

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO CLARIFY AND SIMPLIFY THE VACATION RENTAL PERMIT ORDINANCE AND AMENDING THE X COMBINING DISTRICT TO ENABLE A CAP ON VACATION RENTALS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose and Authority. The purpose of this Ordinance is to amend the vacation rental zoning ordinance to enhance clarity and accommodate a new business license requirement for vacation rentals to ensure they operate in a manner that maintains the public health, safety, and welfare of each community and the county and as a whole. The purpose of this Ordinance is also to amend the X Vacation Rental Exclusion Combining District to allow imposition of a cap on vacation rentals. This Ordinance is adopted pursuant to California Government Code § 65850 et seq.

Section II. Findings.

- A. The Board of Supervisors adopted its first ordinance regulating the transient rental of single-family homes, known as vacation rentals, in 2009 (Ordinance. 5908) and established a land use permit requirement for vacation rentals in the inland zone.
- B. Vacation rentals constitute a significant segment of Sonoma County's local tourism economy and generate a substantial amount of revenue from transient occupancy tax, which is primarily used to promote and mitigate the impacts of tourism.
- C. While the majority of vacation rentals are well operated causing minimal issues for their guests or the neighboring community, the County nonetheless receives numerous complaints related to noise, garbage, parking, septic capabilities, and public safety.
- D. It is necessary to the public health and welfare to regulate non-land use health and safety standards related to the nature and ongoing operations of vacation rentals through a vacation rental business license program and thus to simplify the zoning ordinance accordingly to ensure vacation rentals are property located.
- E. Overconcentration of vacation rentals reduces housing stock and contributes to increased housing costs for both renters and buyers and in some areas can adversely affect residential character, neighborhood stability, public safety, and quality of life. Applying a cap on vacation rentals in certain areas can provide a balance between enabling the use and minimizing its potential negative impacts.

Section III. Definitions. Chapter 26 (Zoning Code) Section 26-04-020(V)(1) is amended to read as follows:

Vacation rental. The tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax. Vacation rental does not include a hosted rental or a bed and breakfast inn.

Section IV. Vacation Rental Permit Ordinance. Chapter 26 (Zoning Code) Section 26-88-120 (Vacation Rentals) is repealed and replaced with the provisions in Exhibit A, attached and incorporated by reference.

Section V. X Combining District. Chapter 26 (Zoning Code) Article 79 (Vacation Rental Exclusion Combining District) is repealed and replaced with the provisions in Exhibit B, attached and incorporated by reference.

Section VI. Environmental Determination. The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, because requiring a vacation rental permit and a vacation rental license that impose standards that continue, add, or enhance requirements related to wastewater management, refuse management, noise, outdoor burning, and emergency evacuation will only serve to further protect natural resources and the environment from potential impacts related to vacation rentals. Additionally, the Ordinance allows for there to be a cap on vacation rentals in specified areas to reduce impacts to natural resources and the environment that could occur from overconcentration of vacation rentals. The Ordinance is further exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment, because the project further regulates a currently allowed use, makes clarifying changes to existing standards, and establishes the potential for new limits on vacation rental concentration. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section VII. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this X day of X, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors