

# ORDINANCE NO. 6386

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO CLARIFY AND SIMPLIFY THE VACATION RENTAL PERMIT ORDINANCE, AMENDING THE X COMBINING DISTRICT TO ENABLE A CAP ON VACATION RENTALS, AND AMENDING CHAPTER 26C OF THE SONOMA COUNTY CODE TO REGULATE VACATION RENTALS IN THE COASTAL ZONE

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

**Section I. Purpose and Authority.** The purpose of this Ordinance is to amend the vacation rental zoning ordinance to enhance clarity and accommodate a new business license requirement for vacation rentals to ensure they operate in a manner that maintains the public health, safety, and welfare of each community and the county and as a whole. The purpose of this Ordinance is also to amend the X Vacation Rental Exclusion Combining District to allow imposition of a cap on vacation rentals. This Ordinance is adopted pursuant to California Government Code § 65850 et seq.

### **Section II. Findings.**

- A. The Board of Supervisors adopted its first ordinance regulating the transient rental of single-family homes, known as vacation rentals, in 2009 (Ordinance. 5908) and established a land use permit requirement for vacation rentals in the inland zone.
- B. The Board of Supervisors held public meetings on December 15, 2021, and July 20, 2021, at which it directed staff to revise the County's Vacation Rental Program, including studying and developing regulations for the County's Coastal Zone;
- C. Following extensive public outreach with a diverse array of stakeholders, the Planning Commission held duly noticed public hearings on March 17, 2022, and May 5, 2022, on proposed changes to the Vacation Rental Program;
- D. Vacation rentals constitute a significant segment of Sonoma County's local tourism economy and generate a substantial amount of revenue from transient occupancy tax, which is primarily used to promote and mitigate the impacts of tourism.
- E. While the majority of vacation rentals are well operated causing minimal issues for their guests or the neighboring community, the County nonetheless receives numerous complaints related to noise, garbage, parking, septic capabilities, and public safety.

- F. It is necessary to the public health and welfare to regulate non-land use health and safety standards related to the nature and ongoing operations of vacation rentals through a vacation rental business license program and thus to simplify the zoning ordinance accordingly to ensure vacation rentals are properly located.
- G. Overconcentration of vacation rentals reduces housing stock and contributes to increased housing costs for both renters and buyers and in some areas can adversely affect residential character, neighborhood stability, public safety, and quality of life. Applying a cap on vacation rentals in certain areas can provide a balance between enabling the use and minimizing its potential negative impacts.
- H. Eliminating vacation rentals in the low-density residential zoning district (in addition the medium and high-density residential districts) is particularly critical to retaining valuable housing stock and protecting neighborhood character as these urban residential zones provide lower-cost housing, are more densely developed, and house residents of all ages.
- I. Vacation rentals in the Coastal Zone serve an important role in providing access to coastal resources; however, vacation rentals are not currently subject to use-specific regulations in the Coastal Zone and sensible regulations are required to protect environmental resources, address nuisance, and protect the public health and safety.
- J. This Ordinance is consistent with the overall goals, objectives, and policies of the General Plan, particularly related to balancing the interests of permanent residential housing stock and vacation rentals. This Ordinance carries out the provisions of Housing Element Program 6, which states that “The County will review and consider revisions to the Vacation Rental Ordinance to limit conversion of permanent housing stock and make vacation rental uses more compatible, and to facilitate enforcement when necessary.” Regulation of vacation rentals is also consistent with Policy HE-1j, which states “Avoid the loss of residential land in urban land-use designations for vacation or time-share uses” and Policy HE-1k, which states “Continue to regulate the use of existing residences on residential lands for vacation rentals”.

**Section III. Definitions.** Chapter 26 (Zoning Code) Section 26-04-020(V)(1) is amended to read as follows:

Vacation rental. The tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax. Vacation rental does not include a hosted rental or a bed and breakfast inn.

