



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number:**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** March 15, 2016

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

Jane Riley 565-7388

**Supervisorial District(s):**

County-wide

**Title:** Vacation Rental Program Changes

### **Recommended Actions:**

- 1) Adopt an ordinance amending the zoning code standards for vacation rentals; and
- 2) Adopt a Resolution of Intention directing staff to initialize rezoning of specific areas to add the (X) Vacation Rental Exclusion Zone.

### **Executive Summary:**

On January 26, 2016, the Board of Supervisors held a public hearing and considered a package of zoning code amendments to the standards for vacation rentals. The Board straw voted to adopt some of the changes recommended by the Planning Commission pursuant to Government Code 65857, and directed staff to: (1) make the necessary changes to the package of code amendments to reflect their direction; and (2) return with a Resolution of Intention directing staff to initiate rezoning procedures to apply the X Vacation Rental Exclusion Zone to certain areas identified by the Board. Both items were directed to return to the Board on the consent calendar.

### **Code Amendments**

Via a straw vote, the Board adopted most of the Planning Commission recommendations to increase neighborhood compatibility, strengthen code enforcement, level the playing field with new requirements for property managers, and expand vacation rental opportunities where compatibility is not an issue, such as with hosted rentals in residential zones. The Board directed that the X Vacation Rental Exclusion Combining Zone be used to specify the areas in which vacation rentals will not be allowed rather than adopting a ban on new vacation rentals in all R1 Single Family Residential neighborhoods. The present recommended code amendments reflect the direction provided by the Board in their straw votes.

### **Resolution of Intention**

The proposed Resolution of Intention will enable the exclusion of vacation rentals in certain low density and rural single family neighborhoods within the Sonoma Valley and the north county. While the Board chose not to adopt a ban on vacation rentals in all low density single family zones, there are some areas of the County that have been identified as having certain characteristics that necessitate vacation rental exclusions, such as low housing availability and poor neighborhood compatibility. The Resolution of Intention would direct staff to initiate rezoning procedures to add the X Vacation Rental Exclusion Zone in following areas:

- a) All R1 Low Density Single Family Residential and RR Rural Residential zoned properties within the communities of Boyes Hot Springs, Fetters Hot Springs, El Verano, Agua Caliente, Glen Ellen and Kenwood;
- b) All of the parcels within the private residential communities of Diamond A, Foothill Ranch, Agua Caliente Knolls, Sobre Vista, Palomino Lakes, and the Vineyards subdivision;
- c) The residential properties in the Nut Tree/Apple Tree neighborhood and those bordering Winter Creek Road in the Sonoma Valley; and
- d) The Fitch Mountain area, bordered by Healdsburg city limits on the west and by the Russian River on the north, east and south.

Following adoption of the Resolution of Intention, PRMD staff will identify all affected parcels and provide legal notification of the proposed rezoning to add the X Vacation Rental Exclusion Combining Zone. Affected property owners and other interested parties will be able to comment on the proposal at hearings before both the Planning Commission and the Board of Supervisors. The areas named above may or may not receive the X Combining Zone, depending on public input, the Planning Commission's recommendations, and the Board's final action. In areas where the X Combining Zone is adopted, existing legal vacation rentals could continue to operate but would expire upon sale or transfer of the property, and no new applications would be accepted within these areas. Staff anticipate returning to the Board of Supervisors with a recommendation for the new X Combining Zone in June 2016.

01/26/2016: The Board straw-voted changes to the Zoning Code for vacation rentals and identified areas for future application of the X Vacation Rental Exclusion Combining Zone

11/04/2014: The Board adopted a Resolution of Intention directing staff to conduct a robust public outreach program and undertake amendments to the Vacation Rental Ordinance.

10/07/2014: The Board considered the Auditor's Report on Vacation Rentals and provided direction to PRMD staff on the Resolution of Intention to amend the Vacation Rental ordinance.

11/09/2010: The Board adopted the Vacation Rental Ordinance, effective January 1, 2011.

11/03/2009: The Board adopted a Resolution of Intention directing staff to amend the Zoning Code to include provisions for vacation rentals, as recommended by the Ad Hoc Committee.

04/21/2009: The Board considered the compatibility issues with the use of single family homes as transient rentals and considered a range of possible policy options. The Chair appointed two supervisors to an Ad Hoc Committee to return with a recommendation.

