

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, EXTENDING ORDINANCE NO. 6321 CONCERNING A TEMPORARY CAP ON VACATION RENTAL PERMITS TO CERTAIN PARCELS IN THE FIRST AND FIFTH SUPERVISORIAL DISTRICTS UNTIL AUGUST 6, 2022 (URGENCY ORDINANCE--4/5 VOTE REQUIRED)

The Board of Supervisors of the County of Sonoma ordains as follows:

Section 1. Findings and purpose.

- A. On August 18, 2020, at a duly noticed public meeting and in accordance with Government Code section 65858, the Board of Supervisors adopted interim urgency Ordinance No. 6321 by unanimous vote of the four Board members present. Ordinance No. 6321 prohibited issuance of new vacation rental permits for a period of 45 days, to allow County staff time to collect and analyze additional data, pending preparation of comprehensive amendments to the existing vacation rentals ordinance codified as Sonoma County Code section 26-88-120. A copy of Ordinance 6321 is attached as Exhibit “A” and incorporated by reference.
- B. The purpose of Ordinance No. 6321 is to temporarily limit new vacation rental permits in unincorporated Sonoma County to the number of permits already issued plus complete applications as of August 18, 2020, until such reasonable time as staff may conduct detailed research and analysis and based on that analysis develop comprehensive amendments to the County’s existing vacation rentals ordinance that will address the effects of additional vacation rentals on housing stock and affordability and concentration of vacation rentals in residential neighborhoods.
- C. On September 22, 2020, the Board adopted Ordinance 6326 by unanimous vote, extending the expiration date of Ordinance No. 6321 from October 2, 2020, to December 31, 2020, as authorized by Government Code sec. 65858. A copy of Ordinance 6326 is attached as Exhibit “B” and incorporated by reference.
- D. The Board of Supervisors finds and determines that there remains a current and immediate need to protect the public health, safety and welfare, which requires that Ordinance No. 6321 be extended until August 6, 2022 for the parcels listed in Exhibit C and shown on the maps in Exhibit D, as authorized by Government Code sec. 65858. The Board further finds and determines that the urgency exists and that the ordinance must take effect immediately upon its adoption. This extension will allow County staff adequate time to complete its study, conduct public outreach, and develop recommendations for permanent amendments to the County Code for consideration by the Planning Commission and Board of Supervisors in public hearings.

- E. Sonoma County is experiencing a severe and ongoing housing crisis. This crisis already existed before the disasters of recent years, but was dramatically worsened by the 2017 Sonoma Complex Fires and deepened by subsequent natural disasters, including most recently the Glass Incident, and the COVID-19 pandemic.
- F. Housing prices and rents within the lower Russian River area are the lowest in the County. Conversion of these relatively affordable housing units to vacation rentals reduces housing stock and contributes to increased housing costs for both renters and buyers.
- G. Concentration of vacation rentals in the majority of neighborhoods as identified by the parcel lists in Exhibit C and as shown on the maps in Exhibit D exceed 10% of the local housing stock along the lower Russian River, and is 43% of the total housing stock in the Theodor Lane area of Sonoma Valley. New vacation rentals in these areas will adversely affect residential character, neighborhood stability, public safety, and quality of life of these areas. Ordinance 6321 must be extended for the parcels listed in Exhibit C and shown on the maps in Exhibit D, for the following reasons:
 - 1. These areas are characterized by a pattern of small lot sizes, limited off-street parking and access, and increasing conflicts between vacation rentals and neighboring residential properties; and
 - 2. Continued conversion of existing housing along the lower Russian River reduces the stock of relatively affordable housing in this region; and
 - 2. These areas are characterized by large numbers of existing, permitted vacation rentals in close proximity to each other and additional vacation rentals may reduce housing stock, and increase adverse effects to residential character, neighborhood stability, and public safety in these areas. An extension of the cap is necessary to maintain community character and prevent additional loss of housing stock prior to staff collecting and analyzing data, developing a work plan, engaging in community outreach, and developing a permanent policy to regulate vacation rentals.
- H. Under the existing vacation rentals ordinance (Sonoma County Code section 26-88-120), almost all vacation rental permits are ministerial permits, meaning that a permit must be issued if the application demonstrates that the property meets required standards. Those standards do not allow for discretionary, location-specific consideration of loss of housing stock and over-concentration of vacation rentals in residential neighborhoods and other sensitive areas.
- I. Based on the direction of the Board, the Permit and Resource Management Department (Permit Sonoma) is initiating development of comprehensive amendments to the existing vacation rentals ordinance to address these effects, and substantial additional research, data collection, planning, analysis, and outreach is necessary to prepare Zoning Code amendments for Board consideration.
- J. The approval and issuance of additional permits for vacation rentals during the period when permanent Code amendments are being developed and considered presents a current and immediate threat to the public safety, health and welfare in the

unincorporated County due to the loss of housing stock and other negative effects caused by vacation rentals in residential neighborhoods and other sensitive areas.

- K. The purpose of this Ordinance is to temporarily limit new vacation rental permits in areas listed in Exhibit C and shown on the maps in Exhibit D to those permits already issued plus applications that were determined complete as of August 18, 2020, when Ordinance No. 6321 was adopted.
- L. The report required by Government Code section 65858(d) was published with the agenda materials for the December 15, 2020 meeting of the Board of Supervisors.
- M. Government Code section 65858 allows the Board to immediately protect and preserve the public safety, health, and welfare by prohibiting uses that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission, or planning department is considering or studying or intends to study within a reasonable time. Similarly, Government Code section 25123 authorizes the Board to adopt an ordinance for the immediate preservation of the public peace, health, or safety that shall be effective immediately when passed by a four-fifths vote of the Board.

Section 2. Interim cap on vacation rental permits.

- A. For the reasons set forth in the above findings and in the record, the Board finds and declares that this interim Ordinance is necessary for the immediate preservation of the public health, safety, and welfare.
- B. In accordance with Government Code section 65858, from and after the date of this Ordinance, the number of vacation rental permits in parcels listed in Exhibit C and shown on the individual neighborhood maps in Exhibit D shall be limited to the number of duly approved and valid permits existing as of August 18, 2020 within these areas, plus vacation rental permit applications submitted to the Permit and Resource Management Department and determined complete on or before August 18, 2020 within these areas. For purposes of this calculation, payment of all required fees was necessary to achieve a complete application.
- C. The Director of the Permit and Resource Management Department is authorized and directed to establish procedures for release of any permits under the cap that may become available during the term of this Ordinance. Priority shall be given to vacation rental applications in the order that each such application is determined complete. No vacation rental application shall be approved if such approval would result in exceedance of the cap within parcels listed in Exhibit C and shown on the maps in Exhibit D.
- D. For the purposes of this Ordinance, “vacation rental” shall have the same definition as provided in Sonoma County Code section 26-02-140.
- E. Hosted rentals as defined in Sonoma County Code section 26-02-140 are not subject to this Ordinance.
- F. All other provisions of Ordinance 6321, as amended and extended by Ordinance 6326, that are not addressed in this Ordinance, are repealed.

Section 3. Conflicting ordinance, policy, or resolution. During the period this Ordinance remains in effect, the provisions of this Ordinance shall govern. If there is any conflict between this Ordinance and any provision of the Sonoma County Code, or any County ordinance, resolution, or policy, the provisions of this Ordinance shall control.

Section 4. Report. Permit and Resource Management Department staff is instructed to prepare the report required by Government Code section 65858(d) describing the measures taken to alleviate the conditions which led to adoption of this Ordinance no later than ten days prior to the expiration of this Ordinance.

Section 5. CEQA. This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) (“CEQA”) pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) Section 15060(b) and (c), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines section 15378, as it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment.

Section 6. Severability. 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 7. Effective date and term. This Ordinance is adopted as an urgency ordinance under Government Code sections 25123 and 25132 and as an interim zoning ordinance under Government Code section 65858. It shall be effective immediately upon its adoption by a vote of at least four-fifths of the Board of Supervisors. This Ordinance shall be in effect until August 6, 2022, unless earlier repealed by the Board.

Section 8. Publication. 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, adopted this 15th day of December, 2020, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Rabbitt: Aye Zane: Aye Gore: Aye Hopkins: Aye Gorin: Aye

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