted Uses) is amended to add the following new subsection:

- (p) Hosted rentals subject to issuance of a zoning permit in compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns),

SECTION V. Section 26-08-020 (DA Diverse Agriculture – Uses permitted with a use permit) is amended to delete the existing text of subsection (k) and add new text to read as follows:

- (k) Marketing Accommodations in compliance with Section 26-88-086;

SECTION IV. Sonoma County Code Section 26-04-020 (LIA Land Intensive Agriculture—Uses permitted with a use permit) is amended to delete the existing text of subsection (j) and add new text to read as follows:

- (j) Marketing Accommodations in compliance with Section 26-88-086;

SECTION V. Sonoma County Code Section 26-06-020 (LEA Land Extensive Agriculture—Uses permitted with a use permit) is amended to delete the existing text of subsection (k) and add new text to read as follows:

- (k) Marketing Accommodations in compliance with Section 26-88-086;

SECTION VI. Exhibits A and B are incorporated herein by reference.

SECTION VII. The Board of Supervisors hereby finds and declares that the project is exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, §§ 15301 (existing facilities), 15305 (minor alterations in land use limitations) and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment).

SECTION VIII. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IX. This Ordinance shall be and the same is hereby declared to be in full force and effect on and after thirty (30) days after the date of its passage, and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California. In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this ___ day of ___, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Zane: ___ Hopkins: ___ Gore: ___

Ayes: ___ Noes: ___ Absent: ___ Abstain: ___

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton
Clerk of the Board of Supervisors

Article 88. - General Exceptions and Special Use Standards.

Sec. 26-88-085. – Agricultural farmstays

(a) Agricultural farmstays shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a zoning permit. The ~~term of the~~ zoning permit shall expire upon sale or transfer of the property or upon the owners moving their primary residence off the property, unless there is a tenant farmer continuing to operate the farm and farmstay.

(b) Performance Standards.

(1) Where Allowed. Agricultural farmstays shall only be located on parcels and be part of an agricultural enterprise that produces commercial agricultural products as its primary source of income. The agricultural farmstay lodging and meals shall be incidental and secondary to the primary agricultural operation.

(2) Dwellings Allowed. Agricultural farmstays shall be provided in a legally established the primary residence or guest house as defined in Section 26-02-040 on the property. Agricultural farmstays, and not shall not be located with in agricultural employee housing, seasonal or year-round farmworker housing, farm family dwellings, or accessory second-dwelling units. Tents and recreational vehicles (RVs) are not allowed as a part of an agricultural farmstay. Only one (1) farmstay is allowed per agricultural enterprise in compliance with the permitted residential density.

(3) Owner/Operator in Residence. The owner, ~~or tenant farmer,~~ of the land on which an agricultural farmstay facility is located, or a tenant farmer, shall reside on the property. A homeowner's exemption from property tax or lease agreement ~~shall~~ may constitute evidence of this requirement.

(4) Maximum Number of Bedrooms and Guests. Agricultural farmstay establishments s may have a maximum of five (5) ~~guest~~ bedrooms or sleeping rooms. The maximum overnight occupancy for agricultural farmstays shall be two (2) persons per sleeping room or bedroom. ~~(except e) Children under three (3) years of age shall not be counted toward occupancy.)~~ If a lower limit is stated on the applicable septic permit, the maximum overnight occupancy shall be that stated on the septic permit.

(5) Food Service. An agricultural farmstay facility may serve food or meals at any time, but only to registered guests. ~~and may serve meals at any time.~~ The price of food shall be included in the price of the lodging. An agricultural farmstay facility that serves food shall maintain a food facility permit as required by the Health and Safety Code.

(6) Agricultural Promotion. The operator of the farmstay establishment shall engage in a program of agricultural promotion and guest education regarding the agricultural activities on-site and in the area, ~~which and~~ may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(7) Noise Limits. All activities associated with the agricultural farmstay shall meet the General Plan noise standards contained below in Table NE-2 and Policy NE-1c of the General Plan Noise Element.

