

ORDINANCE NO. ()

AN UNCODIFIED INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 6384 ESTABLISHING A MORATORIUM ON NEW VACATION RENTAL PERMITS IN THE UNINCORPORATED COUNTY TO ALLOW PROCESSING OF PERMIT APPLICATIONS IN THE PIPELINE

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

Section I. Authority and Findings. This Ordinance is adopted pursuant to California Government Code sections 25123, 25132, and 65858 and will take effect immediately upon its approval by at least four-fifth vote of the Board of Supervisors. The Board finds this Ordinance is necessary to protect the public safety, health, and welfare, by prohibiting new vacation rentals that may be in conflict with future zoning and licensing ordinances governing vacation rentals, based on the following facts:

- A. On May 10, 2022, the Board of Supervisors adopted Urgency Ordinance Number 6377 establishing a moratorium on new vacation rental permits in the inland unincorporated County. On June 13, 2022, the Board of Supervisors adopted Urgency Ordinance Number 6384 extending Ordinance Number 6377.
- B. Sonoma County is experiencing a severe and ongoing housing crisis. Vacation rentals convert units that could otherwise be used for long-term housing, thereby exacerbating the crisis. A County-commissioned study, *Vacation Rentals and Home Prices* (December 2021) by Economic Forensics & Analytics, found that the number of vacation rentals had increased and that vacation rentals likely increase rental rates, which are already high relative to average household incomes.
- C. Concentration of vacation rentals in many areas of the County has an adverse impact on residential character, neighborhood stability, public safety, and quality of life, demonstrating the need to consider different regulations to separate, eliminate, or cap vacation rentals in certain zoning districts or areas of the County.
- D. The County has experienced several devastating fires in recent years. Vacation rentals in certain locations or without proper regulation to address evacuations and fire safety can jeopardize the safety of guests and the community.
- E. The County regularly receives complaints related to noise, garbage, parking, septic capabilities, and public safety indicating a need for heightened operating standards and enforcement.
- F. There are currently moratoria and permit caps in place in several areas of the County that have experienced severe fire events or have high residential density,

however, these are not the only areas experiencing negative impacts from vacation rentals.

- G. The County is currently in the process of considering and studying various legislative proposals to address the issues associated with vacation rentals and reduce risks to public safety, health, and welfare.
- H. On March 17, 2022, the Planning Commission held a public hearing on a proposed zoning ordinance that would amend the Vacation Rental Exclusion (X) Combining Zone to allow for the imposition of a permit cap, and an ordinance to add a vacation rental license requirement to enhance enforcement of operating standards and add new regulations related to emergency evacuations. At the hearing, additional and more stringent policies were discussed including prohibiting vacation rentals throughout the low-density residential (R1) zoning district and prohibiting outdoor burning. The Planning Commission continued the item and directed staff to conduct further outreach with housing advocates to discuss the impact of vacation rentals on rental housing stock and rental rates.
- I. Following public notification of the Planning Commission meeting, Permit Sonoma received 50 vacation rental permit applications in one month, far in excess of the usual 10 permit applications normally received per month. Processing of most permit applications was put on hold by Urgency Ordinances Nos. 6377 and 6384. An analysis of these permit applications shows that they are not overwhelmingly concentrated and so the strong policy interest of processing this finite number of applications that were submitted prior to the moratorium outweighs the potential harm to the general public.
- J. Issuing more vacation rental permits in areas that may be subject to exclusion, caps, or additional regulations would undermine the current planning effort to protect the public safety, health, and welfare from the negative impacts of vacation rentals that are improperly sited, over-concentrated, or under-regulated. The facts that supported Urgency Ordinance No. 6377 and 6384 still remain as the current planning effort aimed at addressing vacation rental impacts has not concluded.

Section III. Moratorium. The Permit and Resource Management Department cannot permit a new vacation rental under Sec. 26-88-120 or Sec. 26-28-160 for the term of this Ordinance, except for a vacation rental application accepted on or before May 10, 2022, which will be processed in accordance with the provisions in effect at the time the permit application was accepted.

Section IV. Environmental Determination. This Ordinance is not subject to the California Environmental Quality Act (California Public Resources Code § 21000 et seq.) (“CEQA”) pursuant to CEQA Guidelines sections 15060(b) and (c), because prohibiting new vacation rentals 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 alternative, the Ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that

prohibiting new vacation rentals will have no significant effect on the environment. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the CEQA Guidelines.

Section V. 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 VI. Effective Date and Term. In accordance with Government Code sections 25123, 25132, and 65858, this Ordinance is effective immediately upon its passage by at least a 4/5 vote. This Ordinance is in effect until May 9, 2023, unless sooner repealed by the Board or extended by the Board as provided in Government Code section 65858. Prior to expiration or extension, staff is directed to prepare the report required by Government Code section 65858(d) describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

Section VII. Publication. This Ordinance must be published once before the expiration of 15 days after its passage, with the names of the Supervisors voting for or against, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In special session of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this 2nd day of August, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: 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