

From: [Gary Helfrich](#)
To: [Alisa Sanders](#)
Subject: FW: Information Regarding Vacation Rental Exclusion and Cap
Date: Wednesday, March 15, 2023 10:07:56 AM
Attachments: [Planning Commission Hearing Statement_FBenjamin Homeowner 3.15.2023.pdf](#)

From: Fran Benjamin <fran.benjamin@gmail.com>
Sent: Wednesday, March 15, 2023 9:48 AM
To: Gary Helfrich <Gary.Helfrich@sonoma-county.org>
Subject: RE: Information Regarding Vacation Rental Exclusion and Cap

Hi Gary,

Thank you again. I am submitting the attached written comments to be made available to decision makers. However, I understand that in order for written comments to be included in the Staff Report they needed to be received 10 days prior to the hearing. However, my notice was postmarked March 6 (exactly 10 days prior to the hearing), so I had no ability to submit this in time. As such, I'm hoping you can include this in the Staff Report regardless.

Thanks,
Fran

On Tue, Mar 14, 2023 at 4:42 PM, Fran Benjamin <fran.benjamin@gmail.com> wrote:

Hi Gary,

Thanks so much.

Fran

On Tue, Mar 14, 2023 at 1:50 PM, Gary Helfrich <Gary.Helfrich@sonoma-county.org> wrote:

Hi Fran,

We just posted the maps, and I've attached a copy. A 5% Cap means that within a specific area as shown on the attached map, only one vacation rental is allowed for every 20 parcels that are residentially developed. For example, the Austin Creek area shown on the map has 329

residentially developed parcels, so a 5% cap would allow 16 Vacation Rentals in this area. There are currently 47 Vacation Rentals in this area, giving a concentration of 14.3%.

Gary

From: Fran Benjamin <fran.benjamin@gmail.com>

Sent: Tuesday, March 14, 2023 10:00 AM

To: Gary Helfrich <Gary.Helfrich@sonoma-county.org>

Subject: Information Regarding Vacation Rental Exclusion and Cap

Hi Gary,

I hope this email finds you well. I just received my written notice about this upcoming hearing and rezoning project. I'm hoping you might be the right person to help me learn more :)/

Where can I find more information about what these changes would entail? Specifically, I want to understand #4 Vacation Rental 5% Cap, and which "certain parcels" it would be applied to? What is a 5% cap? And is there a map to understand to which parcels it would effect?

Thank you very much.

Fran
(homeowner in Caz)

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

Fran Benjamin
Resident, Homeowner
1455 Cazadero Highway
Cazadero, CA 95421

March 15, 2023

County of Sonoma
Board of Supervisors
Planning Commission

Dear Supervisors, and anyone else to whom this may concern:

I wish I could be there in person with you for this hearing, but I have a newborn baby and also only received notice of the hearing by mail yesterday (Mar 14). I so appreciate you all for taking the matter of short term rentals so seriously, as it does indeed affect us all in the community. Thank you.

I am a resident of Cazadero and have been for nearly one year (mere weeks before the moratorium was put in place), and am so grateful to call it home. Due to sensitive family matters, I also have to spend some time in Minnesota with limited regularity. As my family considers this unexpected pressure of attending to family matters, the primary relief from this pressure has come from envisioning the possibility of short term rental income during our trips out of state (assuming of course the moratorium is lifted and our permit is approved). Without this, we will likely be forced to move; it's just a reality.

However, I am a proponent of strict, deliberate, and thoughtful short term rental regulations that protect the community and residents; but I believe these should be handled through different restrictions and not through re-zoning and the type of permit quantity limitations proposed.

I ask that you consider the following factors in your decision:

- **Supporting Families, Encouraging Residence, Promoting the Economy:** There are many individuals and families like ours (I can give you a long list of folks in our network and more who are considering moving to Sonoma Co.) who, given recent changes to economic conditions and flexible work-dynamics, have the ability to move to and live in beautiful Sonoma County, creating economic influx for the community as well as stabilizing residential housing. However, in these new conditions, many of these people may also be required to spend limited time away from home to travel to their employer (say, a week here and there to Seattle, San Francisco, LA, etc.), to family (like our situation), and more. Yet, our hearts are in Sonoma County. Enabling *limited* short term rentals makes this viable for these families, and encourages consistent occupancy of homes and therefore consistent contribution to the economy.

- **Apply Different (Equitable), Enforceable Restrictions that Protect the Community:** Rather than restricting the homeowner’s right to rent their property, please consider other (potentially more easily enforced) restrictions that truly protect the community. Excellent examples of this appear in other areas such as Palm Springs, where they have limited the total number of short rentals (i.e. contracts) that can be issued in one year for any home. This would enable more *equitable* use of short term rentals among community members, making it available to all members of the community who contribute to taxes and to the community wellbeing, rather than just those that have been grandfathered in (those with existing permits). I’d love for Sonoma to consider more restrictions such as:
 - **Limiting the number of contracts per home per year:** Cities across the country have seen limitations on total number of rentals (12-34 seems average from my research) in a given year.
 - **Require a rental contract be submitted to the County for each short-term rental:** Palm Springs has successfully instituted a contract requirement for each rental, which I understand is easily enforced and creates its own limiting effect
 - **Make More Strict the 3-Strikes Rule:** whereby a permit is automatically revoked for a number of years in the event the County 3 (substantiated) complaints about a property within a certain time frame (i.e. perhaps consider a 36 month period vs. the current 24 month period)
 - **Verify Residence:** adopt a formal permit requirement and make it a condition that the permit holder verifies residency on an annual basis based on the property type. This also protects long-term renters by preventing absentee landlords from converting long-term rental properties into short-term rentals.
 - **Escalating Fines:** Implement escalating fines (and don’t be shy about the amount! Palm Springs just doubled their fines) for violations of existing or new permit or regulation requirements.

All of these examples of restrictions will protect the community while also allowing the benefits of *some* short term rentals to advance the community. These also can be applied *equitably* such that newer homeowners can also participate. Lastly, they’re largely more enforceable (rather than assigning someone to look up rentals across many many online platforms looking for permit numbers--many of which aren’t provided) and can bring money to the county.

- **Police Power vs. Zoning Code:** As has been contentious across the state, and across the country, I ask that you please consider means other than *new* zoning to regulate short term rentals. Particularly given this would be a re-zoning activity for homeowners that purchased property in the current zoning context. “Zoning deals with land use, not the owner, operator, or occupant of the land.” Zoning inherently pertains to land rather than to the landowner, or user—it “deals basically with land use and not with the person who owns or occupies it.” (RATHKOPF’S THE LAW OF ZONING AND PLANNING § 2:16; FGL & L Prop. Corp. v. City of Rye). This proposed re-zoning focuses not on the use of land, but on the form of one’s interest in property (i.e., owner or renter) and the

duration of the occupancy (e.g., short-term vs. long-term). I of course understand that zoning in Sonoma County already pertains to short-term rentals, but given this would be re-zoning in a context in which some homeowners purchased under current zoning expectations, I respectfully and kindly ask that the County use other means to restrict and regulate.

Again, I can't emphasize enough how much I support regulations that protect the community from the downsides of short term rentals. I hope, however, that you'll also consider the benefits, and allowing equitable access to those benefits across all homeowners in the County.

Lastly, I'll just make mention that in order for written comments to be included in the Staff Report they needed to be received 10 days prior to the hearing. However, my notice was postmarked March 6 (exactly 10 days prior to the hearing), so I had no ability to submit this in time. As such, I'm hoping you can include this in the Staff Report regardless.

With respect and gratitude,

Fran Benjamin