



Sonoma County Planning Commission **STAFF REPORT**

FILE: ZCE24-0002
DATE: May 16, 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: Russ Irwin
Address: 20 parcels along Westside Road and West Dry Creek Road in Healdsburg.
Supervisory District(s): Fourth
APNs: Various, see Attachment 2
Description: Zone Change to add the Vacation Rental 5% Cap (X5)
Combining District to 20 parcels along Westside Road and West Dry Creek Road in Healdsburg to limit future vacation rentals on the subject parcels.
CEQA Review: CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations
General Plan Land Use: Rural Residential (RR) 4-Acre Density (4)
Specific/Area Plan Land Use: N/A
Ordinance Reference: Sec. 26-08-010 — Residential Zones
Sec. 26-28-160 — Lodging: Vacation Rental
Sec. 26-79-005 -010 — X Vacation Rental Exclusion Combining District
Sec. 26-88-118 — Special Use Standards for Hosted Rentals and Bed and Breakfast Inns
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 5% Cap (X5) Combining District to the 20 subject parcels.

EXECUTIVE SUMMARY

The applicant proposes to rezone 20 parcels, totaling approximately 64-acres, along Westside Road and West Dry Creek Road in Healdsburg to add the Vacation Rental 5% Cap (X5) 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.

The project area meets criteria for inclusion to the Vacation Rental 5% Cap Combining District in that there is inadequate road access due to substandard roads, topography and access pose a significant fire hazard, and vacation rentals pose a risk to the neighborhood character.

The project applicant and affected property owners of five parcels have expressed support of the project and identified concerns regarding inadequate road access, neighborhood compatibility, and safety given the project area is in a high fire hazard severity zone. Affected property owners of seven parcels within the proposed cap zone have expressed opposition to the project and requested that their parcels be excluded from the addition of the Vacation Rental 5% Cap Combining District.

As of April 12, 2024, there are currently five active vacation rentals within the project area, which is a 25% concentration.

PROJECT SITE AND CONTEXT

Background

The X Combining District was adopted by the Board of Supervisors on March 15, 2016. In areas where the Vacation Rental Exclusion (X) Combining District is adopted, no new vacation rental applications can be accepted. Existing, fully permitted vacation rentals can continue operation, but their permits expire upon sale or



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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.

Site Characteristics

The project area is approximately 64-acres in size, located 0.75-miles east of the City of Healdsburg. The project area includes parcels ranging from 0.44 acres in size to 7.08 acres in size, developed with single family residences and residential accessory structures.

Area Context and Surrounding Land Uses

The project area is surrounded by agricultural and resource parcels ranging from 12.45 acres in size to 117 acres in size, and one recreation and visitor serving commercial parcel 7.92-acres in size. The surrounding parcels are zoned Rural Residential (RR), Land Intensive Agriculture (LIA), Resources and Rural Development (RRD), and Recreation and Visitor Serving Commercial District (K).

Direction	Land Uses
North	Land Intensive Agriculture (LIA)
South	Land Intensive Agriculture (LIA), Resources and Rural Development (RRD)
East	Land Intensive Agriculture (LIA), Recreation and Visitor Serving Commercial (RVSC)
West	Resources and Rural Development (RRD)

Access

The project area is accessed via Westside Road and West Dry Creek Road, both of which are public rights of way. Westside Road feeds into Madrona Knolls Road, a private road that provides primary access to the majority of the affected parcels. In the project area, Madrona Knolls Road varies in width from approximately 10 feet to 20 feet. The roads are steeply sloped, and vegetation encroaches into the right of way.

A site visit conducted by Permit Sonoma's Fire Prevention Staff determined that Madrona Knolls Road does not meet County of Sonoma Chapter 13 Fire Safe Standards, and the road width does not meet current Board of Forestry minimum width requirements.

Wildfire Risk



The project area is located within the State Responsibility Area (SRA) and within a High Fire Hazard Severity Zone as designated by CalFire. ¹

Water/Wastewater/Utilities

The project parcels are served individually by private wells and septic systems.

Most of the parcels within the project area are located within a Class 4 Groundwater Availability Area, which indicates marginal groundwater. Parcel 110-350-017 is predominantly located within a Class 4 Groundwater Availability Area, with a portion of the site located within a Class I Groundwater Availability Area (major groundwater basin).

PROJECT DESCRIPTION

The applicant proposes to rezone 20 parcels, totaling approximately 64-acres, along Westside Road and West Dry Creek Road in Healdsburg to add the Vacation Rental 5% Cap (X5) Combining District. Each parcel would retain its current base zoning and existing combining zones.

The proposed rezone area has moderate topography and has fire prone forest vegetation and substandard public and private roads (see Access section above).

Project History

The table below summarizes key project milestones and events.

