



SUMMARY REPORT

Agenda Date: 4/24/2023

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Gary Helfrich (707) 565-2404
Vote Requirement: Majority
Supervisory District(s): Countywide

Title:

8:30 AM -Sonoma County Vacation Rental Program Update (ORD21-0005)

Recommended Action:

Hold a public hearing and adopt a Resolution introducing, reading the title of, and waiving further reading of an Ordinance adding Chapter 4 Section VIII to the Sonoma County Code to create a Vacation Rental license program and amending Section 1-7.1 to establish civil penalties for vacation rental violations and find the Ordinance exempt from CEQA (CEQA Guidelines sections 15307, 15308, and 15061(b)(3)).

Executive Summary:

On August 2, 2022, the Board of Supervisors adopted amendments to the Zoning Code as part of a Vacation Rental Program Update to improve regulation of Vacation Rentals in unincorporated Sonoma County. During deliberations, the Board directed changes be made to the Vacation Rental License Ordinance that required reintroduction of the Vacation Rental Ordinance at a future hearing. These changes include new and amended standards for exterior lighting, maintaining defensible space, emergency communications, owner occupancy, and delegation of property management.

Staff recommends that the Board open a public hearing and adopt a resolution introducing, reading title of and waiving further reading of the revised Vacation Rental License Ordinance.

Discussion:

Background:

The August 2, 2022, Vacation Rental Board Summary Report (Attachment 5) provides background on the proposed Vacation Rental License Ordinance. At the hearing on the Ordinance, the Board of Supervisors directed staff to return with an amended draft Vacation Rental License Ordinance that included the following changes:

- A. Clarify that the amplified sound prohibition only applies to outdoor sound.
- B. Add a standard restricting outdoor lighting to the standard lighting condition applied to all residential design review approvals and coastal development permits.
- C. Clarify that Vacation Rental License standards do not apply when the licensed property is occupied by the property owner.
- D. Remove the requirement that the property manager live within a specified distance of properties being managed.

- E. Increase the period of time that a property owner may be prohibited from obtaining a vacation rental license after revocation from 2 years to up to 5 years.
- F. Add escalating fines for violations associated with vacation rentals: \$1,500 for the first violation; \$3,000 for the second; and \$5,000 for the third within one year.

These additional changes have been included in response to input from Sonoma County Fire Prevention:

- G. Prohibit possession or discharge of fireworks.
- H. Require Vacation Rentals to maintain defensible space consistent with Sonoma County Code Chapter 13A.
- I. Require Vacation Rentals be equipped with a NOAA Alert Weather Radio and an operational telephone land line. Broadband Voice over Internet Protocol (VoIP) phone service may be substituted for the land line requirement.

These additional changes have been included in response to stakeholder input:

- J. Measure response time to address a complaint from the time a complaint is received to when the property manager contacts the tenants.
- K. Allow Vacation Rental management to be delegated to multiple managers provided that multiple managers share the same contact information.

This additional change has been included by Permit Sonoma staff to provide consistency with Sonoma County Code Section 26-88-061 standards for Junior Accessory Dwelling Units:

- L. Add a provision that a Vacation Rental License may not be issued for a single family dwelling with a Junior Accessory Dwelling Unit (JADU), and the license is void in the event of a JADU being developed after the license is issued.

As proposed, the Vacation Rental License Ordinance would apply equally to existing and future vacation rentals throughout the County, except for ownership requirements. For standards that are more restrictive, like those related to outdoor burning, emergency evacuation, fireworks, defensible space, lighting, and noise, the importance to public safety, health, and welfare is tantamount while the impact to the operation of the vacation rental is limited.

Staff Recommendation:

Adopt a resolution introducing, reading the title of, and waiving further reading of an Ordinance adding Chapter 4 Section VIII to the Sonoma County Code to create a Vacation Rental license program and find the Ordinance exempt from CEQA (CEQA Guidelines sections 15307, 15308, and 15061(b)(3)). If adopted, the Ordinance would return for a second reading and final adoption on the consent calendar, and would go into effect 30 days after final adoption.

Strategic Plan:

Not Applicable

Prior Board Actions:

Resolution 22-0303	Authorizing Submittal of Amendments to the Local Coastal Program Pertaining to Vacation Rentals
Ordinance 6386	(August 2, 2022) Vacation Rental Zoning Code and Local Coastal Plan Amendment
Ordinance 6145	(March 15, 2016) Established current vacation rental regulations and performance standards, special use standards for hosted rentals and bed and breakfast inn and created the Vacation Rental Exclusion ("X") Combining District.
Ordinance 6063	(April 15, 2014) Established limited time extension for Vacation Rentals in the Land Intensive Agriculture Zoning District as an economic stimulus measure.
Ordinance 5908	(November 9, 2010) Established first Vacation Rental Ordinance with requirement to sunset vacation rentals in the Land Intensive Agriculture Zoning District.

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses	500,000	500,000	500,000
Additional Appropriation Requested			
Total Expenditures	500,000	500,000	500,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	500,000	500,000	500,000
Use of Fund Balance			
Contingencies			
Total Sources	500,000	500,000	500,000

Narrative Explanation of Fiscal Impacts:

The new license program will require additional staff resources or contract services to run and monitor the program. The license renewal fee would be the same as, and substituted for, the current Vacation Rental monitoring fee, which would end with the new ordinance, resulting in no new costs to Vacation Rental operators. Staff currently spends time renewing the zoning permit annually and instead would expend the same effort renewing the license annually. The total number of Vacation Rentals is continuously varying, but averages between 2,300 - 2,400, including the coastal zone, and the existing fee structure will generate more than \$500,000 annually. This is anticipated to be adequate to fund staffing and contract services necessary to administer and operate the program and would be subject to fee studies and adjustments in the future. No additional general fund needed to operate the program.

Agenda Date: 4/24/2023

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Att 1 ORD21-0005 Resolution Introducing, Reading Title, and Waiving Further Reading of the Vacation Rental License Ordinance

Att 2 ORD21-0005 Proposed Vacation Rental License and Civil Penalty Ordinance

Att 3 ORD21-0005 Exhibit A Vacation Rental License Ordinance

Att 4 ORD21-0005 Redline Markup of August 2, 2022, Vacation Rental License Ordinance

Att 5 ORD21-0005 August 2, 2022, Vacation Rental Board Summary Report

Att 6 ORD21-0005 Staff Presentation

Related Items “On File” with the Clerk of the Board:

Not Applicable