



Legislation Text

File #: 2022-0463, **Version:** 2

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Brian Oh, 707 565-1931

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Moratorium on new vacation rental permits in unincorporated Sonoma County.

Recommended Action:

Adopt an Urgency Ordinance to create a temporary moratorium on new vacation rental permits in non-Coastal Zone unincorporated Sonoma County. (4/5th Vote Required)

Executive Summary:

The County is in the process of a comprehensive Vacation Rental Program Update. Policies being considered include a vacation rental business license, heightened operating standards, changes to zoning designations in which the use is allowed, and capping or excluding vacation rentals in certain areas of the county. On March 17, 2022, the Planning Commission held a public hearing on proposed revisions and voted to continue the public hearing pending additional staff work. As public hearings move forward, staff proposes a temporary moratorium on new vacation rental permits to address an influx of new applications that staff has received since noticing the public hearing because many applications may be inconsistent with new regulations. While the temporary moratorium would be for 45 days and may be extended for up to two years, the intent is to have the moratorium in place until the Board of Supervisors is presented with a draft update to the existing Vacation Rental Ordinance, anticipated for August 02, 2022.

Discussion:

While vacation rentals play an important role in Sonoma County's tourism economy, they also have potential to cause detrimental impacts and pose a risk to the public safety, health, and welfare of the county and its residents. Vacation rentals exacerbate the housing crisis that has been worsened by consecutive fire events. They can also have an adverse impact on residential character, neighborhood stability, public safety, and quality of life and the County regularly receives complaints related to noise, garbage, parking, septic capabilities, and safety indicating a need for heightened operating standards and enforcement.

After public meetings on December 15, 2020, and July 20, 2021, the Board of Supervisors directed staff to undertake a comprehensive Vacation Rental Program update to address these negative impacts, including the following actions:

- 1) Study the potential impact that Vacation Rentals may have on housing prices and housing availability.

- 2) Conduct public outreach and informational workshops with stakeholders to help inform policy development.
- 3) Develop a Vacation Rental License program that will apply uniform standards countywide, including in the Coastal Zone.
- 4) Improve tools for applications, reporting and resolving complaints, neighborhood notification, and enforcement of standards.
- 5) Improve standards for parking, road access, emergency response, water and wastewater capacity, and wildfire risk.
- 6) Develop land use policies to address Vacation Rental proximity and concentration in areas where high levels may adversely affect public health and safety, or neighborhood character.

Following a public outreach effort and significant policy research and analysis, a public workshop was held before the Planning Commission on November 18, 2021 and revised ordinances were presented on March 17, 2022. The Planning Commission March 17, 2022 agenda and materials can be accessed via this link <https://sonomacounty.ca.gov/Planning-Commission/Calendar/Planning-Commission-Meeting-March-17-2022/>. The proposed program update included a zoning ordinance that would amend the Vacation Rental Exclusion (X) Combining Zone to allow for the imposition of a permit cap, and an ordinance to add a vacation rental license requirement to enhance enforcement of operating standards and add new regulations related to emergency evacuations. At the hearing, additional and more stringent policies were discussed including prohibiting vacation rentals throughout the low-density residential (R1) zoning district, imposing caps lower than 10%, and prohibiting outdoor burning.

At this public hearing, the Planning Commission reviewed the information presented, took public comment, then voted 4-1 to continue the proposed Vacation Rental Ordinance revisions to a date/time uncertain. The Planning Commissioners directed staff to conduct focused outreach with renters and homeless advocates that may not have been captured through earlier workshops, including, amongst other efforts, the Sonoma Valley Citizens Advisory Commission, Springs Municipal Advisory Council, Lower Russian River Municipal Advisory Council, Sonoma Coast Municipal Advisory Council, and Geyserville Planning Committee.

Since public noticing of the March 17 Planning Commission meeting, Permit Sonoma received approximately 50 vacation rental permit applications, far in excess of the usual 10 permit applications normally received in a month. While there are currently moratoria and permit caps in place in several areas of the County that have experienced severe fire events or have high residential density, these are not the only areas experiencing negative impacts from vacation rentals and the contemplated regulations extend throughout the County. The proliferation of applications demonstrates a rush to permit uses that may be inconsistent with future zoning and licensing regulations. Furthermore, issuing numerous vacation rental permits in areas that may be subject to exclusion, caps, or additional regulations would undermine the current planning effort to protect the public safety, health, and welfare from the negative impacts of vacation rentals that are improperly sited, over-concentrated, or under-regulated.

Staff Recommendation

Staff recommends a temporary moratorium on new vacation rentals pending the Board's consideration of the

Vacation Rental Program Update. The purpose of the program update is to better protect the public safety, health, and welfare and permitting new vacation rentals that may be inconsistent with future regulations would pose an immediate risk. The proposal would not affect the status of existing vacation rental permits or vacation rental permit applications determined to be complete as of May 10, 2022, would not apply in the Coastal Zone, and would not apply to hosted rentals. The temporary moratorium would stay in place as staff completes an update to the Vacation Rental Ordinance, which is expected to be presented to the Board of Supervisors on August 02, 2022.

Strategic Plan:

N/A

Prior Board Actions:

- 1) Ordinance 6362 (December 14, 2021) Sonoma Complex Fire Disaster Recovery
- 2) Ordinance 6332 (December 15, 2020) Extending Ordinance No. 6321 in certain parcels in the First and Fifth Supervisorial Districts until August 6, 2022.
- 3) Ordinance 6329 (November 17, 2022) Glass Incident Disaster Recovery
- 4) Ordinance 6326 (September 22, 2020) Extending Ordinance No. 6321 until December 31, 2020.
- 5) Ordinance 6325 (September 15, 2020) LNU Lightning Complex Fires Recovery
- 6) Ordinance 6321 (August 18, 2020) Adoption of Urgency Ordinance No. 6321 to Cap Vacation Rentals at August 18, 2020 levels.
- 7) Ordinance 6221 (May 8, 2018) Adds parcels in Glen Ellen to the Vacation Rental Exclusion Combining District ("X" Zone)
- 8) Ordinance 6145 (March 15, 2016) Established current vacation rental regulations and performance standards, special use standards for hosted rentals and bed and breakfast inn, and created the Vacation Rental Exclusion ("X") Combining District.
- 9) Ordinance 6063 (April 15, 2014) Established a limited time extension for Vacation Rentals in the Land Intensive Agriculture Zoning District as an economic stimulus measure.
- 10) Ordinance 5908 (November 9, 2010) Established first Vacation Rental Ordinance with requirement to sunset vacation rentals in the Land Intensive Agriculture Zoning District.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Att 1: Urgency Ordinance

Att 2: Staff Presentation

Related Items "On File" with the Clerk of the Board:

N/A