<b>Strategic Plan Alignment</b> Goal 1: Safe, Healthy, and Caring Community			
Goals 1 and 2. The code changes and application of the X Vacation Rental Exclusion Zone will help balance the preservation of residential neighborhoods and workforce housing stock with the economic benefits of vacation rentals.			
<b>Fiscal Summary - FY 15-16</b>			
<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>
<b>Narrative Explanation of Fiscal Impacts (If Required):</b>			
The vacation rental program will be funded through existing fees. New fees will also be proposed to fund additional programmatic requirements included in the proposed code amendment.			
<b>Staffing Impacts</b>			
<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
None.			
<b>Attachments:</b>			
Attachment A: Draft Ordinance with Exhibits A-E Attachment B: Resolution of Intention			
<b>Related Items "On File" with the Clerk of the Board:</b>			
None.			

ORDINANCE NO.

An Ordinance Of The Board Of Supervisors, County Of Sonoma, State Of California,  
Amending Chapter 26 (Zoning) Of The Sonoma County Code To Revise Regulations And  
Allowances For Vacation Rentals And For One-Room Bed And Breakfast Inns, Also  
Known As Hosted Rentals

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

Section I. The Board finds and declares that the adoption of this Ordinance is necessary to enable expanded opportunities for vacation rental uses in appropriate areas to support the tourism industry, while better protecting residential neighborhoods, the general welfare of residents in the County, and the existing housing stock and residential land supply.

Section II. Amendments to Definitions. Section 26-02-140 Definitions of the Sonoma County Code is amended to revise certain definitions and add definitions in alphabetical order to read as shown in *Exhibit A*.

Section III. The following Sections of Chapter 26 of the Sonoma County Code are added:

Section 26-32-010 (r) Permitted Uses – C2 Retail and Service Commercial  
Section 26-36-010 (y) Permitted Uses – LC Limited Commercial  
Section 26-42-010 (s) Permitted Uses – K Recreation and Visitor-Serving Commercial

To read as follows:

“Vacation rentals with up to 5 guest rooms, subject to issuance of a zoning permit and compliance with Section 26-88-120 (Vacation Rentals).

Section IV. The following Sections of Chapter 26 of the Sonoma County Code are added:

Section 26-20-010 (y) Permitted Uses – R1 Low Density Residential  
Section 26-34-010 (ee) Permitted Uses – C3 General Commercial  
Section 26-36-010 (y) Permitted Uses – LC Limited Commercial

To read as follows:

“Hosted Rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns).”

Section V. The following Sections of Chapter 26 are amended and replaced:

Section 26-06-010 (m) Permitted Uses – LEA Land Extensive Agriculture  
Section 26-08-010 (l) Permitted Uses – DA Diverse Agriculture  
Section 26-10-010 (dd) Permitted Uses – RRD Resource and Rural Development  
Section 26-16-010 (z) Permitted Uses – AR Agriculture and Residential  
Section 26-18-010 (u) Permitted Uses – RR Rural Residential

To read as follows:

“Hosted Rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns).”

Section 26-06-020 (p) (7) Uses permitted with a use permit – LEA Land Extensive Agriculture

Section 26-08-020 (p) (7) Uses permitted with a use permit – DA Diverse Agriculture

Section 26-10-020 (II) Uses permitted with a use permit – RRD Resource and Rural Development

Section 26-16-020 (q) Uses permitted with a use permit – Agriculture and Residential

Section 26-18-020 (s) Uses permitted with a use permit – Rural Residential

To read as follows:

“Bed and breakfast inns containing not more than five (5) guest rooms, subject to Design Review and compliance with Section 26-88-118.”

Section VI: Article 77 (X Mixed Occupancy Combining Zone, now to be known as the VR Visitor Residential Combining Zone) of Chapter 26 of the Sonoma County Code is amended to rename the Zone from the “X – Mixed Occupancy” zone to the “VR – Visitor Residential” zone, to read as set forth in the attached *Exhibit B*.

Section VII: A new Article 79 (X Vacation Rental Exclusion Combining Zone) is established within Chapter 26 of the Sonoma County Code, to read as set forth in the attached *Exhibit C*.

Section VIII: A new Section 26-88-118 (Special Use Standards for Hosted Rentals and Bed and Breakfast Inns) is established within Article 88 of Chapter 26 of the Sonoma County Code, to read as set forth in the attached *Exhibit D*.

