



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission Draft Minutes

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

November 18 2021
Meeting No.: 21-13

Roll Call

Commissioner District 1 Cornwall
Commissioner District 3 Ocana
Commissioner District 4 Deas
Commissioner District 5 Grady
Commissioner District 2, Chair Reed

Staff Members

Scott Orr, Deputy Director
Gary Helfrich, Staff
Chelsea Holup, Secretary
Sita Kuteira, Chief Deputy County Counsel

1:00 PM Call to order, Roll Call and Pledge of Allegiance.

Approval of Minutes November 4, 2021

Correspondence

Board of Zoning Adjustments/Board of Supervisors Actions

Pat Gilardi Elected as Commissioner for District Two on November 16, 2021

Commissioner Announcements None

Public Comments on matters not on the Agenda: None

Items scheduled on the agenda

Planning Commission Regular Calendar

Item No.: 1
Time: 1:10 PM
File: ORD21-0005 Vacation Rental Ordinance Update Workshop
Applicant: County of Sonoma
Owner: N/A
Cont. from: N/A
Staff: Gary Helfrich
Env. Doc: This is a public workshop and not subject to CEQA.

Proposal: The informational workshop provides an overview of Sonoma County's vacation rental program, public outreach to date, and policy recommendations to improve the vacation rental program. This is an informational item and an opportunity for the Planning Commission to provide direction on preparation of a draft Ordinance. Hearing on the draft Ordinance is anticipated for January 13, 2022.

Location: Countywide
APN: Various
District: Countywide
Zoning: All Residential, LEA, RRD, DA.

Commissioner Disclosures: None

Gary Helfrich summarized the staff report, which is incorporated herein by reference. **0h9m**

Commissioner Questions:

Commissioner Cornwall asked about formal or informal vacation rentals harder to find?

Staff Gary responded referenced through TOT. Some will fall through cracks. But we want to capture most and bring into compliance. **0h40m**

Staff Scott Orr stated that Code Enforcement runs a Web scrape and looks for operators outside of our permit system. **0h41m**

Commissioner Ocana requested to clarify Assessor Dwelling Units (ADU) use. **Staff Gary Helfrich** responded correct ADU's cannot be used as a vacation rental. **0h42m**

Commissioner Grady asked about impact analysis. **Staff Gary** responded. Yes as soon as it is done with review we will make it public. We need actionable conclusions. **0h43m**

Commissioner Reed that is the economic study? **Staff Gary Helfrich** responded yes. **0h43m**

Commissioner Deas asked about tools proposed multiple applied together? **Staff Gary Helfrich** responded set of standards we could use. We would not have to use them all at once. Issues in particular areas would best be applied using a certain tool. **0h44m**

Staff Scott Orr used a concentration example. **0h45m**

Commissioner Deas how would staff define which tool to use in which area? **Staff Gary** responded evaluate problem, consult the MACs and consider solution in the specific area. **0h46m**

Commissioner Cornwall asked about distancing comparison to average density in neighborhood?. **Staff Gary Helfrich** responded point is well taken. Could be a policy recommendation from the Commission. **0h48m**

Gary Helfrich responded the River area density could be used well. Sonoma Valley X zone have larger properties but have many pockets together. Apply proximately not density in that situation. **0h50m**

Commissioner Reed to staff it is a good outline. Suggest we open up for public comments. **0h51m**

Public Hearing Opened: 1:52 PM

Charles Metz
Eric Fraser
Bill Potter
Ward Bouwman
Raymond Jenks
Jennifer Wertz

Claire Fetrow
Tom Tucker
Marci Camacho
Ivonne Rozo
Vesta Copestakes
Heather Pilatic
Mark Franken
Kate Medlock
Allan Morris
Elizabeth Disra
Christopher Rys
Daniel Epperson
David G.
Donna Martinez
Julius Young
Hal Bailey
Trini and Lisa
Paige Bahloul
Carl Yagger
Madeline Yankee
Carmen Estrada
Liza Graves
Eric Koenigshofer

Public Hearing Closed 2:50 pm

Commission discussion Opened: 3:00 PM

Staff Gary Helfrich highlighted 90 days per year proposal. Three Strike explanation requesting owners try and do the best they can to remedy the situation. Grandfathering of X zones we would not revoke permits of legal non-conforming use. New performance standards would apply to everyone with a vacation rental permit. **2h4m**

