



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission STAFF REPORT

FILE: ZCE24-0006

DATE: June 6, 2024

TIME: At or after 1:05 pm

STAFF: Azine Spalding, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Property Owner(s):	Various
Applicant:	County of Sonoma
Address:	Various, see Attachment 2
Supervisory District(s):	First
APNs:	Various, see Attachment 2
Description:	Zone Change to add the Vacation Rental Exclusion (X) Combining District to 332 parcels accessed via Carriger Road, Grove Street, Sobre Vista Road, and other nearby roadways in Sonoma and 56 parcels in the Trinity Oaks Subdivision off of Highway 12 in Glen Ellen, to prohibit future vacation rentals on the subject parcels.
CEQA Review:	CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations
General Plan Land Use:	Various, see Attachment 5
Specific/Area Plan Land Use:	N/A
Ordinance References:	Sec. 26-08-010 — Residential Zones Sec. 26-28-160 — Lodging: Vacation Rental Sec. 26-79-005 and -010 — X Vacation Rental Exclusion Combining District
Zoning:	Various, see Attachment 2



RECOMMENDATION

Permit Sonoma recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors find the project exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15305 and adopt an ordinance to add the Vacation Rental Exclusion (X) Combining District to the 388 subject parcels.

EXECUTIVE SUMMARY

The project proposes to rezone 388 parcels, totaling approximately 3,502.32 acres, including 332 parcels along streets accessed via Carriger Road, Grove Street, Sobre Vista Road, and other nearby roadways in Sonoma; and 56 parcels along streets accessed via Highway 12, Dunbar Road, and West Trinity Road in Glen Ellen to add the Vacation Rental Exclusion (X) Combining District.

In 2016, the Board of Supervisors adopted Ordinance No. 6145 to create a Vacation Rental Exclusion (X) Combining District. The X Combining District was initially applied to various parcels located within the 1st and 4th Supervisorial Districts along with other neighborhoods in the unincorporated county that were identified as having characteristics that necessitate vacation rental exclusions, such as low housing availability and poor neighborhood compatibility. The Vacation Rental Exclusion (X) Combining District may be applied to neighborhoods on a case-by-case basis to ensure a balance between the economic opportunity that vacation rentals provide and the residential character of neighborhoods.

In August of 2022, the Board of Supervisors adopted Ordinance No. 6386 to amend Chapter 26 of the Sonoma County Code to clarify and simplify the Vacation Rental Permit Ordinance, and mitigate adverse impacts of vacation rentals on housing stock and neighborhoods. The amendments enabled the imposition of a cap on vacation rentals that may be applied at five percent (5%) or ten percent (10%) of the single-family dwellings in the proposed X district boundaries when the cap is imposed. A summary of all X zone-related Board actions is provided in Table 4 in the *Project Description* section, below.

The Carriger Road project area, as depicted in Attachment 3, meets criteria for inclusion to the Vacation Rental Exclusion (X) Combining District as there is inadequate road access due to substandard roads, access and existing conditions pose a significant fire hazard, vacation rentals pose a risk to the preferred residential character of the area, and the Board of Supervisors determined it is in the public interest to prohibit future vacation rentals in this area.

The Trinity Oaks project area, as depicted in Attachment 3, meets criteria for inclusion to the Vacation Rental Exclusion (X) Combining District in that the project area is within the High Fire Hazard Severity Zone, vacation rentals pose a risk of potential housing stock loss and could impact the preferred residential character of the area, and the Board of Supervisors determined it is in the public interest to prohibit future vacation rentals in this area.

As of May 17, 2024, there are currently 27 active vacation rentals in the Carriger Road project area (10% concentration), and seven active vacation rentals in the Trinity Oaks project area (13% concentration) based on parcels with existing residential uses.