Section IX: Section 26-88-120 (Vacation Rentals) is rescinded and replaced in its entirety, as set forth in the attached *Exhibit E*.

Section X. Notwithstanding the new standards and permit procedures set forth in Section VIII of this ordinance, existing permitted vacation rentals and those for which complete applications have been submitted prior to the effective date of this ordinance located within the X Vacation Rental Exclusion Combining Zone shall be allowed to continue in conformance with the performance standards set forth in Section VIII, but shall expire upon sale or transfer of the property, or upon revocation as set forth in Section 26-88-120. Existing vacation rentals shall comply with all other standards and permit requirements as set forth in Section VIII.

Section XI. The Board of Supervisors hereby finds and declares that project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines because allowing vacation rentals meeting the standards adopted herein to be located within existing single-family residences will not involve an expansion of use beyond that currently existing; and further, is exempt under Section 15061(b)(3) because it can be seen with certainty that adoption of the Ordinance does not result in a physical change in 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 residential use and any activities that may exceed the residential character would be subject to further discretionary review; and

Section XI: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and 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 XII: This Ordinance shall be and the same is hereby declared to be in full force and effect on and after 30 days following its passage, except that the new requirement for training and certification of property managers shall not take effect until July 1, 2016. This Ordinance 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 on the 15th day of March, 2016, on regular roll call of the members of said Board by the following vote:

**Supervisors:**

Gorin:	Rabbitt:	Zane:	Gore:	Carrillo:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

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

So Ordered

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Chair, Board of Supervisors  
County of Sonoma

Attest:

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Clerk of the Board of Supervisors

## **Sec. 26-88-120. - Vacation Rentals.**

- (a) **Purpose.** This section provides requirements and standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.
- (b) **Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. Vacation rentals shall also not be permitted within second 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, farmworker housing, farm family units, or on lands under a Williamson Act Contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.
- (c) **Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a zoning permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.
- (d) **Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.
- (e) **Permit Requirements.**
- 1. Maximum Number of Guestrooms.** Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated, subject to the granting of a use permit. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
  - 2. Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum

overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

**3. Maximum Number of Guests and Daytime Visitors.** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit. Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.

**4. Limit on Number of Residences or Structures per Parcel.** Only a single family residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: Only one transient rental is allowed per parcel. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed five (5).

**5. Parking.** Parking shall be provided as follows: a minimum of one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered for up to one (1) of the required parking spaces; otherwise, the number of vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application materials and the property checklist, but shall not exceed one vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

**(f) Performance Standards.**

**1. Noise Limits.** All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.



Hourly Noise Metric <sup>1</sup> , dBA	Activity hours 7:00 a.m. to 10:00 p.m.	Quiet Hours 10:00 p.m. to 7:00 a.m.
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

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. 1.5 dBA or more) shall be allowed.

Reduce the applicable standards above by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.

**2. Amplified Sound.** Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.

**3. Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

**4. Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.

**5. Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

**6. Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

**7. Transient Occupancy Tax.** The vacation rental 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.

**8. Certified 24-hour Property Manager.** All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Certified property managers may be

professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the County and may be revoked by the County. Once certified, a property manager must continue to comply with all provisions set forth in this Section, including timely reporting of all complaints and their resolutions, in order to remain certified. Certified property managers must be located within a 30 mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the Department, and shall include the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this Section. The name and 24 hour contact information of the certified property manager shall be provided to any interested party upon request.

**9. Emergency Access.** The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.

**10. Posting and Neighbor Notification of Permit and Standards.** Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within 6 feet of the front door of the vacation rental, and include them as part of all rental agreements. At the permit holder's expense, the County shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard 300' property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

**11. Requirements for All Internet Advertisements and Listings.** All online advertisements and/or listings for the vacation rental property shall include the following:

- a. Maximum occupancy, not including children under 3;
- b. Maximum number of vehicles;
- c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
- d. Notification that no outdoor amplified sound is allowed; and,

- e. The Transient Occupancy Tax Certificate number for that particular property.

**(g) Enforcement Process.**

**1. Initial complaints** on vacation rentals shall be directed to the certified property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to PRMD within 24 hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Sheriff reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer or the Director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

**2. Enhanced penalty for non-permitted rentals.** A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.

**3. Three Strikes Penalty.** Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

**4. Violation of Performance Standards –Administrative Citations.**

In addition to all other legal remedies, criminal or civil, which may be pursued by

the County to address any violation of the County Code, this subsection provides for Administrative Citations.