Commissioner Reed asked if the Commission wants to take policy in discussion in sections? **2h6m**

Commissioner Grady do we the number held by investors? **2h6m**

Gary Helfrich difficult to get exact number. We could get it pulling record of permits and seeing how many are issued to LLC's. We could easily pull and see how many individuals have individual permits. **2h08m**

Commissioner Grady asked how many unpermitted vacation rentals in the county? **2h9m**

Commissioner Cornwall asked if we change the policy what happens to the existing X zones? **2h10m**

Staff Gary Helfrich stated that is a policy decision for the Commission. We want to expand the existing Ordinance to have more tools and additional actions based on findings. **2h10m**

Commissioner Cornwall asked are you recommending the new way to limit would be within the X zone? **2h10m**

Staff Gary Helfrich tools should be added we could then revisit the X zone and see if it is working. **2h12m**

Staff Gary Helfrich stated posting signs in front yard is not a recommendation. **2h13m**

Commissioner Ocana requested a larger notification to neighbors. **2h13m**

Staff Scott Orr we are asking the PC to recommend more to us for presentation to the Board but nothing is set in stone if see changes you would like to recommend we can include that in the proposed Ordinance. **2h14m**

Gary Helfrich stated we need to stay within the focus of what the Board has asked of us. But we can take additional recommendations. [2h15m](#)

Commissioner Ocana proposes mailing notices to expanded area to neighbors. How would that work in rural areas? Would there be exceptions to who gets noticed? [2h15m](#)

Staff Gary Helfrich stated good suggestion. 300 feet or 20 closest homes this is procedural and could be worked out. [2h16m](#)

Staff Scott Orr stated we can look into and bring back to the Commission. [2h16m](#)

Commissioner Grady would like to discuss the reason behind calling it a vacation license verse a business license. [2h18m](#)

Staff Gary responded it is branding issue. Members of the public did not seem to care but Home Owners Associations prohibit businesses but allow vacation rentals. [2h18m](#)

Commissioner Reed asked is there a nexus between licensing and enforcement? [2h18m](#)

County Counsel Sita Kuteira clarified, That is the hope that through an annual renewal of a license we would have more opportunities for enforcement if they were not meeting the standards. Revocation of a Land Use Permit is governed under zoning laws and requires a public hearing and various other procedures that make it a much more cumbersome process. Whereas suspension and revocation of a business license requires due process only. [2h21m](#)

Commissioner Cornwall how firm do we need to get on the idea of a license? [2h22m](#)

Commissioner Reed stated I agree with all staff's recommendations. [2h22m](#)

Commissioner Ocana asked if it was possible to require applicants that apply with a LLC to disclose who is the owner? [2h22m](#)

County Counsel Sita Kuteira stated we can. We do this for Cannabis applications now. Land use permits is not about owners but a business license is more appropriate to see who the owner is. [2h22m](#)

Commissioner Reed asked are no corporations allowed? [2h22m](#)

Staff Gary Helfrich stated this could create issues. We have other ways to check on ownership. Staff would like to withdraw recommendation. [2h25m](#)

Commissioner Deas stated he agrees with the idea of putting a vacation rental under a LLC for protection **liability** purposes. [2h25m](#)

Staff Gary Helfrich should discuss performance standards. Response time is response time you must meet the standards. Right now no requirements on the Coast for property management. I would recommend not relaxing the standards. Evacuation standards should remain. [2h25m](#)

Commissioner Reed is it new for a 24 hour contact manager to be responsible for evacuation? [2h26m](#)

Staff Gary Helfrich requiring the property manager to ensure people evacuate safely is new. It was a big concern with the public. We want the vacation rental residents to evacuate at the time of warning not once it is mandatory to evacuate. [2h26m](#)

Commissioner Cornwall would be in favor of property owner being the manager as well. [2h27m](#)

Staff Gary Helfrich stated they need to pass a certification test property manager and or owner. [2h29m](#)

Commissioner Reed stated he supports the new evacuation manual requirement. [2h30m](#)

Staff Scott Orr stated we will be taking a vote next time. Identify concerns or missing details now. **2h31m**

Commissioner Reed concentration and proximity polices are a good start. **2h31m**

Staff Gary Helfrich stated the land use issue was one of the most important issues the Board brought up so I think we need the Commission to be clear on the proposed proximity and concentration polices. **2h32m**