Table 1. Project History

Date	Project Event/Milestone
01/24/2024	Application Accepted
02/24/2024	Deemed Complete
05/06/2024	Planning Commission Public Notice
05/16/2024	Planning Commission Hearing

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

¹ “CalFire Board of Forestry Fire Hazard Severity Zones in State Responsibility Area.” Accessed April 17, 2024. <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>



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.

General Plan and Area Plans

The Sonoma County General Plan designates the 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 project area is zoned Agriculture and Residential (AR) and Rural Residential (RR), see Attachment 2 for the list of parcels and zoning designations. Both AR and RR zoning designations allow 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 5% Cap (X5) Combining District is consistent with Policy HE-2g and Program 8 as it limits the conversion of existing residences for vacation rentals.

Zoning Consistency

The purpose of the Vacation Exclusion and Cap (X) Combining District 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 project applicant and several affected property owners wish to preserve the residential character of the area, comprised of single-family residences, and identified concerns regarding inadequate road access, neighborhood compatibility, and safety as the project area is in a High Fire Hazard Severity Zone. Other property owners within the proposed cap zone have expressed strong opposition to the project, and have requested that their parcels be excluded from the addition of the Vacation Rental 5% Cap Combining District. As discussed below, the project meets criteria for inclusion of the Vacation Rental 5% Cap (X5) Combining District as there is inadequate road access due to substandard roads, the site is located in the High Fire Hazard Severity Zones, and vacation rentals are not compatible with the preferred neighborhood character.

Inadequate Road Access or Off-Street Parking

Permit Sonoma's Fire Prevention staff conducted a site visit and determined that Madrona Knolls Road does not meet local or State standards for fire safe roads. The road does not meet current private road standards in Sonoma County Code, Chapter 13 (Fire Safe Standards) and Chapter 25 (Subdivision Ordinance) for width, shoulders, and numbers and location of turnouts and turnarounds, as determined by Permit Sonoma's Fire Prevention staff. Additionally, Madrona Knolls Road is a dead-end road and does not have an additional access



road to the public right of way as required for maximum length of 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.

Parcels in the rezone area range from 0.44-acres in size to 7.08-acres and contain adequate space for off-street parking. The number of parking spaces required 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 Neighborhood Residential Character

The presence of vacation rentals, a type of visitor-serving use, in a residential neighborhood can change the character of that neighborhood. Neighborhood character refers to the look and feel of an area and includes the activities that occur there. Properties in the proposed rezone area consist mainly of parcels ranging from 0.44-acres in size to 7.08-acres in size with homes set-back from the road. 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 character of the neighborhood. The Vacation Rental 5% Cap (X5) Combining District could preserve the preferred residential character of the proposed rezone area while allowing for limited vacation rental opportunities.

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 April 12, 2024, there are currently five active vacation rentals (25% concentration) within the project area.

Significant Fire Hazard

As discussed above, the project area is designated as a High Fire Hazard Severity Zone by CalFire. The project area road does not meet current private road standards in Sonoma County Code, Chapter 13 (Fire Safe Standards) and Chapter 25 (Subdivision Ordinance) for width, shoulders, and numbers and location of turnouts and turnarounds, as determined by Permit Sonoma's Fire Prevention staff. Additionally, Madrona Knolls Road is a dead-end road and does not have an additional access road to the public right of way as required for maximum length of 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 Madrona Knolls 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 boundary of the proposed zone change; and/or
- Application of the Vacation Rental Exclusion (X) Combining District or the Vacation Rental 10% Cap (X10) 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

Property owners of the affected parcels and neighbors within 300 feet of the project parcels received notice of the application submittal and the Planning Commission hearing (see Attachment 9). Several affected property owners have expressed support of the project and identified concerns regarding inadequate road access, neighborhood compatibility, and safety as the project area is in a high fire hazard severity zone. Other property owners within the proposed cap zone have expressed opposition to the project, stating that the current concentration of vacation rentals in the neighborhood has little impact on neighborhood function, and have requested that their parcels be excluded from the addition of the Vacation Rental 5% Cap Combining District. All public comment received is included in Attachment 8.

Affected property owners who oppose addition of the X zone to their parcels expressed concern that the application covers the entire neighborhood and was submitted without the consent of all property owners. 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 application and the Planning Commission hearing. Every owner has the opportunity to present written and verbal comments in public hearings before the Planning Commission and Board of Supervisors.

In addition to the applicant, property owners of five parcels have expressed support of the proposed zone change, property owners of seven parcels have expressed opposition to the zone change, and have requested their parcel be removed from the project, and property owners of eight parcels have not commented (Attachment 2).

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 5% Cap (X5) Combining District to the 20 subject parcels.

ATTACHMENTS

Attachment 1: Draft Planning Commission Resolution
Attachment 2: List of Affected Parcels
Attachment 3: Project Area Map
Attachment 4: Vicinity Map
Attachment 5: General Plan Land Use Map
Attachment 6: Zoning Map
Attachment 7: Proposal Statement
Attachment 8: Public Comment
Attachment 9: Map of Noticed Parcels

