

ORDINANCE NO. XXXX

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING THE VACATION RENTAL 5% CAP (X5) COMBINING DISTRICT TO CERTAIN PARCELS IN THE 4TH SUPERVISORIAL DISTRICT

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

Section I. Findings and purpose:

- A. On August 2, 2022, the Board of Supervisors held a public hearing and adopted Ordinance 6386 amending Sonoma County Code Section 26-79 Vacation Rental Exclusion Combining District to allow capping vacation rentals at five percent (5%) or ten percent (10%) of the single-family dwellings in the proposed X district boundaries when the cap is imposed.
- B. The purpose of the Vacation Rental Exclusion and Cap Combining District is to exclude or limit concentration of vacation rentals in:
 - i. Areas where there is inadequate road access or off-street parking;
 - ii. Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
 - iii. Areas where the residential housing stock is to be protected from conversion to visitor-serving uses;
 - iv. Areas where, because of topography, access or vegetation, there is a significant fire hazard.
 - v. Areas where residential character is to be preserved or preferred; and
 - vi. Other areas where the Board of Supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.
- C. On August 2, 2022, the Board of Supervisors directed Permit Sonoma to identify areas where higher than average concentration of Vacation Rentals may impact public safety, neighborhood character, or preservation of housing stock.
- D. On April 24, 2023, the Board of Supervisors added Vacation Rental Exclusion and Cap Combining Districts to certain parcels in the 1st, 4th, and 5th supervisorial districts (Ordinance 6423)
- E. On January 24, 2024, property owner Russ Irwin applied for a Zone Change application (file number ZCE24-0002) to add the Vacation Rental 5% Cap

Combining District to 20 parcels under private ownership off of Westside Road and West Dry Creek Road in Healdsburg.

- F. On February 24, 2024, the application ZCE24-0002 was deemed complete for processing.
- G. On May 16, 2024, the Sonoma County Planning Commission held a public meeting, considered the application of the Vacation Rental 5% Cap (X5) Combining District to 20 parcels in the Madrona Knolls neighborhood in Healdsburg, and recommended that the Board of Supervisors apply the X5 Combining District to the 20 parcels, as shown in Exhibit A.
- H. The map shown in Exhibit A with the associated area parcel table identifies area boundaries to be used for the purpose of calculating the percentage of residentially developed properties being operated as Vacation Rentals where a Vacation Rental Cap has been applied.
- I. The proposed rezonings are consistent with the General Plan Housing Element, which calls for protection of the housing stock from conversion of existing residences to future vacation rentals. The specific objective, policies and program in the General Plan Housing Element that are related to this effort include:
 - i. Policy HE-2g: Curtail the loss of existing housing stock and urban housing sites to visitor serving uses. Prohibit the use of residential land in urban land-use designations for vacation or time-share uses, continue to regulate the use of existing residences on residential lots for vacation rentals, and encourage owner- and long-term renter-occupied residential uses. Continue to prohibit the use of Accessory Dwelling Units as vacation rentals and consider extending this prohibition to primary residences on lots containing Accessory Dwelling Units.
 - ii. Housing Element Program 8: Housing stock data and public input indicated a high proportion of local units being used as short-term rentals or used as second homes, vacation homes, or seasonal homes. These uses decrease the housing stock available to long-term renters and homeowners. In order to address this, the County will take the following actions:
 - i. Housing Element Program 8a: Address loss of housing stock to short-term and vacation rental uses in the update to the Vacation Rental Ordinance to address loss of housing stock to short-term and vacation rental uses.

Section II. Findings for Rezoning.

- A. The Madrona Knolls Road Project Area is consistent with criteria to add the Vacation Rental 5% Cap (X5) Combining District:

1. The subject area has inadequate road access because Madrona Knolls Road is a dead-end road with substandard road width;
2. The prevalence of vacation rentals is detrimental to the residential character of the neighborhood preferred by property owners;
3. The subject area has significant fire hazard due to inadequate access and moderate to steep topography; and
4. The project area is largely surrounded by parcels zoned Land Intensive Agriculture (LIA), where vacation rentals are not allowed. The restrictions in the surrounding area could increase the concentration of vacation rentals in the neighborhood, potentially reducing available housing stock.

Section III. The Official Zoning Data Base (OZD) of Sonoma County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying real property from the existing zoning designations to the zoning designations as shown in Exhibit A, attached, and incorporated by reference. The Director of Permit Sonoma is directed to reflect this amendment to the OZD.

Section IV. Pipeline Projects. Applications for vacation rental land use permits that were deemed complete prior to the effective date of this ordinance may continue to be processed and reviewed under the regulations in effect at the time the application was deemed complete.

Section V. The Ordinance is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, because the project does not result in any changes in land use or density. The Ordinance limits or maintains the current number of vacation rentals in defined areas and thus decreases the potential for impacts from future vacation rentals, specifically those related to noise, transportation, and other environmental impacts.

Section VI. 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 VII. 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 and adopted on the 23rd day of July 2024, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Gore: Hopkins: Coursey:

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:

Christina Rivera,
Clerk of the Board of Supervisors