**Section IV. Residential Zones Allowed Uses.** The “Lodging: Vacation Rentals” line of the land use table in Chapter 26 (Zoning Code) Section 26-08-030 is amended to read as follows:

Land Use	AR Zone	RR Zone	R1 Zone	R2 Zone	R3 Zone	Use Regulation
Lodging: Vacation Rentals	P	P	-	-	-	26-28-160

**Section V. Vacation Rental Permit Standards.**

- A. Chapter 26 (Zoning Code) Section 26-88-120 (Vacation Rentals) is repealed.
- B. Chapter 26 (Zoning Code) Section 26-28-160 (Lodging: Vacation Rentals) is repealed and replaced with the provisions in Exhibit A, attached and incorporated by reference.
- C. Vacation rental permit applications submitted prior to May 10, 2022, will be processed in accordance with the provisions of the Zoning Code in effect at the time their applications were accepted.

**Section VI. X Combining District.** Chapter 26 (Zoning Code) Article 79 (Vacation Rental Exclusion Combining District) is repealed and replaced with the provisions in Exhibit B, attached and incorporated by reference.

**Section VII. Coastal Zone.** The following changes will become effective upon certification by the California Coastal Commission:

- A. The following program is added to the Development Element of the Local Coastal Plan:
 

Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider; requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy.
- B. Chapter 26C (Coastal Zoning Resource Districts) Section 26C-325.10 is added as provided in Exhibit C, attached and incorporated by reference.

**Section VIII. Environmental Determination.** The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, because requiring a vacation rental permit and a vacation rental license that impose standards that continue, add, or enhance requirements related to wastewater management, refuse management, noise, outdoor burning, and emergency evacuation will only serve to further protect natural resources and the environment from potential impacts related to vacation rentals. The Ordinance also adds these standards in the Coastal Zone where vacation rentals are currently unregulated. Additionally, the Ordinance allows for there to be a cap on vacation rentals in specified areas to reduce impacts to natural resources and the environment that could occur from overconcentration of vacation rentals. The Ordinance is further exempt under CEQA

Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment, because the project further regulates a currently allowed use, makes clarifying changes to existing standards, and establishes the potential for new limits on vacation rental concentration. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

**Section VII. 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 III. Effective Date.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and 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, 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: Aye      Rabbitt: Absent    Coursey: Aye    Hopkins: Aye      Gore: Aye

Ayes: 4                      Noes: 0                      Absent: 1                      Abstain: 0

**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:   
  
\_\_\_\_\_  
Sheryl Bratton,  
Clerk of the Board of Supervisors

## EXHIBIT A

### Sec. 26-28-160. Lodging: Vacation Rentals.

A. **Definition.** Vacation rental means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax.

1. Excludes: Hosted rentals and bed and breakfast inns.

B. **Permits.** Zoning permit and vacation rental license (Chapter 4 Article VII) required.

#### C. Standards.

1. **Permit Term.** A vacation rental permit automatically expires upon sale or transfer of the parcel.

1. **Allowable Structures.** A vacation rental is only allowed in the following:

- i. A detached single family dwelling unit.
- ii. A detached single family dwelling unit together with its legally established guest house.

2. **Restricted Structures.** A vacation rental is not allowed in the following:

- i. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing, or a farm family dwelling.
- ii. A structure on a parcel under a Land Conservation (Williamson) Act contract.
- iii. A timeshare.
- iv. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.
- v. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.
- vi. An accessory dwelling unit or junior accessory dwelling unit.

3. **Maximum Occupancy.** Maximum occupancy for a vacation rental is up to 2 guests per bedroom, plus 2 additional guests per property, up to a maximum of 12 guests, not including children under 3 years old.

- 4. **Wastewater Treatment Systems.** If a vacation rental is on a conditional or non-standard septic system, or a septic system with capacity limited by a voluntary repair, the maximum occupancy is calculated using the number of bedrooms the septic system is designed to serve. Where no record exists showing size and capacity of the septic system, maximum occupancy is limited to 4 guests, not including children under 3 years old.
- 5. **One Vacation Rental per Parcel.** Only 1 vacation rental is allowed per parcel.
- 6. **Parking.**

- i. Parking spaces must be provided as follows:

Number of bedrooms in the vacation rental	Number of required parking spaces
1 or 2	1
3 or 4	2
5+	3

- ii. Required parking spaces must be provided on-site, except that 1 required parking space may be provided on-street.
- iii. Where there is no on-site parking the maximum occupancy is limited to 4 guests, not including children under 3 years old.
- iv. An on-site parking space must be at least 9 feet by 20 feet.
- v. On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- vi. A vacation rental permit cannot be issued where there is no on-site parking or on-street parking within 500 feet of the parcel.