PROJECT SITE AND CONTEXT

Background



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



The Vacation Rental Exclusion (X) Combining District was adopted by the Board of Supervisors on March 15, 2016. In areas where the X Combining District is applied, no new vacation rental applications can be accepted. Existing, fully permitted vacation rentals can continue operation, but their permits expire upon sale or transfer of the property. Hosted rentals, limited to the transient rental of one bedroom with the owner in residence, are allowed within the Vacation Rental Exclusion (X) Combining District.

On May 10, 2022, the Board of Supervisors set a moratorium on vacation rental applications countywide while County staff developed updated vacation rental regulations. The moratorium on new vacation rental permit applications was in place until May 9, 2023.

On August 2, 2022, the Board of Supervisors adopted Ordinance No. 6386 to amend Chapter 26 of the Sonoma County Code to clarify and simplify the Vacation Rental Permit Ordinance, and mitigate adverse impacts of vacation rentals on housing stock and neighborhoods. The amendments enabled the imposition of a cap at five percent (5%) or ten percent (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. 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. Existing, fully permitted vacation rentals would be able to continue to operate, but their permits would expire upon sale or transfer of the property. All other uses permitted in the respective base zone(s) are unaffected, including the allowance for Hosted Rentals.

On April 24, 2024, 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).

Site Characteristics

The Carriger Road project area is approximately 3,432.31 acres in size, located approximately one mile west of the City of Sonoma. The Trinity Oaks project area is approximately 70.01-acres in size. Both project areas include parcels developed with single family residences and residential accessory structures. The Carriger Road area also includes agriculturally zoned parcels with agricultural structures.

Area Context and Surrounding Land Uses

As depicted in Attachments 5 and 6, the Carriger Road project area is surrounded by a combination of different land uses and zoning, including Resources and Rural Development (RRD), Rural Residential (RR), Public Facilities (PF), Diverse Agriculture (DA), Land Intensive Agriculture (LIA), and Agriculture and Residential (AR).

The Trinity Oaks project area is surrounded by parcels with Land Intensive Agriculture (LIA) zoning and land use, as shown in Attachments 5 and 6.

Access

The Carriger Road project area is accessed along streets via Carriger Road in Sonoma, a public right of way. Other than Carriger Road, other primary roadways to access properties within the project area include but are not limited to Grove Street, Sobre Vista Road, and Solano Avenue.

The Trinity Oaks project area is accessed along streets via Highway 12, Dunbar Road, and West Trinity Road in Glen Ellen, which are all public right of ways.



A site visit conducted by Permit Sonoma's Fire Prevention Staff determined that Carriger Road from the dead end of Fowler Creek to North of Craig Ave does not meet Sonoma County Code Chapter 13 Fire Safe Standards for road widths, and does not meet current State Board of Forestry turnaround requirements.

Wildfire Risk

The Carriger Road project area is located within the State Responsibility Area (SRA) and within the Moderate, High, and Very High Fire Hazard Severity Zones as designated by CalFire. ¹

The Trinity Oaks project area is located within the State Responsibility Area (SRA) and within the High Fire Hazard Severity Zone as designated by CalFire. ²

Water/Wastewater/Utilities

The parcels for both project areas are outside of the Sonoma Valley Urban Service Area boundaries and are served by onsite septic systems.

Most of the parcels within the Carriger Road project area are located within a Class 1 Groundwater Availability Area, which indicates major groundwater availability. The remaining parcels within the Carriger Road project area are within the Class 3 Groundwater Availability Area, which indicates marginal groundwater availability. Some parcels within the Carriger Road project area are served by the George Ranch Mutual Water Company and the Valley of the Moon Water District, although the majority are assumed to be served by onsite private wells.

All of the parcels within the Trinity Oaks project are within the Class 3 Groundwater Availability Area, which indicates marginal groundwater availability.

PROJECT DESCRIPTION

The project proposes to add the Vacation Rental Exclusion (X) Combining District to 332 parcels accessed via Carriger Road, Grove Street, Sobre Vista Road, and other nearby roadways in Sonoma and 56 parcels in the Trinity Oaks Subdivision off of Highway 12 in Glen Ellen, to prohibit future vacation rentals on the subject parcels. The total project area is 3,502.32-acres in size. Each parcel would retain its current base zoning and existing combining zones with the addition of the X Combining District.

Project History

During the Board of Supervisors hearing on April 30th, 2024, the Board heard an update on the Vacation Rental Program and directed staff to bring forward a zone change to add the X Combining District to the Carriger Road and Trinity Oaks neighborhoods in District 1.

Vacation Rental Exclusion (X) Combining District History

In March 2016, the Board of Supervisors approved the Vacation Rental Exclusion (X) Combining District Ordinance (ORD 6145), which prohibits vacation rentals in certain areas to preserve housing stock, protect

¹ "CalFire Board of Forestry Fire Hazard Severity Zones in State Responsibility Area." Accessed May 20, 2024. <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>

² "CalFire Board of Forestry Fire Hazard Severity Zones in State Responsibility Area." Accessed May 20, 2024. <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>

neighborhood character, and avoid adding vacation rentals to areas with access limitations and high fire severity.

In August 2022, the Board of Supervisors adopted Ordinance No. 6386 to amend 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.

In April 2023, the Board of Supervisors adopted Ordinance 6420, adding the Vacation Rental Exclusion and Cap Combining Districts to certain parcels in the 1st, 4th, and 5th supervisorial districts.

Table 4, below, summarizes prior Board actions undertaken for the X Combining District.

Table 1. Vacation Rental Exclusion (X) Combining District Ordinance History

Date	Ordinance	Action Taken
03/15/2016	6145	The Board of Supervisors adopted Article 79 Vacation Rental Exclusion (X) Combining District Ordinance.
05/08/2018	6221	The Board of Supervisors approved the addition of 64 parcels in Glen Ellen to the X Combining District.
08/02/2022	6386	The Board of Supervisors adopted amendments to Article 79 enabling a cap option to limit vacation rentals.
04/24/2023	6420	The Board of Supervisors added Vacation Rental Exclusion and Cap Combining Districts to certain parcels in the 1 st , 4 th , and 5 th supervisorial districts. (ORD 6423)

General Plan and Area Plans

The Sonoma County General Plan designates the Carriger Road project area with land uses including Rural Residential (RR), Resources and Rural Development (RRD), and Diverse Agriculture (DA). The RR land use designation provides for very low-density residential development on lands that have few, if any, urban services but have access to County maintained roads. Primary uses within RR designated lands are single family homes. The General Plan Policy for the RRD land use designation provides for very low-density residential development due to lack of infrastructure, greater distance from public services, poor access, conflicts with resource conservation and production, and significant physical constraints and hazards. Primary uses within RRD designated lands include single family dwellings, resource management and enhancement activities including but not limited to the management of timber, geothermal and aggregate resources, fish and wildlife habitat, and watershed. The Policy for the DA land use designation describes the purpose as protection of lands where soil, climate, and water conditions support farming but where small acreage intensive farming and part time farming activities are predominant. Primary uses within DA designated lands include a full range of agricultural uses while limiting further residential intrusion, consistent with the policies of the Agricultural Resources Element, which includes policies to protect agricultural lands from concentrations of visitor-serving uses.

The Sonoma County General Plan designates the Trinity Oaks neighborhood project area with Rural Residential (RR) land use. The RR land use designation provides for very low-density residential development on lands that have few, if any, urban services but have access to County maintained roads. Primary uses within RR designated lands are single family homes.



Zoning

The parcels within the Carriger Road project area are zoned Rural Residential (RR), Resources and Rural Development (RRD), Diverse Agriculture (DA), and Agriculture and Residential (AR). See Attachment 2 for the list of parcels and zoning designations. The RR, RRD, DA, and AR zoning designations allow for vacation rentals subject to Zoning Code Section 26-28-160.

The parcels within the Trinity Oaks project area are zoned Rural Residential (RR). See Attachment 2 for the list of parcels and zoning designations. RR zoning allows for vacation rentals subject to Zoning Code Section 26-28-160.

ANALYSIS

General Plan Consistency

Because the proposal affects only transient use of existing residential properties with no new development or construction, it is consistent with the Land Use policies of the General Plan.

Land Use Element

Policy LU-7d: *Avoid new commercial, industrial, and residential land use designations in areas subject to "high" or "very high" fire hazards, as identified in the Public Safety Element, unless the combination of fuel load, access, water supply, and other project design measures will reduce the potential fire related impacts of new development to insignificant levels.*

Housing Element

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. (Existing; combined existing Policies HE-1j, -1k, -1l, and -2j; adds extension of prohibition to all properties containing an ADU)*

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:*

- **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.*

Approval of the proposed Zone Change to add the Vacation Rental Exclusion (X) Combining District to the subject parcels is consistent with Policy HE-2g and Program 8 as it would prevent the conversion of existing residences to future vacation rentals.

Zoning Consistency

The purpose of the Vacation Exclusion (X) and Cap (X10, X5) Combining Districts is to exclude or limit concentration of vacation rentals in the following areas:

- a) There is inadequate road access or off-street parking;
- b) The prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- c) The housing stock should be protected from conversion to visitor-serving uses;
- d) There is a significant fire hazard due to topography, access or vegetation;
- e) The 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.

The X Combining District may be placed on parcels where one or more of the criteria above is met.

Staff Analysis

The Carriger Road project area proposed exclusion zone is supported by several of the criteria listed in Article 79, including inadequate road access, potential impacts to the preferred residential character, the need for protection of residential housing stock, significant fire hazard due to poor access and location within the High to Very High Fire Hazard Severity Zones, preservation of the preferred residential character, and the Board of Supervisors determined that the X Combining District would be in the public interest.

The Trinity Oaks neighborhood project area proposal also meets several of the criteria in Article 79, including significant fire hazard as is it located within the High Fire Hazard Severity Zone, and near a Very High Fire Hazard Severity Zone, preservation of the preferred residential character, the Board of Supervisors determined that the X Combining District would be in the public interest, and protection of residential housing stock, as the project area is surrounded by parcels zoned Land Intensive Agriculture (LIA), where vacation rentals are prohibited.

Inadequate Road Access or Off-Street Parking

Permit Sonoma's Fire Prevention staff conducted a site visit and determined that Carriger Road does not meet local or State standards for fire safe roads. The road does not meet Sonoma County Code Chapter 13 (Fire Safe Standards) for minimum road width of 20 feet. Additionally, Carriger Road is a dead-end road north of Craig Avenue. This 1.2-mile segment from the dead-end of Fowler Creek to North of Craig Avenue does not have an additional access road, or turnaround opportunities without access to the private road gate, to return back to the public right of way as required for maximum road length under the State Board of Forestry and Fire Protection's minimum fire safe regulations (14 CCR, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5). These physical deficiencies combined with increased traffic from vacation rental guests who would be unfamiliar with the road constraints could affect road safety.

Most of the parcels within the project boundaries appear to have space for off-street parking. The number of parking spaces required for vacation rentals is based on the number of bedrooms in the vacation rental. One- to two-bedroom vacation rentals require a minimum of one parking space. Three- to four-bedroom vacation rentals require a minimum of two parking spaces. Lastly, five- or more bedroom vacation rentals require a



minimum of three parking spaces. Required parking spaces must be provided onsite, except that one required parking space may be provided on-street. An onsite parking space must be at least nine feet by twenty feet. On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code. A vacation rental permit cannot be issued where there is no on-site parking or on-street parking within five hundred (500) feet of the parcel. Staff reviews site plans to ensure there is adequate parking at the time of application.

Preservation of Preferred Residential Character

Vacation rentals are a type of visitor-serving use, and their presence in a residential neighborhood can change the preferred residential character of that neighborhood. Neighborhood character refers to the look and feel of an area and includes the activities that occur there. Vacation rentals would not necessarily change the outward appearance of the properties and homes; however, vacation rentals would change the type and amount of human activity on the properties, potentially increasing nuisances such as traffic, noise, and garbage dumping, affecting the preferred residential character of the neighborhood. The Vacation Rental Exclusion (X) Combining District could preserve the preferred residential character of the proposed rezone area.

