

Resolution Number 23-31

County of Sonoma
Santa Rosa, California

April 6, 2022
ORD23-0002

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT
THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE
AMENDING SONOMA COUNTY CODE CHAPTER 26 TO
CLARIFY TIMESHARE REGULATIONS.

WHEREAS, at the May 10, 2022 meeting of the Sonoma County Board of Supervisors, the Board adopted resolution number 22-0206 directing staff to study and develop an ordinance on the transient use of fractionally owned residential property within Sonoma County;

WHEREAS, under the Sonoma County Zoning Code, the County regulates and permits several types of transient uses, including agricultural farmstays, agricultural marketing accommodations, bed and breakfasts, hotels, motels, resorts, hosted rentals, vacation rentals, and timeshares;

WHEREAS, transient uses generally produce impacts to the environment, neighboring properties, and communities related to, among others, traffic, noise, garbage, safety, and community character;

WHEREAS, the County has previously determined that certain transient uses are only appropriate in certain zoning districts depending on the nature and purpose of the use and that some require heightened regulation in order to address their impacts;

WHEREAS, the short-term use of fractionally-owned residential properties is functionally equivalent to timeshares, and the nature of the use presents potential impacts to housing stock and residential neighborhood character, namely in the form of traffic, noise, and parking;

WHEREAS, the County has established that timeshare uses are considered commercial, visitor-serving uses and appropriate only within the K (Recreation and Visitor Serving Commercial) Zoning District with the addition of the VR (Visitor Residential) Combining District;

WHEREAS, the policies and objectives of the Sonoma County General Plan specify the need to limit the loss of residential housing stock to visitor-serving uses;

WHEREAS, the Permit and Resource Management Department proposes to amend text of the Zoning Code (Chapter 26 of Sonoma County Code) to add definitions and standards for timeshares, and clarify that the short-term use of fractionally-owned residential properties is a timeshare use and only permitted within the K (Recreation and Visitor Serving Commercial) Zoning District with the addition of the VR (Visitor Residential) Combining District;

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on April 6, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the project, and all interested persons were given an opportunity to hear and be heard regarding the project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that adoption of the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) because the adoption of the proposed ordinance is not a "project" as defined pursuant to Public

Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. Specifically, the proposed ordinance will not authorize any development projects and any future development projects under the ordinance will be required to undergo CEQA review prior to authorization. Moreover, even if the adoption of the proposed ordinance is a project under CEQA, the Planning Commission finds it would be exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed ordinance will have no significant effect on the environment since the proposed ordinance only clarifies existing regulations and does not authorize any development projects.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors adopt the ordinance amending Chapters 26 to clarify timeshare regulations, as shown in the draft ordinance attached to this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission adopts the recommendation pursuant to the following findings:

1. The proposed modifications to Chapter 26 are necessary and appropriate to regulate the short-term use of fractionally owned residential property with the intent to preserve housing stock for long-term residential use, protect the residential character of neighborhoods, and limit other impacts related to traffic, noise, garbage, and parking beyond what would normally be associated with full-time residential use.
2. The proposed amendments are consistent and compatible with General Plan policies to prevent the loss of residential sites to vacation or visitor-serving uses, and allow for a mix of long- and short-term occupancies within the VR (Visitor Residential) Combining District.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403

THE FOREGOING RESOLUTION was introduced by Commissioner Carr, who moved its adoption, seconded by Commissioner Koenigshofer and adopted on roll call by the following vote:

Commissioner Carr	Aye
Commissioner Gilardi	Aye
Commissioner Ocana	Aye
Commissioner Koenigshofer	Aye
Commissioner Deas	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0