## EXHIBIT B

### Article 79. X Vacation Rental Exclusion and Cap Combining District.

#### Sec. 26-79-005. Purpose and Applicability.

The purpose of this district is to exclude or limit concentration of vacation rentals in the following areas:

- (a) Areas where there is inadequate road access or off-street parking;
- (b) Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- (c) Areas where the residential housing stock is to be protected from conversion to visitor-serving uses;
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.
- (e) Areas where residential character is to be preserved or preferred; and
- (f) Other areas where the board of supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

#### Sec. 26-79-010. Vacation Rental Exclusion.

- (a) Vacation Rental Exclusion. The X district may be applied to exclude new vacation rentals.
- (b) Permitted Uses. Where the X district excludes new vacation rentals, uses permitted in the base zoning district are allowed, except for a new vacation rental under Section 26-28-160.

#### Sec. 26-79-020. Vacation Rental Cap.

- (a) Vacation Rental Cap. The X district may be applied to cap vacation rentals at 5% or 10% of the single-family dwellings in the proposed X district boundaries when the cap is imposed. Where calculation of the cap results in a fractional number, the cap is rounded down to a whole number.
- (b) Permitted Uses. Where the X district caps vacation rentals, uses permitted in the base zoning district are allowed, except for a new vacation rental under Section 26-28-160 whenever the cap is met or exceeded.

## EXHIBIT C

### Sec. 26C-325.10. Vacation Rentals.

D. **Definition.** Vacation rental means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax.

1. Excludes: Hosted rentals and bed and breakfast inns.

### E. Permits.

1. Required. Zoning permit and vacation rental license (Chapter 4 Article VII) required.
2. Exceptions. A vacation rental permit is not required until the parcel transfers ownership if the vacation rental was legally operated between September 2, 2017, and September 2, 2022, as demonstrated by payment of transient occupancy tax and additional documentation as required by the Department.

### F. Standards.

1. **Permit Term.** A vacation rental permit automatically expires upon sale or transfer of the parcel.
7. **Allowable Structures.** A vacation rental is only allowed in the following:
  - i. A detached single family dwelling unit.
  - ii. A detached single family dwelling unit together with its legally established guest house.
8. **Restricted Structures.** A vacation rental is not allowed in the following:
  - i. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing, or a farm family dwelling.
  - ii. A structure on a parcel under a Land Conservation (Williamson) Act contract.
  - iii. A timeshare.
  - iv. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.



v. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.

vi. An accessory dwelling unit or junior accessory dwelling unit.

9. **Maximum Occupancy.** Maximum occupancy for a vacation rental is up to 2 guests per bedroom, plus 2 additional guests per property, up to a maximum of 12 guests, not including children under 3 years old.

10. **Wastewater Treatment Systems.** If a vacation rental is on a conditional or non-standard septic system, or a septic system with capacity limited by a voluntary repair, the maximum occupancy is calculated using the number of bedrooms the septic system is designed to serve. Where no record exists showing size and capacity of the septic system, maximum occupancy is limited to 4 guests, not including children under 3 years old.

11. **One Vacation Rental per Parcel.** Only 1 vacation rental is allowed per parcel.

12. **Parking.**

i. Parking spaces must be provided as follows:

Number of bedrooms in the vacation rental	Number of required parking spaces
1 or 2	1
3 or 4	2
5+	3

ii. Required parking spaces must be provided on-site, except that 1 required parking space may be provided on-street.

iii. Where there is no on-site parking the maximum occupancy is limited to 4 guests, not including children under 3 years old.

iv. An on-site parking space must be at least 9 feet by 20 feet.

v. On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.

vi. A vacation rental permit cannot be issued where there is no on-site parking or on-street parking within 500 feet of the parcel.