Hourly Noise Metric ¹	dBA Activity Hours	Quiet Hours

L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

~~The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded fifty percent (50%) of the time or thirty (30) minutes in any hour; this is the median noise level. The L02 is the sound level exceeded one (1) minute in any hour.~~

(8) ~~Special~~ Events. Non-agricultural activities, ~~or agricultural promotional events and/or cultural special~~ events that involve more than the registered farmstay guests are not allowed, except that occasional cultural ~~or special~~ events, such as parties, weddings or other similar activities may be permitted ~~only~~ with a special-cultural event zoning permit up to four (4) times per year, but for no more than two years in a row.

(9) Septic Systems and Sewer Connections. The owner shall maintain a properly functioning and suitably sized septic system or sewer connection for the farmstay. In some cases, a per-room sewer fee may be applied.

(10) Transient Occupancy Tax. The agricultural farmstay owner shall maintain a transient occupancy tax (TOT) license and remain current on all required TOT reports and payments. The owner or authorized agent shall include the TOT certificate number on all contracts or rental agreements, and in any advertising or websites.

Article 88. - General Exceptions and Special Use Standards.

Sec. 26-88-086. –Marketing Accommodations

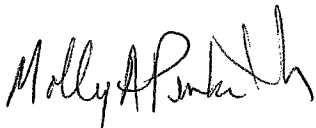
- (a) Purpose. This section provides standards for permitting of marketing accommodations. These standards are intended to ensure that marketing accommodations are compatible with and do not adversely impact surrounding agricultural uses.
- (b) Applicability. Marketing Accommodations shall only be located on parcels where the use promotes or markets agricultural products grown or processed on the site and complies with applicable policies of the General Plan Agricultural Resource Element. Marketing accommodations shall not be permitted within accessory dwelling units, or in structures encumbered covenants or agreements restricting their use including, but not limited to, affordable housing units, agricultural employee units, farmworker housing, or farm family units.
- (c) Maximum Number of Units. No more than two marketing accommodation units are allowed per parcel. Each marketing accommodation shall not exceed 640 square feet in size.
- (d) Performance Standards
 - (1) Noise Limits. All activities associated with the marketing accommodation shall meet the standards contained in Table NE-2 and Policy NE-1c of the General Plan Noise Element.
 - (2) Transient Occupancy Tax. The property owner or authorized agent shall maintain a transient occupancy tax (TOT) certificate and remain current on all required TOT reports and payments. The owner or authorized agent shall include the TOT certificate number on all contracts or rental agreements, and in any advertising or websites.
 - (3) Structures. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
 - (4) Where Allowed. Marketing accommodations are not allowed on properties where another visitor serving use is present, including hosted rentals, farmstays, or vacation rentals.
 - (5) Williamson Act. Any such use on a parcel under a Williamson Act contract must establish that the marketing accommodation is consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.

operations. Short term rentals, with examples such as Airbnb¹ or VRBO², take on a number of forms, including partial and full house rentals. A limited use arrangement would be analogous to a bed and breakfast, with the renter having a specified footprint within the house. The overall number of days that the rental can occur should be restricted so as to ensure it remains incidental to the agricultural uses on the property.

The Department cautions that if the primary residence is rented for most or all of the year, the connection between its use and the agricultural operation is lessened to the point that a determination of compatibility is highly unlikely. Although the landowner could file for nonrenewal or partial cancellation for the portion of the property where the residence is located, that outcome may open the door for landowners to request additional conditional uses that future diverge from the surrounding agricultural operation. For this reason, the Department recommends that any allowance for vacation rental of the primary residence remain limited in scope and duration.

