

APPROVED

August 2, 2022

COUNTY OF SONOMA

SUMMARY REPORT

#15

575 ADMINISTRATION DRIVE, ROOM 102A SANTA ROSA, CA 95403

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST:

August 2, 2022

See Minutes

SHERYL BRATTON, Clerk/Secretary
BY Noelle Francis

To: Board of Supervisors

Agenda Date: 8/2/2022

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Gary Helfrich, 707 565-2404

Vote Requirement: Majority

Supervisorial District(s): Countywide

	Aye	No
Gorin	х	
Rabbitt	Absent	Absent
Coursey	х	
Hopkins	х	
Gore	х	

Title:

Vacation Rental Ordinance and Establishment of Vacation Rental License Program ORD21-0005 Ordinance and Vacation Rental Urgency Moratorium

Recommended Action:

Hold a public hearing and adopt:

- 1. An Ordinance amending Sonoma County Code Chapter 26 and the Local Coastal Program, including the Local Coastal Plan and Chapter 26C on regulation of Vacation Rentals;
- 2. A Resolution introducing, reading the title of, and waiving further reading of an Ordinance adding Chapter 4 Section VIII to the Sonoma County Code to create a Vacation Rental license program;
- 3. A Resolution authorizing submittal of amendments to the Sonoma County Local Coastal Program pertaining to vacation rentals;
- 4. An Urgency Ordinance amending the moratorium on vacation rentals to allow processing of permits in the pipeline.

Executive Summary:

On July 20, 2021, the Board of Supervisors directed staff to revise the county's Vacation Rental Ordinance and evaluate policy options to address the concentration of Vacation Rentals.

On May 5, 2022, the Sonoma County Planning Commission, on a 5-0 vote, recommended that the Board of Supervisors adopt the following amendments to the Sonoma County Code:

- Zoning Code (Chapter 26) amendments:
 - Prohibit Vacation Rentals in R1-zoned neighborhoods.
 - Amend the Vacation Rental Combining Zone (X) to establish a 5% cap for areas of concentration.
 - Requires Vacation Rental license for operation.
 - More restrictive parking and occupancy standards
- Coastal Zoning Code (Chapter 26C) amendments:
 - Add a Vacation Rental Program to the Local Coastal Plan
 - o Requires a Vacation Rental license for operation
 - Establishes standards for allowable structures, maximum occupancy, and parking requirements.
- Vacation Rental License (Chapter 4):
 - o Establishes countywide Vacation Rental license program regulating operation of Vacation

Rentals.

 Limit licenses to properties owned by natural persons or trusts, and limit Vacation Rental licenses to one per individual.

Additionally, the Planning Commission recommended adding a program in support of developing Vacation Rental standards to the Local Coastal Plan Development Element.

Should the Board adopt changes to the Vacation Rental Ordinance, including adding a cap provision to the Vacation Rental Exclusion Combining Zone (X), staff would return at a later date to propose any potential rezoning, which would require public hearings held by the Planning Commission and the Board of Supervisors.

Discussion:

Vacation rentals play an important role in Sonoma County's tourism economy; however, 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; 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.
- 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.

Impact to Housing - Eyler Report:

Staff consulted with Dr. Robert Eyler who conducted an econometric study to examine short term rental impacts on the county's single-family housing stock (Attachment 4). Dr. Eyler finds little to no connection between increasing numbers of single-family housing units being offered as short-term rentals and changes in single-family home prices. However, the data finds that long-term rental prices are more likely to be affected by rising volumes of short-term rentals. Dr. Eyler also cautions that the report was only able to evaluate impacts on a countywide basis and should not be relied upon to evaluate impacts to a specific neighborhood, market segment, or demographic.

Public Outreach:

Prior to the March 17, 2022 Planning Commission hearing, workshops were presented at meeting of Sonoma Valley Citizens Advisory Commission, Springs Municipal Advisory Council, Lower Russian River Municipal Advisory Council, Sonoma Coast Municipal Advisory Council, Geyserville Planning Committee, The Sea Ranch Association, Mission Highlands Homeowners Association, Fitch Mountain Homeowners, and Gehricke Road Fire Safe Council. Additional outreach to industry stakeholder groups included North Bay Association of Realtors, Sonoma Coast Vacation Rental Owners, Sonoma County Coalition of Hosts, and The Sea Ranch Hosting Coalition.

At the end of the March 17, 2022 hearing, the Planning Commission voted 4-1 to continue the hearing until May 5, 2022 to allow time for additional outreach to housing advocates, communities of color, and groups representing disadvantaged and underserved communities. Primary outreach was through the General Plan Update Housing Advisory Committee comprised of nonprofit housing

providers, service providers, nonprofit and for-profit developers, and representatives of farmworkers, people with the lived experience of homelessness, and renters. This outreach included in-person workshops held in Spanish and input from Sonoma County Tenants Union, Legal Aid of Sonoma County, North Bay Jobs with Justice, Graton Day Labor Center, North Bay Organizing Project, Indivisible Petaluma, La Luz, and North Bay Organizing Project Petaluma.

This extended outreach resulted in three new policy recommendations license holders be persons rather than corporations, limit licenses to one per homeowner, and reduce the staff recommended 10% cap on Vacation Rentals to 5%.

Planning Commission Recommendation:

At the March 17, 2022 hearing, the Planning Commission added a recommendation to prohibit Vacation Rentals in the Low Density Residential (R1) Zoning District. At the reopened May 5, 2022 hearing, the Planning Commission also recommended reducing the cap on Vacation Rentals to 5% and commented that the Vacation Rental License should be limited to "natural persons" and limited to one license per person.