Protection of Housing Stock from Conversion of Visitor-Serving Uses

The Housing Element addresses the increasing conversion of permanent residential units and lands to vacation rentals. This conversion reduces the available housing stock, leading to a loss of residential uses in favor of visitor-serving uses. Policy HE-2g encourages regulation of transient uses in residential areas to limit the loss of existing housing stock. As of May 20, 2024, there are currently 27 active vacation rentals (10% concentration) within the Carriger Road project area, and seven active vacation rentals (13% concentration) in the Trinity Oaks project area.

The Trinity Oaks project area is surrounded by parcels that are not eligible for vacation rentals, as the parcels are zoned Land Intensive Agriculture (LIA). The addition of the X combining district would prevent surrounding land use restrictions from forcing vacation rentals in the Trinity Oaks project area.

Significant Fire Hazard

As discussed above, the Carriger Road project area is within the Moderate, High, and Very High Fire Hazard Severity Zones designated by CalFire. The Trinity Oaks project area is within the High Fire Hazard Severity Zone, and is within the 2017 Sonoma Complex Fire perimeter.

Carriger Road does not meet current private road standards in Sonoma County Code, Chapter 13 (Fire Safe Standards) for width, as determined by Permit Sonoma's Fire Prevention staff. Additionally, Carriger Road is a dead-end road and does not have an additional access road to the public right of way, as required for maximum road length under the State Board of Forestry and Fire Protection's minimum fire safe regulations (14 CCR, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5).

Current conditions of Carriger Road may add complications in the event of an emergency evacuation. The Vacation Rental License application requires applicants to provide emergency access information, including if the rental is gated or within a gated community that first responders can access. Additionally, applicants need to provide evacuation instructions that identify the evacuation zone, route, and CalFire Evacuation Checklist. The instructions require guests to leave the property when a Voluntary Evacuation Order is issued for the Evacuation Zone where the rental is located. Lastly, a NOAA Alert Weather Radio (with instructions) and an operation telephone, such as a landline or broadband-connected VoIP phone, will be provided to guests.



Alternative Policy Options

The Planning Commission may consider the following alternative policy options:

- Modification of the boundaries of the proposed zone change; and/or
- Application of the Vacation Rental 10% Cap (X10) Combining District or the Vacation Rental 5% Cap (X5) Combining District.

Environmental Analysis

The proposed zone change is exempt from the California Environmental Quality Act (CEQA) 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.

NEIGHBORHOOD/PUBLIC COMMENTS

A zone change is an application to change the zoning for one or more specified parcels in the County's Zoning database, which is a legislative action that does not require consent from all property owners involved. Each owner has received notice of this proposal and the Planning Commission hearing. Every owner can present written and verbal comments in public hearings before the Planning Commission and Board of Supervisors.

Property owners of the affected parcels and neighbors within 300 feet of the project parcels received notice of the Planning Commission hearing.

Members from the neighborhood group Preserve Carriger submitted a letter to the Board of Supervisors on April 30th, 2024, sharing their concerns about both existing and potential risks associated with high concentrations of vacation rentals in the Carriger Road project area, such as wildfire risk, depletion of groundwater, and preservation of the preferred residential character.

All public comment received is included in Attachment 7.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors find the project exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15305 and adopt an ordinance to add the Vacation Rental Exclusion (X) Combining District to the 388 total subject parcels in the Carriger Road and Trinity Oaks neighborhoods.

ATTACHMENTS

Attachment 1: Draft Planning Commission Resolution

Attachment 2: List of Affected Parcels

Attachment 3: Project Area Maps

Attachment 4: Vicinity Maps

Attachment 5: General Plan Land Use Maps

Attachment 6: Zoning Maps



Attachment 7: Public Comment