



County of Sonoma

State of California

Date: September 26, 2023

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing Submittal of Amendments to the Sonoma County Local Coastal Program
Pertaining to Vacation Rentals**

Whereas, Section 30500 of the Public Resource Code requires each County and City to prepare a Local Coastal Program for the portion of the coastal zone within its jurisdiction, which in Sonoma County is comprised of the Local Coastal Plan (LCP), the Coastal Zoning Resource Districts Ordinance (Chapter 26C), and all accompanying land use and zoning maps;

Whereas, vacation rentals in the Coastal Zone are not currently subject to use-specific regulation;

Whereas, 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;

Whereas, 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, including this Amendment and changes to the inland zoning regulations;

Whereas, 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;

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Whereas, 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 public safety, nuisance issues such as noise, garbage, parking, and potential environmental resources issues such as septic capabilities;

Whereas, it is necessary to the public health and welfare to establish land use regulations for vacation rentals in the coastal areas to ensure they are appropriately cited for public safety and environmental resource protection, and to impose non-land use health and safety standards related to the nature and ongoing operations of vacation rentals through a vacation rental business license program;

Whereas, the County has been in the process of updating its Local Coastal Plan and the update was approved by the Board of Supervisors on July 17, 2023. The updated Local Coastal Plan, which is pending approval by the California Coastal Commission, includes a program for establishing performance standards for the use of existing residences for vacation rentals;

Whereas, this Local Coastal Program Amendment (Amendment) includes adding land use permit and vacation rental license requirements to the implementation plan;

Whereas, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f), and 15265 of the California Environmental Quality Act (CEQA) Guidelines, the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirement for preparation of an environmental impact report, negative declaration, or initial study because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA.

Whereas, this Amendment is further exempt from 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

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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; and 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

Whereas, pursuant to California Public Resources Code § 30510(a), the Board of Supervisors certifies that this Amendment is intended to be carried out in conformance with the California Coastal Act. The proposed LCP and County Code amendments are intended to minimize potential adverse impacts from vacation rentals while still allowing for visitor-serving accommodations in the County's Coastal Zone;

Whereas, this Amendment conforms to the Local Coastal Program, in that it does not negatively impact public coastal access, water or marine resources, sensitive habitat, visual resources, visitor-serving uses, or public facilities;

Whereas, this Amendment will take effect upon approval by the California Coastal Commission;

Whereas, on August 2, 2022, the Board of Supervisors held a public hearing on this Amendment and related proposed ordinances and received public comments and provided direction to staff to amend the proposed Vacation Rental License Ordinance;

Whereas, on April 24, 2023 the Board of Supervisors held a duly noticed public hearing and introduced a revised Vacation Rental License Ordinance, received public comments, reviewed and considered all public testimony and evidence presented at the hearing;

Whereas, on May 16, 2023, the Board of Supervisors held a second reading and adopted the Vacation Rental License Ordinance to be effective initially within the inland zone;

Whereas, Title 14, Section 13515 of California Code of Regulations requires notice of 10 business days prior to final action and posting of related materials six weeks in advance of the public hearing, and such actions were taken by Permit Sonoma in advance of a September 26,

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2023 public hearing with the Board of Supervisors;

Whereas, on September 26, 2023, the Board of Supervisors held a duly noticed public meeting to adopt an amendment to Chapter 26C of the Sonoma County Municipal Code and to adopt this Amendment to the Local Coastal Program to enact vacation rental regulations through a land use permit and business license within the Coastal Zone;

Whereas, at the public hearing the Board of Supervisors received public comments and reviewed and considered all public testimony and evidence present at and before the hearing;

Now, Therefore, Be It Resolved that the Board of Supervisors:

1. Amends the implementation plan of the Local Coastal Program as follows:
 - a. Sonoma County Code Chapter 26C (Coastal Zoning Resource Districts) Section 26C-325.10 is added as set forth in Exhibit A, attached and incorporated by reference.
 - b. Sonoma County Code Chapter 4 Section VIII (Vacation Rental License Ordinance) is added as set forth in Exhibit B, attached and incorporated by reference. A vacation rental in the Coastal Zone that began legally operating prior to the effective date of the ordinance attached as Exhibit A must obtain a vacation rental license within 1 year of such effective date.
2. Directs the Permit and Resource Management Department to transmit the Amendment, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143.
3. Directs the Permit and Resource Management Department to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Be It Further Resolved, if any section, subsection, sentence, clause, or phrase of this

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Resolution is for any reason held to be unconstitutional or invalid, such decision does not affect the validity of the remaining portion of this Resolution. The Board of Supervisors hereby declares that it would have adopted this Resolution 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.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.