Planning Commission recommendations and comments on the Vacation Rental Program Update are shown in the following table:

Planning Commission Action	Details
Amend Zoning Code (Chapter 26)	Prohibit Vacation Rentals in R1-zoned neighborhoods.
	Amend the Vacation Rental Combining Zone (X) to establish a 5% cap for areas of concentration.
	Establish stricter parking requirements.
	Limit occupancy based on bedrooms and/or septic system capacity instead of sleeping areas under the land use permit.
	Limit daytime and nighttime occupancy to no more than 12 persons regardless of the size of the home.
	Remove allowance for additional daytime guests.
	Remove the provision for additional guests with a Use Permit.
Amend Coastal Zoning Code (Chapter 26C) and Local Coastal Plan	Add a program to the Local Coastal Plan governing vacation rentals.
	Amend Chapter 26C to require a land use permit that restricts allowable structures, sets maximum occupancy, and establishes parking requirements.
Planning Commission comments on revisions to Chapter 4 creating a Vacation Rental license program	License required for all new vacation rental applications inland and in the Coastal Zone, as well as existing permits upon the next annual monitoring payment and existing vacation rentals in the Coastal zone within a year.
	Limit licenses to properties owned by natural persons or trusts, and limit Vacation Rental licenses to one per individual.

Provide neighborhood notification whenever the Vacation Rental License is renewed.
Move performance standards from Zoning Code (Chapter 26) to proposed Vacation Rental License (Chapter 4)
Night time noise standard begins at 9:00 pm rather than the recommended 10:00 pm.
Outdoor fires using solid fuel are prohibited

POLICY OPTIONS FOR BOARD CONSIDERATION:

Note on Existing Uses:

Staff recommends that existing Vacation Rentals operating under a valid Zoning Permit (inland) or TOT certificate (coastal) be allowed to continue under current land use regulations until the property is sold, but will be required to obtain a Vacation Rental license and comply with the operational standards associated with the License.

Prohibiting Vacation Rentals in the Low Density Residential (R1) Zoning District:

In the County's urban residential zoning districts, Vacation Rentals are currently prohibited in the medium- and high-density residential zones (R2 and R3), but allowed in the low-density residential zone (R1). The policies and objectives of the Sonoma County General Plan specify the need to limit the loss of residential housing stock to visitor-serving uses, and direct the county to avoid using urban residential land for visitor serving uses. Extending this prohibition to the county's other urban residential zone (R1) would help to prevent the further loss of housing stock, and is consistent with General Plan Housing Policy HE-1j, which states: "Avoid the loss of residential land in urban land-use designations for vacation or time-share uses".

Most vacation rentals located in the R1 Zoning District are within Sonoma Valley or the Guerneville area along the Russian River. Attachment 3 provides a series of maps showing areas of the County with R1 zoning.

As part of the 2016 Vacation Rental Ordinance, the Vacation Rental Exclusion Zone was applied to all R1 zoned properties within the communities of Boyes Hot Springs, Fetters Hot Springs, El Verano, Agua Caliente, Glen Ellen, and Kenwood. As a result, prohibiting vacation rentals in R1 would have no effect in Sonoma Valley.

Areas within the Guerneville Urban Service Area experience some of the highest levels of Vacation Rental in Sonoma County with the majority located in the R1 Zoning District. Guerneville's economy is dependent on tourism, and concerns have been raised by the public that prohibiting Vacation Rentals in R1 may create considerable hardship for local business owners due to lack of local lodging for visitors. While this is a serious concern, existing Vacation Rentals would be allowed to continue operation until the property is sold or permits are revoked for non-compliance so impacts would occur gradually and likely provide sufficient time to revise policies to mitigate impacts.

Concentration of Vacation Rentals in R1-zoned areas outside of Sonoma Valley and the Lower Russian River is relatively low and not likely to have an impact on housing stock or availability of long-term rentals.

Policy Options:

Prohibit Vacation Rentals in R1.

2. Do not prohibit Vacation Rentals in the R1 zone and instead use the provisions of the amended Vacation Rental Exclusion and Cap Combining District to rezone parcels in the R1 Zoning District for caps or exclusion consistent with neighborhood character and local needs.

Planning Commission Recommendation: Option 1

<u>Staff Recommendation:</u> If the Board does not approve the Planning Commission recommendation to prohibit Vacation Rentals in R1, Option 2 is recommended as an alternative method of balancing economic development with preservation of neighborhood character and protection of housing stock.

Establishing Vacation Rental Caps in areas of concentration

"Cap" is defined as a limit on the percentage of single family homes within a specified area that are being used for Vacation Rentals. For example, a 10% cap on would allow one Vacation Rental for every 10 homes, and a 5% cap would allow one Vacation Rental for every 20 homes within a specified area where Vacation Rentals are currently permitted.

The current Vacation Rental Exclusion Combining Zone (X) is applied to prohibit new Vacation Rentals in areas where Vacation Rentals have been found to be detrimental to neighborhood character and/or to protect existing housing stock. At the July 20, 2021 Board workshop, staff discussed amending the X Combining Zone to add the option for a cap in addition to the ability to completely prohibit Vacation Rentals. A 10% cap was recommended to the Planning Commission, consistent with the threshold adopted by the Board as part the December 2020 Urgency Ordinance (Ordinance 6326)

In response to additional outreach and public input, at the reopened May 5, 2022 hearing the Planning Commission reduced the recommended cap to 5% from the staff recommended 10%. In order to improve protection of housing stock and preserve neighborhood character. Regardless of the percentage, staff recommends adding the ability to cap the number of vacation rentals to the County's existing Vacation Rental Exclusionary (X) Zone. Staff also notes that allowing for both a 10% cap and 5% cap would provide additional flexibility in regulating historic resort areas versus areas that have historically been residential neighborhoods.

Establishing an effective cap area is important to successful implementation of a cap. If a very small area, for example a single street with a few dozen homes, is identified for a cap, demand for Vacation Rentals would likely expand into surrounding areas outside of the capped area, essentially moving the impact from one place to another. If a very large area is used, for example an entire supervisorial district, the relatively large number of homes would make it unlikely that even a 5% cap would ever exceeded, allowing new permits to be issued in neighborhoods experiencing overconcentration, making the policy ineffective at controlling local areas of overconcentration.