Commissioner Cornwall stated using two different metrics to allow for different densities and proximities in different neighborhoods. Density compared to average density in a particular neighborhood to reduce over concentration over time. **2h32m**

Staff Gary Helfrich stated we would like to redistribute the vacation rentals overtime not necessarily remove them. The new tools would assist with this. **2h36m**

Commissioner Cornwall how or when would this apply? How would the tools of proximity and density apply? **2h35m**

Staff Gary Helfrich stated we are looking for concurrence from the Commission that this is a good idea. We don't want to go and develop if the Commission does not support. Then staff we go and amend code sections to allow for different ways of regulating vacation rentals. **2h37m**

Commissioner Reed thank you for clarifying. Looks like the Commission supports. **2h36m**

Commissioner Cornwall stated a total cap per District is a good idea. Make a vaule statement to the public that we see vacation rentals as a minor way to use a home in Sonoma County and the majority should be used by full time residents. **2h36m**

Staff Scott Orr asked is there a percentage of parcels throughout the county as it relates to a cap? This is one possible way to go about it. **2h39m**

Commissioner Reed asked do you know of precedence in other counties? **2h37m**

Staff Gary Helfrich stated Mendocino County's cap is 35. Recent cap on District one and five. It is a large lift to do but I can bring back some policy options to the Commission. **2h38m**

Commissioner Cornwall suggested start with a percentage and go from there? **2h39m**

Commissioner Reed asked is there a conflict with proximity and concentration? Creating some sort of analysis of density. **2h39m**

Staff Gary Helfrich stated that the concept is if it's well crafted the findings will direct you to which tool, you need to use and in each circumstance, it would be unusual that you would use more than one because that's why there's multiple tools that it can be used. **2h39m**

Staff Brian Oh we can bring back data per District in January. **2h40m**

Commissioner Grady support Cornwall's request and look forward to analysis based on each District. Supports a total cap countywide. **2h41m**

Commissioner Ocana comment on limit on days. If you have a full time vacation rental but it remains vacant creates a security risk to neighborhood. Limiting amount of people is a good idea. Suggested every quarter rent only once a month? **2h41m**

Commissioner Gary Helfrich we see the number commonly in another jurisdictions. Dual owners seem to want another type of permit. Relative to density what is the rental average number? We need to find that out first before we support a recommendation discussed. **2h45m**

Commissioner Cornwall supports the 90 day limit. **0h47m**

Staff Gary Helfrich discovered through CE records that hosted rentals have pretty much zero rate of problems. No push to modify. **2h47m**

Commissioner Deas I would like to see an analysis of how many are rented out and for how long. Would it be unmanageable to regulate? I would like to see the numbers to look at the average. **2h48m**

Commissioner Grady stated that Commission Cornwall brought up an interesting point in terms of the affordability component of with people renting out their houses and I think. Some of that overlaps with a residency requirement and I noticed that San Francisco has a residency requirement and I wanted to kind of get some feedback from you Gary about your thoughts on that the potential impacts of that and how that might kind of mitigate some of those concerns about you know local individuals being able to afford their homes by renting them out of vacation Rentals. **2h48m**

Staff Gary Helfrich SF requires you to be a resident in order to have vacation rental. I have not discussed with County Counsel. I would want to make sure something that is legally defensible. **2h50m**

County Counsel Sita Kuteira I will hold off giving legal advice by and I haven't looked at their ordinance but i'll just note that generally the issue, the legal issue that we run into with those kinds of requirements is the doormat commerce clause. The Federal Government has the authority to regulate interstate commerce and States and local jurisdictions don't. **2h49m**

Staff Gary Helfrich I could look into this with Counsel and then come back to. We have thought about it but run up against the possibility if we are able to make this happen legally. **2h50m**

Commissioner Grady stated that would be great it would protect local residences in a unique way. **2h50m**

Commissioner Reed to Gary Helfrich thank you that concludes the meeting for today. **2h51m**

Action: N/A workshop for informational purposes only.
Appeal Deadline: N/A
Resolution No.: N/A

Vote: N/A
Commissioner District 1 Cornwall
Commissioner District 3 Ocana
Commissioner District 4 Deas
Commissioner District 5 Grady
Commissioner District 2, Chair Reed

Ayes:
Noes:
Absent:
Abstain:

Hearing Closed: 3:52 PM

Minutes Approved: November 4, 2021