

ORDINANCE NO. ()

**URGENCY INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SONOMA, STATE OF CALIFORNIA, EXTENDING THE
PROHIBITION ON ISSUING NEW VACATION RENTAL AND HOSTED
RENTAL PERMITS EXCEPT IN THE RUSSIAN RIVER PLANNING AREA
FOR SIXTY DAYS TO FACILITATE EMERGENCY HOUSING FOR PERSONS
DISPLACED BY THE SONOMA COMPLEX FIRE
URGENCY ORDINANCE - 4/5 VOTE REQUIRED**

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

Section I. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code section 65858 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors, for a period of no more than sixty (60) days from the date of its adoption unless extended after notice and public hearing. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within the County were caused by fast-moving and widespread fires, referred to as the Sonoma Complex Fire, commencing on the 8th day of October, 2017, at which time the Board of Supervisors was not in session.
2. California Government Code section 8630 and Sonoma County Code section 10-5 empower the County Administrator to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time.
3. On October 9, 2017, the County Administrator of the County of Sonoma proclaimed the existence of a local emergency within the Sonoma County Operational Area and also requested that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster.
4. On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties and has declared Sonoma County eligible for Fire Management Assistance Grant and other relief programs.
5. On October 10, 2011, the Board of Supervisors adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency with the Sonoma County Operation Area

and requesting that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster.

6. On October 10, 2017, the President declared the existence of a major disaster in the State of California and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing.
7. The Sonoma Complex Fire to date has consumed well over one hundred thousand acres and has led to the destruction of thousands of homes. It is estimated that at least 1500 households in Sonoma County, including unincorporated Sonoma County and municipal jurisdictions within Sonoma County, are without homes.
8. The Board of Supervisors has previously found that Sonoma County is experiencing a housing crisis. Even prior to the Sonoma Complex Fire, there existed in the unincorporated county area a severe lack of rental housing that is affordable to lower and moderate income residents.
9. The housing units destroyed by the Sonoma Complex Fire increased this rental housing shortage by several orders of magnitude and also severely reduced the number of owner-occupied housing units in the County.
10. Destruction of housing units in other nearby counties, including Lake, Napa, Solano and Mendocino Counties further exacerbates the ability of persons who live and work in Sonoma County and have been displaced by the Sonoma Complex Fire to relocate to other housing.
11. There are currently more than 1300 dwellings approved for use as vacation rentals in Sonoma County, many of which are operated by owners living off-site. The operation of these properties as vacation rentals reduces the number of dwellings otherwise available for longer term rentals for persons living and working in Sonoma County.
12. The County of Sonoma wishes to consider whether changes or amendments to its existing regulation of vacation rentals are necessary in light of the severity of the housing crisis in Sonoma County, as exacerbated by the Sonoma Complex Fire.
13. Conversion of additional single family housing units, including accessory dwellings and junior accessory dwellings, to vacation rentals presents a current and immediate threat to the public health, welfare and safety based on the facts and findings made herein. Approval of additional vacation rental permits in the County during an interim period in which the County

will consider amending or otherwise modifying its existing regulation of vacation rentals would contribute to the existing housing emergency and lack of rental housing available to persons and families displaced by the Sonoma Complex Fire.

14. On October 24, 2017, the Board of Supervisors adopted an Urgency Interim Ordinance Prohibiting the Issuance of Vacation Rental and Hostel Rental Permits to Facilitate Emergency Housing for Persons Displaced by the Sonoma Complex Fire, for an initial term of 45 days from October 24, 2017, pursuant to Government Code section 65858.
15. The proposed 60-day moratorium extension is one of the many measures considered and adopted by the Board of Supervisors since October 24, 2017 to alleviate the housing shortage. Since October 24, 2017, the Board of Supervisors and the public have received updated information on the fire-related housing crisis as part of an agenda item entitled Fire Recovery Update, including a Housing Update, at its regular meeting on October 31, at a joint meeting with the City of Santa Rosa on November 7, and its regular meetings on November 14 and December 5, 2017. In addition, the staff report for the October 24, 2017 adoption describes the emergency need for the moratorium, and the staff report for this proposed 60-day moratorium extension describes in detail what is presently known about the impacts of vacation rentals on housing stock as related to the post-fire housing crisis
16. Given the short time frame from the initial adoption of the interim moratorium, the magnitude of the disaster recovery effort and the staff work necessary to serve the immediate needs of persons displaced by the Sonoma Complex Fire, and because all information available to date has been provided to the Board of Supervisors and the public, the Fire Recovery Updates and staff reports previously presented serve the same purpose as would a written ten-day report and constitute substantial compliance with Government Code section 65858(d).

Section II. Extension of Temporary Prohibition on Issuance of Vacation Rental and Hosted Rental Permits.

1. For a period of sixty (60) days from and after the effective date of this ordinance, no zoning permit and/or use permits for vacation rental units otherwise subject to Sonoma County Code Section 26-88-120 shall be issued by the Sonoma County Permit Resources and Management Department, except within the Russian River Planning Area shown on the Sonoma County General Plan Land Use Map, Figure LU-2d. Provisions of the Sonoma County Zoning Ordinance which would otherwise allow vacation rentals in various zoning districts outside of the Russian River Planning Area, whether as permitted or conditional uses, shall not allow

the issuance of vacation rental or ~~hosted rental~~ permits during the life of this ordinance.

Section III. Adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to replace property or facilities damaged or destroyed after a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

Section IV. 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 V. This ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) vote and shall continue in effect for a period of sixty (60) days, unless extended by the Board of Supervisors following notice and public hearing. A fair and accurate summary of this ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, 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, introduced and passed on the 5th day of December, 2017, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

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

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