Analysis of areas of overconcentration was conducted to support recommendations found in the December

2020 Urgency Ordinance, and this work indicated that caps generally work well when applied to areas of contagious parcels containing between 150-500 homes. This range generally corresponds to discreet areas of high concentration identified as part of this analysis done in the Lower Russian River, and shown in the table below. Note that this data is from 2020 and does not necessarily reflect current conditions.

Neighborhood	Homes	Vacation Rentals	Concentration
Neely Road	105	27	25.7%
Northwood	113	20	17.7%
Monte Rio East	147	23	15.6%
Vacation Beach	189	27	14.3%
Guernewood/Monte Rosa	640	86	13.4%
Terraces/Villa Grande	381	49	12.9%
Guerneville North	223	24	10.8%
Drake Road	408	43	10.5%
Austin Creek	293	27	9.2%
Armstrong	166	12	7.2%
Hacienda	292	21	7.2%
Summerhome Park	162	11	6.8%
Rio Dell	338	17	5.0%
Rio Nido	504	25	5.0%

These limits should be seen as guidance rather than rigid standards to allow flexibility to establish caps within the local neighborhood context. Staff recommends evaluating new areas of concentration on an annual basis moving forward.

Policy Options

- 1. Amend the X combining zone to provide for a 5% cap on vacation rentals.
- 2. Amend the X combining zone to provide for a 10% cap on vacation rentals.
- 3. Amend the X combining zone to provide for both a 5% and 10% cap as determined upon rezoning.

Planning Commission Recommendation: Option 1.

<u>Staff Recommendation:</u> Option 3, as it allows additional flexibility in applying different caps to accommodate local neighborhood character and circumstances.

Additionally, staff requests that the Board direct staff to analyze and identify specific areas of the County for inclusion in cap or exclusion zones, meet with local communities to refine recommendations, and return at a future date with rezoning recommendations for these areas.

Coastal Zone Amendments

Coastal Commission staff advised Permit Sonoma that the Coastal Zoning Ordinance (Chapter 26C) does not specifically allow for any transient occupancy of residential units other than farm stays and bed and breakfast inns. The addition of Section 26C-325.10. "Vacation Rentals" formalizes permitting of Vacation Rentals and establishes the requirement for licensing of Vacation Rentals in all zones where they are currently allowed.

In addition to amendments to the Coastal Zoning Code, a new program will be added to the Local Coastal Plan that supports the Coastal Zoning Code amendment that contains a portion of Program C-LU-1P, which is part of the Planning Commission Recommended Local Coastal Plan draft that will be heard by the Board on August 30, 2022. Policy C-LU-1P is shown below with the portion recommend as part of this update of the Vacation Rental Program shown in bold:

Program C-LU-5-1P: Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider: requirements for designated property managers, safety, parking, noise, and number of guests allowed for day time and nighttime occupancy. In addition to performance standards, identify areas where high concentration of vacation rental would impact environmentally sensitive habitat areas, water quality, or coastal access and develop land use policy to avoid these impacts.

Coastal Commission staff recommended that any changes to the current Local Coastal Plan be limited to what is necessary to implement the Vacation Rental License program within the Coastal Zone and not include the third sentence in the amendment at this time. Once the Local Coastal Plan is adopted by the Board of Supervisors and certified by the Coastal Commission, the broader program will become effective.

Amendments to the Coastal Zoning Ordinance and Local Coastal Plan will not go into effect until certified by the California Coastal Commission. Staff is anticipating certification by the Commission at their November 15-17, 2022 meeting.

<u>Planning Commission Recommendation:</u> Adopt changes to the Coastal Zoning Ordinance and Local Coastal Plan.

Vacation Rental License Program

Under existing regulations, a zoning permit is required to operate a Vacation Rental. This permit both identifies

the home as qualifying for use as a Vacation Rental as well as establishing standards for operation of the Vacation Rental. Under the recommended program, the Zoning Permit qualifies the home for use as Vacation Rental and the operational standards are regulated by Vacation Rental license that must be renewed annually. Under the license ordinance, the Director could move to revoke a license or property manager certification with the opportunity to appeal to an administrative hearing officer, instead of requiring a hearing before the Board of Zoning Adjustments.

As proposed, the Vacation Rental License Ordinance would apply equally to existing and future vacation rentals, with the exception of ownership discussed below. Many of the operating standards in the license ordinance are equivalent to what is currently required under the Zoning Code. For standards that are more restrictive, like those related to outdoor burning and emergency evacuation, the importance to public safety is tantamount while the impact to the operation of the vacation rental is limited.

Determining eligibility of a Vacation Rental License holder

Ownership requirements are not recommended to be retroactive and current holders of a valid Vacation Rental zoning permit or TOT certificate in the Coastal Zone may obtain a license regardless of how the property is owned.

The purpose of putting limits on ownership, and particularly corporate ownership, is that natural persons with ownership in one or few vacation rentals are more likely to stay at the property themselves, to know the neighborhood in which the property is located, to be accountable to their neighbors, and to thus run vacation rentals that are more in conformance with the ordinance standards and less likely to become a nuisance.

Option 1: Natural Persons and Trusts (Proposed in the draft ordinance)

Under this policy option, all property owners would need to be natural persons and each could only have an interest in one vacation rental in the county. This option is the most restrictive and is proposed in the draft ordinance, but also likely to be easier to implement and enforce and because ownership documentation will be simpler. Properties could be held in trust so long as the beneficiaries are natural persons.

Standards:

- a. A licensee must be a property owner and all property owners must be natural persons.
- b. A property owner may only have an ownership interest in one licensed vacation rental at a time.
- c. If the vacation rental property is held in trust, the trustee may apply for a license on behalf of the trust beneficiaries.

Option 2: All Property Owner Restriction

This policy options allows for corporate ownership of property, however, the corporation must be wholly owned by natural persons (only one layer of corporate ownership). Each of those individuals would only be allowed ownership in one vacation rental. This option is fairly restrictive but would be more difficult to implement as it requires ascertaining all corporate owners and then tracking each individual. Further, corporate ownership can be separated from control, profits, etc.