Thank you for giving us the opportunity to comment on compatible use as it relates to the Williamson Act. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

¹ www.airbnb.com

² <http://www.vrbo.com/>

Dear Vanessa,

I am writing to express my support and hope for vacation rentals to be allowed in LIA zoning. While I understand the original purpose of LIA zoning, geography and economics, have dramatically changed. I do not believe that allowing LIA zoned property to showcase vacation rentals would be detrimental to agricultural production as long as the dwelling/s are in locations on the property that in no way hinder ranch or farming activities. In addition to helping many farmers and ranchers who have habitable dwellings on LIA zoned properties to earn extra money, would be the opportunity for visitors to experience living on working ranches and vineyards.

Sonoma County is one of the most beautiful places on earth to live. The agricultural splendor of the county accounts for much of this pulchritude. Unfortunately, grape farming has become inordinately expensive for small growers who do not have the resources to support year-round labor and labor housing. Many small growers, like ourselves, must use vineyard managers to cultivate their vineyards and harvest them as well. Thus, any housing on properties designated as housing for labor is no longer being used to house workers. While the buildings can be rented on a month-to-month basis, they could earn considerably more income as shorter-term vacation rentals. We would also like to be able to offer our main house as a vacation rental, as we could stay in the smaller cottage should the opportunity arise, to rent our basically, empty six-bedroom home.

I am hoping you can help us. My husband and I own sixteen acres comprised of two parcels (Parcel ID: 118-030-002-000 LIA and 118-030-090-000 LIA) in Cloverdale, CA. The main house was built in 1912 and is a bottomless pit of expenses. On the property there is a caretaker's house, that is occupied by our caretakers who are in their seventies and have been with us over 25 years, and a guest cottage, presently rented on a month-to-month basis. We have 8+ planted acres of Cabernet Sauvignon. We are barely surviving. The cost of growing grapes is astronomical as we must use a vineyard manager. Unless one is independently wealthy or owns a winery, it is difficult to make money producing grapes, mainly due to labor scarcity and costs.

We are lucky if we only lose 10k at the end of the year. Our zoning is LIA which does not allow us to use our guest cottage as a vacation rental. We can rent it on a month to month basis, which brings in a fraction of the money we could earn if it were a vacation rental.

My husband inherited this property from his grandmother in the seventies. We have the property on the market, but it is unique. Between the taxes and maintenance, we are choking. My husband experienced a severe stroke four years ago. We need to be able to rent the guest cottage and main house as vacation rentals to continue to manage upkeep and pay our taxes until we sell this property. It doesn't seem fair that we might need to take a loan on our property just to pay taxes when we could be using it to bring in income.

Are you aware of a timeline when this proposal of changing LIA vacation rental zoning might go before the Sonoma County Planning Commission for a recommendation to the Board of Supervisors? Would you suggest I write directly to the Planning Commission? I would like to advocate our position and would appreciate advice about how to do so.

Thank you for your consideration and any advice or help you can offer me to help effect zoning change for vacation rental in LIA zoning.

Sincerely,

Kathleen Prati

kathleenprati@me.com

(707)484-8978

Michael Bohnert
1061 Moody Lane
Geyserville, CA 95441

Thursday, January 25, 2018

To the Sonoma County Board of Supervisors and Planning Commission,

I am writing to share my thoughts and comments regarding the use of LIA zoned properties as vacation rentals. I understand there are many points of view on this topic, with some of those points in complete opposition of each other. I do not look to argue against the merits of any point of view in contrast to mine, but rather share how I have arrived at my position in hope it may move others to be more open and accepting of a stance different than their own.

Before sharing my position, I would like to provide some context. My family and I absolutely love Sonoma County – for all that it is and for many things it is not. My wife and I were introduced to the County through our Healdsburg wedding and immediately fell in love with the friendly people, the amazing wines, and the access to diverse outdoor spaces. As our family has grown, so has our appreciation and participation in the County's many offerings. From watching our boys play in the Russian River to enjoying a local biscuits and gravy fundraising breakfast. From swimming in Lake Sonoma to dining at the many local restaurants. All of these experiences and the memories we continue to build are the reasons we know we made the right choice in buying a home in Geyserville. I believe the context is important because it shows a person or a family can love an area, want to protect its offerings, and become part of its community – even if they aren't locals.

With that said my position is this: I believe vacation rentals make sense when implemented and regulated with a proper balance of community needs and economic vitality – to include permitting smaller parcel LIA zoned properties, that do not easily allow for commercial agriculture operations, to be used as vacation rentals. Specifically, I would hope there could be a renewal to Ordinance No. 5965 to allow new vacation rentals in LIA zone properties at a minimum. Ideally, it would be great if the General Plan could be amended to include vacation rentals as an allowable use for smaller parcels within LIA. My parcel is .25 acres, which is hardly sufficient for commercial operations. I understand the importance of protecting the use of land for agriculture in Sonoma County. I also believe smaller parcels zoned in LIA do not significantly contribute to commercial agriculture, so they could be used as vacation rentals without disrupting the broader use of LIA. Allowing people to experience Sonoma County in the heart of these agricultural areas provides an opportunity to develop deep, lasting connections to the area that, at a minimum, drives economic benefit to local businesses and potentially creates a desire to ultimately become part of the community. I know this because it has for my family. We ultimately want to live in the area full time, but cannot yet do that. As we navigate our path towards this ultimate desire we would welcome the benefits provided to our family and the broader community by our home being used as a vacation rental.

I hope my perspective helps some understand vacation rentals do have merit and can actually draw people to become part of the community. Providing an opportunity for people to experience Sonoma County through a variety of ways does create benefit, both short term and long term. These benefits can be quantitative by driving economic activity to local businesses and qualitative by creating people who become advocates for the area and protecting all that it has to offer. As I mentioned in the beginning, I respect there are many points of view on this and only look to share my perspective.

Sincerely,

A handwritten signature in cursive script that reads "Michael Bohnert". The signature is written in dark ink and is positioned below the word "Sincerely,".

Michael Bohnert

Expanding Opportunities for Agricultural Farmstays, Hosted Rentals, and Marketing Accommodations in Agriculture Zoning Districts

PURPOSE

The proposed amendments to the zoning code would ensure consistency with the general plan while providing opportunities for additional income on agricultural properties. The Sonoma County General Plan encourages visitor serving uses in all agricultural land use categories if the use supports the agricultural production activities of the area.

DISCUSSION

Land Intensive Agriculture (LIA) Zoned properties are considered to have the highest production per acre of land due to the soil types, climate, and availability of water for irrigation.

General plan policies do not allow visitor serving uses within the Land Intensive Agriculture (LIA) Zoning District that are unrelated from agriculture such as lodging, campgrounds, and vacation rentals. Farmstays and marketing accommodations are allowed because of their direct connection to agricultural operations.

No vacation rentals can be located on properties under a Land Conservation Act Contract in accordance with the Uniform Rules for Agricultural Preserves, current zoning regulations, and state law. Farmstays are allowed because they are connected to agriculture.

Comparison of Current Overnight Accommodations

Type of Use	Connection to Agriculture Required	Allowed under Williamson Act	Subject to Transient Occupancy Tax	Permit Requirements
Farmstay	Yes	Yes	Yes	Zoning Permit
Hosted Rental	No	No	Yes	Zoning Permit
Promotional and Marketing Accommodations	Yes	Yes	No	Use Permit
Vacation Rental	No	No	Yes	Zoning Permit

STAFF RECOMMENDATION

- 1) Expand farmstay opportunities by eliminating the income qualifications and the requirement that the farmer remain in the primary dwelling.
- 2) Allow hosted rentals (one room rental with owner in residence) in Land Intensive Agriculture (LIA) zones. Hosted rentals are currently allowed in Land Extensive Agriculture (LEA) and Diverse Agriculture (DA) zones.
- 3) Allow marketing accommodations to be rented for commercial transient use subject to standards and transient occupancy tax certification.
- 4) Consider an exception to allow existing permitted vacation rentals within the LIA Zoning District to convert to use permits with additional standards prohibiting events and requiring a Right to Farm Declaration.