



## Legislation Text

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**File #:** 2022-0471, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Scott Orr, (707) 565-1754

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

Resolution of Intent for Transient Use of Fractionally-Owned Property

**Recommended Action:**

Adopt a Resolution of Intent to direct staff to develop an ordinance on transient use of fractionally-owned residential property within Sonoma County.

**Executive Summary:**

The County regulates various types of transient uses, which are those that involve occupancy of a lodging facility or residence for 30 days or less. Recently, the County has received numerous comments regarding the transient use of fractionally-owned residential property where co-owners and their guests occupy a home for periods of 30 days or less at various times throughout the year. Staff seeks direction from the Board to study this use and determine whether or how it is currently regulated under the Sonoma County Zoning Code and to analyze potential new regulations.

**Discussion:**

Under the Sonoma County Zoning Code (Chapter 26), the County regulates and permits several types of transient uses, which are categorized as lodging/services uses. Transient uses are those that involve occupancy of a lodging facility or residence by someone other than the primary owner for a period of 30 consecutive calendar days or less. The transient uses currently included in the Zoning Code are agricultural farmstays, agricultural marketing accommodations, bed and breakfasts, hotels, motels, resorts, hosted rentals, vacation rentals, and timeshares.

The Board of Supervisors, Planning Commission, and staff have received numerous comments regarding the transient use of fractionally-owned residential property. Comments to the County have noted that such residences are generally fractionally owned by several people, often through a legal entity, where an owner or guest stays for short periods of 30 days or less throughout the year. Commenters to date have raised concerns related to noise, parking, traffic, fire evacuations, and the impacts to residential community character.

While commenters have stated that these properties are the functional equivalent of vacation rentals and asked for them to be included within the scope of the Vacation Rental Program update, that program update is in its final stages and the transient use of fractionally-owned property has not been adequately studied. Instead, staff recommends a separate effort that will involve first determining whether the use is already regulated by the zoning code or whether it is prohibited under the concept of permissive zoning, which is that

any use not enumerated is not allowed. If the use is already regulated because it falls within an existing allowed use, staff will assess whether modified regulations are required. If the use is not already regulated, staff will assess whether and where it should be allowed and how it should be regulated. After the initial research and analysis, staff would plan to return to your Board for further and more specific direction on regulatory options.

Permit Sonoma continues to work towards completion of several priority policy projects by December 2022 as a continuation of the Comprehensive Planning 2019-21 Work plan. These projects include the following:

- (1) Completing three Specific Plans (Airport Area, the Springs, and Sonoma Developmental Center)
- (2) Updating the Local Coastal Plan, the vacation rental ordinance, tree protection policies and state-mandated General Plan Elements
- (3) Creating a Winery Events Ordinance

Given these priorities, development of an ordinance for the transient use of fractionally-owned residential property would necessitate hiring a consultant if it is to begin in 2022.

**Strategic Plan:**

N/A

**Prior Board Actions:**

N/A

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested		\$30,000	
<b>Total Expenditures</b>		<b>\$30,000</b>	
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies		\$30,000	
<b>Total Sources</b>		<b>\$30,000</b>	

**Narrative Explanation of Fiscal Impacts:**

The \$30,000 estimate and appropriation request will cover consultant costs, including ordinance development, public hearings, and counsel review. If action is approved, the budget authority will be included in the FY 22/23 supplemental adjustments.

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Att. 1 Resolution of Intent

**Related Items “On File” with the Clerk of the Board:**

N/A