Standards:

- a. A licensee must be a property owner.
- b. A property owner can only have an ownership interest in one licensed vacation rental at a time.
- c. If the property owner is an entity, that entity must be wholly owned by natural persons.

Option 3: Licensee Ownership Requirement

Under this option, the licensee must be a natural person who owns at least 20% of the property, which may be held in a corporation. This would be the least restrictive in that the County would not restrict or track 80% of ownership, but likely easier to implement for that reason. Only the licensee would need to be tracked, however, it still poses the same challenges of allowing corporate ownership as discussed above.

Standards:

- a. A licensee may only hold one license at a time.
- b. A licensee must be a natural person with at least 20% ownership interest in the vacation rental property.
- c. If the vacation rental property is held in trust, the trustee can only apply for a license with the consent of a present beneficiary with at least 20% interest in the vacation rental property in the trust. In this case, the one license restriction in subsection (a) is attributed to the consenting present beneficiary.
- d. If the property owner is an entity, that entity must be wholly owned by natural persons.

Planning Commission Comment: Option 1 was preferred by the Planning Commission

Note: Because the Vacation Rental License Ordinance is not a zoning ordinance nor proposed to be codified within the Zoning Code, it is not within the Planning Commission's purview. However, it is closely related to the proposed zoning code amendments and was provided with the packet for the Planning Commission's review and comment.

Staff Recommendation: For determination by the Board

Amendments to the Vacation Rental Urgency Moratorium

On May 10, 2022, the Board adopted an urgency moratorium on new vacation rentals outside the Coastal Zone to address a rush on permits that may be in conflict with the new vacation rental program update and pose risks to the public health, safety, and welfare. The Board extended that moratorium on June 13, 2022, but asked staff to review applications in the pipeline and provide additional information on August 2 to potentially amend the moratorium. Staff has the reviewed the approximately 107 applications submitted prior to May 10 that are currently on hold due to the moratorium and finds that they are reasonably distributed throughout the county. Further, County Counsel recommends allowing all applications in the pipeline to be processed in accordance with the current regulations. While some applications may be contrary to future zoning ordinances, the policy interests in allowing those applications to continue to be processed outweighs the potential harm. As such, staff has included a modified urgency ordinance that would allow all applications submitted prior to the enactment of the moratorium to continue to be processed under the rules in place at the time their applications were submitted.

<u>Staff Recommendation:</u> Amend the Vacation Rental Urgency Moratorium to allow processing of applications submitted prior to adoption of the moratorium on May 10, 2022.

Strategic Plan:

N/A

Prior Board Actions:

- 1. Ordinance 6384 (June 13, 2022) Extension of Vacation Rental Urgency Moratorium
- 2. Ordinance 6377 (May 10, 2022) Vacation Rental Urgency Moratorium
- 3. Ordinance 6384 Extending Ordinance 6377
- 4. Ordinance 6362 (December 14, 2021) Sonoma Complex Fire Disaster Recovery
- 5. Ordinance 6332 (December 15, 2020) Extending Ordinance No. 6321 in certain parcels in the First and Fifth Supervisorial Districts until August 6, 2022.
- 6. Ordinance 6329 (November 17, 2022) Glass Incident Disaster Recovery
- 7. Ordinance 6326 (September 22, 2020) Extending Ordinance No. 6321 until December 31, 2020.
- 8. Ordinance 6325 (September 15, 2020) LNU Lightning Complex Fires Recovery
- 9. Ordinance 6321 (August 18, 2020) Adoption of Urgency Ordinance No. 6321 to Cap Vacation Rentals at August 18, 2020 levels.
- 10. Ordinance 6221 (May 8, 2018) Adds parcels in Glen Ellen to the Vacation Rental Exclusion Combining District ("X" Zone)
- 11. 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.
- 12. Ordinance 6063 (April 15, 2014) Established limited time extension for Vacation Rentals in the Land Intensive Agriculture Zoning District as an economic stimulus measure.
- 13. 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

Expenditures	FY 22-23	FY23-24	FY 24-25
	Adopted	Projected	Projected
Budgeted Expenses	\$500,000		
Additional Appropriation Requested			
Total Expenditures	\$500,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$500,000		
Use of Fund Balance			
Contingencies			
Total Sources	\$500,000		

Narrative Explanation of Fiscal Impacts:

The new license program will require additional staff resources or contract services to run and monitor the program. The license renewal fee would be the same (\$224 per year) as the current Vacation Rental monitoring fee, which would end with the new ordinance, resulting in no new costs to Vacation Rental operators. Staff currently spends time renewing the zoning permit annually and instead would expend the same effort renewing the license annually. The total number of Vacation Rentals is continuously varying, but averages between 2,300 - 2,400, including the coastal zone, and the existing fee structure will generate more than \$500,000 annually. This is anticipated to be adequate to fund staffing and contract services necessary to administer and operate the program and would be subject to fee studies and adjustments in the future.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Att 1: Planning Commission Staff Report (2022)

Att 2: Planning Commission Resolution (2022)

Att 3: Proposed Ordinances and Exhibits - Land use and Vacation Rental License (2022)

Att 4: Resolution Introducing, Reading Title, and Waiving Further Reading of the Vacation Rental License Ordinance

Att 5: Vacation Rentals in R1, Map (2022)

Att 6: Vacation Rental Urgency Moratorium (2022)

Att 7: Local Coastal Plan Amendment Resolution (2022)

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

N/A





Sonoma County Planning Commission STAFF MEMO

FILE: Vacation Rental Ordinance Update (ORD21-0005) – Continued Deliberations

DATE: May 5, 2022 continued from March 17, 2022

TIME: At or after 1:05 PM

STAFF: Gary Helfrich, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

BACKGROUND

On March 17, 2022, the Planning Commission opened the public hearing to consider revisions to Vacation Rental regulations. These revisions were in response to direction received from the Board of Supervisors to develop a Vacation Rental License Program, improve response to complaints, clarify land use and performance standards, and develop policy options for permanent caps on vacation rentals within neighborhoods to improve public health and safety and preserve community character.

