



Legislation Text

File #: 2022-0643, **Version:** 1

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

Supervisorial District(s): Countywide

Title:

8:45 A.M. Extension on moratorium on new vacation rental permits in unincorporated Sonoma County.

Recommended Action:

Extend Urgency Ordinance No. 6377 that created a temporary moratorium on new vacation rental permits in non-Coastal Zone unincorporated Sonoma County to a term of one year ending on May 9, 2023. (4/5th Vote Required)

Executive Summary:

On May 10, 2022, the Board of Supervisors approved an urgency ordinance for a temporary moratorium on new vacation rentals permits in non-Coastal Zone unincorporated Sonoma County. While the temporary moratorium is for 45 days and may be extended for up to two years, the intent is to have the moratorium in place only until the Board of Supervisors makes a decision on updates to the Vacation Rental Program and any adopted updates go into effect. On May 5, 2022, the Sonoma County Planning Commission voted to recommend a series of updates to the existing Vacation Rental Ordinance. The Board will consider Planning Commission recommendations on August 2, 2022, and then subsequent hearings at the Planning Commission and the Board will be required to consider ordinances rezoning properties to add a vacation rental cap or prohibition. Staff has prepared a report describing measures taken to alleviate the conditions which led to the adoption of this Ordinance and requests an extension of the moratorium to complete the Vacation Rental Program update.

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. Before continuing the hearing and directing further community outreach, the Planning Commission discussed policies more restrictive than the current zoning code including prohibiting vacation rentals throughout the low-density residential (R1) zoning district, imposing caps lower than 10%, and prohibiting outdoor burning.

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.

On May 5, 2022, the Planning Commission approved its recommendations for updating the Vacation Rental Ordinance. The Planning Commission May 5 agenda and materials can be accessed here: <https://permitsonoma.org/planningcommissionmeetingmay52022>. Among other updates, the Planning Commission recommended prohibiting new vacation rentals in the R1 Zone and amending the vacation rental exclusion combining zone to include the option of imposing a 5% cap. Staff is currently preparing to present these recommendations to the Board of Supervisors on August 2, 2022.

The purpose of extending the moratorium is to allow sufficient time for the Board to consider updates to the zoning code, a new vacation rental license ordinance, and rezoning ordinances to prohibit or cap vacation rentals in certain areas, and for those ordinances to go into effect (30 days after adoption). All zoning ordinances must first receive a recommendation from the Planning Commission and if the Board requests new policies that were not previously considered by the Planning Commission, then the ordinance must be referred back before the Board may adopt it. Given this, it is important to have sufficient time for the process.

A one-year extension is the maximum term allowed under the Government Code, however the moratorium can be repealed by the Board sooner. It is anticipated that the Board would consider repealing the moratorium once all new rezones have gone into effect.

Strategic Plan:

N/A

Prior Board Actions:

- 1) Ordinance 6377 (May 10, 2022)
- 2) Ordinance 6362 (December 14, 2021) Sonoma Complex Fire Disaster Recovery
- 3) Ordinance 6332 (December 15, 2020) Extending Ordinance No. 6321 in certain parcels in the First and Fifth Supervisorial Districts until August 6, 2022.
- 4) Ordinance 6329 (November 17, 2022) Glass Incident Disaster Recovery
- 5) Ordinance 6326 (September 22, 2020) Extending Ordinance No. 6321 until December 31, 2020.
- 6) Ordinance 6325 (September 15, 2020) LNU Lightning Complex Fires Recovery
- 7) Ordinance 6321 (August 18, 2020) Adoption of Urgency Ordinance No. 6321 to Cap Vacation Rentals at August 18, 2020 levels.
- 8) Ordinance 6221 (May 8, 2018) Adds parcels in Glen Ellen to the Vacation Rental Exclusion Combining District ("X" Zone)
- 9) 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.
- 10) 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.
- 11) 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:

Attachment 1: Urgency Ordinance

Attachment 2: Section 65858(d) Report

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

N/A