- a. Use of Administrative Citations shall be at the sole discretion of the County.
- b. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
- c. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
  1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
  2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;
  3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;
  4. Violations of quiet hours (10:00 PM – 7:00 AM),
  5. Exceeding maximum number of vehicles
  6. Exceeding fire limits, including lighting fires during bans
  7. Unsecured pets and/or nuisance barking;
  8. Operation of a vacation rental without a certified property manager;
  9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
  10. Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;
  11. Failure of the property owner to maintain current Transient Occupancy Tax status.

**(h) Monitoring and Enforcement Fee.**

1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.



# County of Sonoma

## State of California

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Date: March 15, 2016

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

ORD14-0011 Jane Riley



4/5 Vote Required

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**Resolution Of Intention Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Directing Staff To Initiate Rezoning Procedures To Add The Vacation Rental Exclusion (X) Combining Zones To Specified Areas Within The Sonoma Valley And North County Areas**

**Whereas**, in 2010, the County of Sonoma adopted Ordinance No. 5908 establishing Section 26-88-120 of the Zoning Code, Vacation Rentals, which became effective on January 1, 2011; and

**Whereas**, on November 4, 2014, the Board of Supervisors conducted a review of the Vacation Rental Ordinance and adopted a Resolution of Intention directing staff to make revisions to the Vacation Rental Ordinance to address issues related to the potential loss of permanent housing stock, neighborhood compatibility issues, property manager requirements and responsibilities, and other issues as might arise during the public outreach process; and

**Whereas**, staff conducted an extensive outreach campaign which included four community meetings at various locations throughout the County, hosted several stakeholder group meetings and evaluated extensive web-based community input as well as data from the existing vacation rental program; and

**Whereas**, the Sonoma County Planning Commission conducted a public workshop on May 18, 2015, to hear public input, and conducted a duly noticed public hearing on September 3, 2015, and subsequently held several additional meetings to deliberate on the policy options and provided direction to staff on a preferred draft ordinance amendments; and

**Whereas**, on November 19, 2015, the Sonoma County Planning Commission held an additional public hearing to consider the proposed draft changes to the Vacation Rental Ordinance where all interested parties were given an opportunity to comment on the proposed changes; and

**Whereas**, the Planning Commission, having considered all materials, file information, all public and agency comments, and all reports from staff, and the proposed Ordinance revisions, found that the proposed revisions were appropriate and necessary to address neighborhood

compatibility and the loss of permanent housing stock while continuing to provide opportunities for property owners and a valuable service for visitors to Sonoma County; and

**Whereas**, the Planning Commission's recommendation on the Vacation Rental Ordinance were forwarded to the Board of Supervisors where an additional duly noticed public hearing was held on January 26, 2016; and

**Whereas**, after considering the Planning Commission's recommendation, the testimony and comments received, the Board of Supervisors adopted certain of the Ordinance revisions to improve enforcement and increase compatibility within residential neighborhoods; and

**Whereas**, in order to protect existing housing stock and address areas of overconcentration of vacation rentals, the Board of Supervisors at their January 26, 2016 meeting directed staff to return to the Board with this Resolution of Intention to initiate rezoning procedures to add the X Vacation Rental Exclusion Combining zone to specified areas.

**Now, Therefore, Be It Resolved** that the Board of Supervisors hereby directs staff to initiate rezoning procedures to add the X Vacation Rental Exclusion Combining Zone to the following areas:

- a) All R1 Low Density Single Family Residential and RR Rural Residential zoned properties within the communities of Boyes Hot Springs, Fetters Hot Springs, El Verano, Agua Caliente, Glen Ellen and Kenwood;
- b) All of the parcels within the private residential communities of Diamond A, Foothill Ranch, Agua Caliente Knolls, Sobre Vista, Palomino Lakes, and the Vineyards subdivision;
- c) The residential properties in the Nut Tree/Apple Tree neighborhood and those bordering Winter Creek Road in the Sonoma Valley; and
- d) The Fitch Mountain area, bordered by Healdsburg city limits on the west and by the Russian River on the north, east and south.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board 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 Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Gorin:	Rabbitt:	Zane:	Gore:	Carrillo:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**