At the March 17, 2022 meeting, the planning commission also directed staff to conduct additional outreach to housing advocates and consider a policy option to restrict Vacation Rentals in the Low Density Residential (R1) Zoning District.

REPORT ON OUTREACH

As part of the General Plan Housing Element Update, Permit Sonoma formed a Housing Advisory Committee (HAC) comprised of nonprofit housing providers, service providers, nonprofit and for-profit developers, and representatives of farmworkers, people with the lived experience of homelessness, and renters. At the HAC meetings, the overwhelming sentiment was that vacation rentals and secondary homes remove units from the housing stock and drive up prices for community members that want to live full time in Sonoma County. The representative for Homeless Action Sonoma has been especially vocal in opposing vacation rentals and looking for ways to limit secondary homes.

In addition to outreach through the HAC, Permit Sonoma conducted targeted outreach to affordable housing providers (Housing Land Trust), farmworker (California Human Development), day laborer (Graton Day Labor Center), and tenant groups (Legal Aid). Legal Aid and the Housing Land Trust had the strongest positions on vacation rentals both arguing that in a housing crisis, we should not be turning housing for Sonoma residents into tourist accommodations as it drives up the price and encourages speculation. Both advocated for a ban or the most restrictive regulations possible including using business licenses for a vacation rental program rather than a vacation rental license.

In an April 27 letter (Attachment 14), Sonoma County Tenants Union, Legal Aid of Sonoma County, North Bay Jobs with Justice, Graton Day Labor Center, North Bay Organizing Project, Indivisible Petaluma, La Luz, and North



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Bay Organizing Project Petaluma outlined their concerns and provided the following four policy recommendations:

- 1. Call it what it is: a business. Vacation rentals are for profit. Require owners to get a business license to operate.
- 2. Preserve local housing. Allow one business license per owner, per home.
- 3. Stop corporate takeovers. Create a primary residency requirement for vacation rentals.
- 4. Neighborhoods are for families, not for profit. Put a 5% cap on vacation rentals located outside commercial zones.

Staff Comment:

Recommendation 1: A Vacation Rental license program is being implemented as part of this update and a license will be required to operate a Vacation Rental anywhere in Sonoma County. Vacation Rental operators objected to using the term "business license", resulting calling the license a "Vacation Rental License. Staff does not have a recommendation on how to identify this license, and naming it a "business license" or "vacation rental license" is a policy determination for the Commission.

Policy Options and Staff Recommendation:

Staff has no recommendation regarding calling the license a "Vacation Rental License" or "Business License" and changing the name of the license is a policy decision for the Planning Commission.

Recommendation 2 and 3: The April 27 letter points to the City of San Francisco Administrative Code regarding residential unit conversion (Chapter 41A: Attachment 16). San Francisco considers use of homes for transient occupancy to be a conversion of housing stock and limits conversion to the primary dwelling unit of a permanent resident of San Francisco. The San Francisco ordinance defines "Primary Residence" as "The Permanent Resident's usual place of return for housing as documented by at least two of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the Residential Unit as the Permanent Resident's residence for the purposes of a home owner's tax exemption; or a utility bill. A person may have only one Primary Residence."

Additionally, the following limits on Vacation Rentals apply in San Francisco:

- 1. Business license required.
- 2. The Permanent Resident must occupy the residential unit for no less than 275 days per calendar year.
- 3. Liability insurance appropriate to cover Vacation Rental use of not less than \$500,000 per transaction must be held by the Permanent Resident or hosting platform.
- 4. No pending or outstanding code violations regardless of the relationship between the violation and use of the residential unit as a Vacation Rental.
- 5. Registration number must be displayed in all advertising





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- 6. Only one Permanent Resident may be associated with a Residential Unit on the Registry, and it shall be unlawful for any other person, even if that person meets the qualifications of a "Permanent Resident," to offer a Residential Unit for Short-Term Residential Rental.
- 7. Hosting platform must confirm valid Vacation Rental registration and report non-registered listing to Code Enforcement.

In order to develop policy recommendations based on the San Francisco ordinance, it is important to recognize the significant differences between Sonoma County and San Francisco. While tourism is an important part of the economy in both jurisdictions, Vacation Rental play a larger role in providing lodging for visitors in Sonoma County – San Francisco has approximately 34,000 hotel rooms and 4,800 Vacation Rentals, while Sonoma County has approximately 6,600 hotel rooms (including rooms in the Cities) and 2,500 Vacation Rentals in the unincorporated County. Additionally, Sonoma County has a much larger land area (1,576 square miles) than San Francisco (46.9 square miles), reducing the demand for large lodging facilities in central locations. Because of these differences, Vacation Rentals in Sonoma County play a much bigger role in providing lodging for visitors to Sonoma County.

Policy Options and Staff Recommendations:

<u>NOTE</u>: Staff has met with Coastal Commission staff and these recommendations do not appear consistent with the Coastal Act. Recommendations would only apply to areas outside of the Coastal Zone. In these options, a "permanent resident" is a natural person, not a corporation, partnership, or other legal entity.

Policy Option 1: Restrict Vacation Rental Zoning Permits to the primary dwelling unit of a permanent resident of Sonoma County with a requirement that the permanent resident reside in the home for at least 275 days per calendar year.

Policy Option 2: Restrict Vacation Rental Zoning Permits to a dwelling unit owned by a permanent resident of Sonoma County, with a limit of one rental permit and license per resident.

Policy Option 3: Do not allow Vacation Rental of residential units owned by a corporation, partnership, trust, or other legal entity that is not a natural person.

Policy Option 4: Do not limit Vacation Rentals by ownership or number of permits issued to an individual entity.

Recommendation:

Because of the variety of ways a business entity can be organized, how many vacation rentals can be held by a single entity is only practical if restricted to natural persons rather than business entities. Staff recommends Policy Option 2, which would allow individuals to rent their summer homes, while preventing institutional investors from converting housing stock to vacation rentals.

Recommendation 4:

Reducing the Vacation Rental cap percentage from 10% to 5% would further limit Vacation Rentals in areas with relatively high concentration, but staff notes that caps and exclusions do not retroactively revoke existing permits. Staff feels that area where a concentration below 10% is warranted to protect neighborhood character and/or protect housing stock would be better served by a Vacation Rental Exclusion rather than a cap.





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Recommendation: Policy decision for the Commission.

PRESERVING HOUSING STOCK IN URBAN RESIDENTIAL AREAS: R1 ZONING

Maps in Attachment 11 show locations of R1 zoning throughout the County. These areas include:

- Bodega Bay
- Forestville / Graton
- Geyserville
- Glen Ellen
- Guerneville / Monte Rio
- Kenwood
- Larkfield
- Penngrove
- South Santa Rosa
- Sonoma Valley

The policies and objectives of the Sonoma County General Plan specify the need to limit the loss of residential housing stock to visitor-serving uses, and direct the county to avoid using urban residential land for vacation uses. Vacation Rentals are already prohibited in two of the County's three urban residential zones (R2 and R3). Extending this prohibition to the county's other urban residential zone (R1) would help to prevent the further loss of housing stock, and is consistent with General Plan Housing Policy HE-1j, which states:

"Avoid the loss of residential land in urban land-use designations for vacation or time-share uses".

While it is acknowledged that R1 zoned areas along the Russian River and in Bodega Bay have historically served visitors to nearby recreation and resort areas, summer cabins in these areas continue to be converted into full time residences. Because these homes are modest size and located on small lots, they have become a significant stock of market to slightly below market housing. With the exception of Monte Rio, all parcels in the R1 zoning district are connected to municipal wastewater treatment plants, allowing housing infill projects that are not possible in nearby areas served by septic systems.

Staff Recommendations:

To preserve supply of below market rate housing stock, it is recommended to prohibit establishment of new Vacation Rentals within the R1 zoning district. Existing Vacation Rentals would be allowed to continue operation until the property is sold or permits are revoked for non-compliance. The R1 zone in Guerneville covers much of the same area as the existing temporary cap on new Vacation Rentals, and in the short term would have a similar effect of making the existing cap permanent.

Staff recommends the Planning Commission approve amending Section 26-08-030 to prohibit Vacation Rentals in the Low Density Residential (R1) Zoning District.

LOCAL COASTAL PLAN AND COASTAL ZONING CODE AMENDMENTS

Coastal Commission staff has noted that the Coastal Zoning Ordinance (Chapter 26C) does not specifically allow for any transient occupancy of residential units other than farm stays and bed and breakfast inns. The addition of Section 26C-325.10. "Vacation Rentals" formalizes permitting of Vacation Rentals and establishes the





Staff Memo – Vacation Rental Ordinance Update, ORD21-0005 May 5, 2022 Page 5 of 5

requirement for licensing of Vacation Rentals in all zones where transient residential uses are currently allowed. As noted above, transient use of residential units is not a permitted use in the Low Density Residential Zoning District (Section 26C-100), and this restriction is proposed to remain.

Staff recommends adding Section 26C-325.10. "Vacation Rentals" to the Coastal Zoning Ordinance.









Sonoma County Planning Commission STAFF REPORT

FILE: Vacation Rental Ordinance Update (ORD21-0005)

DATE: March 17, 2022 A Board of Supervisors hearing on the TIME: At or after 1:05 p.m. project will be held at a later date and

STAFF: Gary Helfrich will be noticed at that time.

Supervisorial District(s): All

Location: Countywide

Description: Vacation Rental Ordinance Update

CEQA Review: Categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines as this project extends land use regulations previously found exempt under Section 15061(b)(3) and proposes implementation of a licensing program and minor modification to existing regulations that will not have potential to create a significant adverse impact on the environment.

EXECUTIVE SUMMARY

The update to the Vacation Rental program will retain the existing requirement for a zoning permit outside of the Coastal Zone to establish eligibility of a parcel for use as a Vacation Rental and require a Vacation Rental License that must be renewed annually, countywide for operation of a Vacation Rental. Vacation Rentals would continue to be allowed on all parcels within the Coastal Zone without a Zoning Permit, but operation would now require a Vacation Rental License.

Operational performance standards, such as parking, noise, trash collection, will be clarified as part of the Vacation Rental License program. Both daytime and nighttime occupancy will be limited to 12 persons, and there will no longer be a provision to exceed this limit with a Use Permit.

A provision will be added to the Vacation Rental Exclusion Combining District allowing establishment of areas where Vacation Rentals will be capped to no more than 10% of the existing single family units within the cap area. Permit Sonoma staff will return at a future date with recommendations for specific areas and changes to the exclusion area boundaries.

In addition to legislative changes, a 24/7 customer service hotline will be deployed and permitting for Vacation Rentals will transition to an online system.

BACKGROUND

On March 15, 2016, the Board of Supervisors adopted Ordinance 6145, establishing the current regulations of vacation rentals in unincorporated Sonoma County outside of the Coastal Zone.

Sonoma County Planning Commission Staff Report – Vacation Rental Ordinance March 17, 2022 Page 2 of 9

Regulation of vacation rentals in the Coastal Zone would require amendments to the Local Coastal Plan and Coastal Zoning Ordinance. Ordinance 6145 also established the Vacation Rental Exclusion Combining District (X-Zone), which prohibits vacation rentals in certain areas to preserve housing stock, protect neighborhood character, and avoid adding vacation rentals to areas with access limitations and high fire severity.

To aid in wildfire recovery, the Board of Supervisors passed a series of urgency ordinances prohibiting Vacation Rentals within identified burn areas. All of the urgency ordinances expire on December 31, 2022.

On December 15, 2020, the Board of Supervisors adopted an urgency ordinance extending a more refined temporary cap on vacation rentals in specified locations within the unincorporated areas of the 1st and 5th Supervisorial Districts, as well as directed Permit Sonoma staff to return to the Board in June of 2021 with additional data and recommendations to improve the Vacation Rental program. The urgency ordinance expires on August 6, 2022, automatically terminating the temporary vacation rental cap.

On July 20, 2021 the Board of Supervisors directed Permit Sonoma staff to reach out to stakeholders and return with a recommendations for improving the Vacation Rental program, including development of a Vacation Rental License Program, improving response to complaints, clarifying land use and performance standards, and code changes that provide for permanent caps on vacation rentals within neighborhoods to improve public health and safety and preserve community character.

Permit Sonoma hosted 20 stakeholder meetings between July 2021 and March 2022, including neighborhood organizations, Municipal Advisory Committees, and Vacation Rental industry organizations. In response to input received from these workshops, a revised Vacation Rental ordinance and a series of policy options have been developed that will create a countywide Vacation Rental license program, clarify performance standards, and allow permanent caps to be established to protect community character.

Current Regulations

The Board of Supervisors adopted the current Vacation Rental Code in March of 2016 (Attachment 1: Ordinance 6145). Key provisions are:

- 1. Defines "vacation rental" as the short-term rental of a single family dwelling unit for less than 30 days at a time where the primary owner is not in residence;
- Establishes performance standards that include limits on occupancy and guestrooms; maximum number of guests and daytime visitors, parking, trash facilities, amplified sound, and neighborhood notification;
- 3. Allows only one rental per parcel;
- 4. Does not allow vacation rental permitting of accessory dwelling units, multi-family units, affordable housing units, farmworker housing, farm family units, or on lands under a Williamson Act contract; Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental; and

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5. Rentals must have a certified property manager who lives within 30 miles of each rental and must respond to complaints within 60 minutes during the day and 30 minutes during quiet hours during any rental period.

Fiscal Year 21/22 fees for a vacation rental permit are \$638 with an annual monitoring fee of \$224. Property managers pay a onetime \$67 certification fee, and changes in property management is subject to an \$88 fee. Per County Municipal Code Section 12-11, permitted vacation rentals must remit payment of Transient Occupancy Tax, which is 12% of lodging revenue paid quarterly.

Ordinance 6145 also established Vacation Rental Exclusion ("X") Combining District that prohibits vacation rentals in the following areas outside the Coastal Zone:

- 1. Areas where there is inadequate road access or off-street parking;
- 2. Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- 3. Areas where the residential housing stock is to be protected from conversion to visitor-serving uses:
- 4. Areas where, because of topography, access or vegetation, there is a significant fire hazard;
- 5. Areas where residential character is to be preserved or preferred; and
- 6. Other areas where the board of supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

Regulation in the Coastal Zone

As there are no provisions in the Coastal Zoning Ordinance (Sonoma County Codes Chapter 26C) that regulate or authorize vacation rentals, and the only current requirement to operate a vacation rental in the Coastal Zone is to obtain a Transient Occupancy Tax certificate and pay taxes on a timely basis. The County has no other regulatory mechanism at this time in the Coastal Zone.

The current County practice to regulate vacation rentals through land use would require amending the Local Coastal Plan and Coastal Zoning Code, and certification of these amendments by the Coastal Commission. The Coastal Commission considers lodging provided by vacation rentals to be an important component of coastal access, it is likely that restricting location, concentration, or occupancy of vacation rentals would be found inconsistent with the Coastal Act unless limited to measures necessary to protect coastal resources. Because of these requirements, Permit Sonoma staff is not proposing changes to the Coastal Zoning Ordinance (Chapter 26C) at this time.

Section 30005(b) of the Coastal Act states that "No provision of this division is a limitation on any of the following: (b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances." The proposed Vacation Rental License program (Chapter 4) is drafted to be consistent with this provision, establishing enforceable performance standards for operation of Vacation Rentals countywide, including the Coastal Zone.

BOARD OF SUPERVISORS DIRECTION

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On December 15, 2020, the Board of Supervisors adopted an urgency ordinance extending a more refined temporary cap on vacation rentals in specified locations within the unincorporated areas of the 1st and 5th Supervisorial Districts, as well as directed Permit Sonoma staff to return to the Board on July 20, 2021 with additional data and recommendations to improve the Vacation Rental program. After considering staff recommendations and input from stakeholders at the July 20, 2021 Board workshop meeting, the Board of Supervisors directed staff to:

- 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 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.

Impact to housing - Eyler Report

Staff consulted with Dr. Robert Eyler who conducted an econometric study to examine short-term rental impacts on the county's single-family housing stock (Attachment 4). Dr. Eyler finds little to no connection between increasing numbers of single-family housing units being offered as short-term rentals and changes in single-family home prices. However, the data finds that long-term rental prices are more likely to be affected by rising volumes of short-term rentals. Dr. Eyler also cautions that the report was only able to evaluate impacts on a countywide basis and should not be relied upon to evaluate impacts to a specific neighborhood, market segment, or demographic.

Public Outreach

Permit Sonoma Staff has presented workshops at meeting of Sonoma Valley Citizens Advisory Commission, Springs Municipal Advisory Council, Lower Russian River Municipal Advisory Council, Sonoma Coast Municipal Advisory Council, Geyserville Planning Committee, The Sea Ranch Association, Mission Highlands Homeowners Association, Fitch Mountain Homeowners, and Gehricke Rd Fire Safe Council. Outreach to industry stakeholder groups included North Bay Association of Realtors, Sonoma Coast Vacation Rental Owners, Sonoma County Coalition of Hosts, and The Sea Ranch Hosting Coalition.

Topics and comments raised during public outreach include:

1. Support for a licensing program was high among all groups, as was improved enforcement of standards. Industry groups recommended a limiting Vacation Rental license to no more than two or three licenses per person.

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- 2. Establishing a 24/7 customer service hotline, similar to the system used in Marin County, enjoyed near universal support from the public and industry stakeholders.
- 3. The public and industry stakeholders support better enforcement of current Vacation Rental standards. Industry stakeholders also supported creating additional performance standards for property managers.
- 4. Industry stakeholders recommended streamlining and simplifying the application process.
- 5. Require that guests are provided with an evacuation plan, and that property managers have an active role in making sure that guests are aware of evacuation orders have left the premises when an evacuation warning is issued.
- 6. "Business License" may create problems with interpretation by home owners associations and areas with CC&Rs that restrict business use of homes, and identifying the license as a "Vacation Rental License" was preferred.
- 7. Regulation of vacation rentals by location, proximity, concentration, and rental days in specific areas was controversial but limiting vacation rentals to less than 10% of the single family homes within a specific area emerged as the preferred option.
- 8. Consideration of relaxed standards for homes infrequently used as Vacation Rentals ("Dual Use") was requested.

Recommendations provided during public outreach have been incorporated into the draft ordinance with the exception of Recommendation 8 "Dual Use". In the context of public comments on this topic, Dual Use is a situation where a second home is primarily used by the owner and occasionally rented on a transient basis. Staff reviewed policies in other jurisdictions and found that these exceptions apply to primary residences, not second homes. For example, the City of San Francisco Code Section 41A.5 (g) states that;

"A Permanent Resident may offer his or her Primary Residence as a Short-Term Residential Rental if: The Permanent Resident occupies the Residential Unit for no less than 275 days out of the calendar year in which the Residential Unit is rented as a Short-Term Residential Rental or, if the Permanent Resident has not rented or owned the Residential Unit for the full preceding calendar year, for no less than 75% of the days he or she has owned or rented the Residential Unit;"

Applying an exception to occasional transient rental of second home would be difficult to monitor and performance standard challenging to enforce, as the request was to waive permit and license requirements for "dual use". Alternatively, if a separate less restrictive zoning permit and vacation rental license needs to be used for "dual use", there does not appear to be any advantage to the applicant, community, or the County.

Vacation Rental License

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In addition to the current requirement to obtain a zoning permit to operate a vacation rental, staff recommends all vacation rental permit holders to obtain a license. This provision would apply to new applications and renewals. Furthermore, this requirement would expand into the Coastal Zone where vacation rentals are not required to obtain a permit. A licensing program would allow for administrative revocation for non-compliance rather than requiring a public hearing associated with a zoning permit. Staff does not propose any new costs or fees with the proposed change.

Administrative Process Improvements

Permit Sonoma is undergoing extensive process improvements in response to public input and in advance of legislative changes to the program. Staff has secured a contract with Host Compliance, a third-party service, to manage and administer a 24-hour customer service hotline and database. This will simplify processing of complaints by creating a single point of contact for the public, improve transparency of the enforcement process with a comprehensive database of complaints and responses, and allow easy identification of non-compliant vacation rental operators and property managers. This service will be expanded to provide online application services for zoning permits and licenses

NEW PROGRAM ELEMENTS

Updated Performance Standards

New performance standards include:

- Require property managers to live within 30 road miles of all parcels they manage and
 investigate (and resolve, if necessary) any complaints that are received through the new 24-hour
 customer service hotline within 1 hour during the day and 30 minutes after 10:00pm in the
 evening.
- Allow decertification or temporary suspension of certification for property manager with a record of non-compliance or failure to enforce standards.
- Clarification of parking standards, limiting Vacation Rentals to 4 persons if no off-street parking is provided.
- Prohibit Vacation Rentals on parcels with code enforcement violations that are not resolved.
- Where Vacation Rentals are served by a septic system, limit rentals to 4 guests on parcels where no record exists to show the condition or capacity of the septic system.
- Provide all guests with a rule book explaining current regulations and consequences, and an evacuation plan that provides information for monitoring evacuation alerts, maps evacuation routes, and outlines legal obligations associated with evacuation alerts and orders.
- Reduce the number of daytime guests on site from 18 to 12.
- Eliminate provision for allowing large Vacation Rentals to exceeding zoning standards with a Use Permit.
- Annual re-notification of neighbors when Vacation Rental license is renewed.
- Move performance standards from zoning requirements to the new Vacation Rental License found in Sonoma County Code Chapter 4, Article VIII.

Property Manager Performance Standards

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Under the current ordinance, the property manager has limited accountability for resolving complaints. While Vacation Rental owners may have their permit or license revoked for non-compliance with standards, there is not a similar mechanism in the current code to revoke certification of property managers that fail to meet standards for responding to and resolving complaints. Staff recommends adding a performance standard section for property managers. This section would establish thresholds for suspension or revocation of a property manager certificate for repeated failure to adequately respond to and resolve complaints.

Proximity and Concentration

Under current regulations, the only tool available to address high concentration of Vacation Rentals adding an area to the Vacation Rental Exclusion Zone. Staff has found an absolute prohibition often lacks the necessary flexibility to balance the needs of Vacation Rental owners and the neighborhoods where they are located. Excluding Vacation Rentals in portions of high demand areas often results in overconcentration in surrounding areas, disrupting those neighborhoods.

At this time there are temporary caps on Vacation Rentals in the burn zones, and specific areas of Sonoma Valley and the Lower Russian River. Evaluating the success of these measures has been difficult due to the impact of COVID-19 on the tourism industry, but staff feels that other tools, such as limits on proximity, concentration, and rental days, are better suited at balancing the needs of Vacation Rental owners and the neighborhoods where they are located.

Staff considered three regulatory alternatives to prohibition: proximity, caps, and limiting rental days. Proximity is the distance between vacation rentals, a cap limits the number of vacation rentals relative to homes in an area, and rental days is a limit on how many days per year a Vacation Rental may operate.

Limiting rental days per year had limited public support and is unlikely to reduce conversion of single family homes into vacation rentals.

Establishing a minimum distance between Vacation Rentals may be effective in urbanized residential areas but the wide variety of residential development and parcel size in the unincorporated County would require multiple standards and be difficult to regulate.

Limiting Vacation Rentals by establishing a cap based on percentage of housing within a specific area is the recommended policy for controlling Vacation Rental concentration. A cap maintains a balance between full time residents while allowing a reasonable number of vacation rentals to be interspersed throughout an area. Permit Sonoma staff recommends using a 10% limit for cap area, which means that within a defined area one vacation rental is allowed for every 10 homes in the same area.

Parking

Off street parking is limited in many areas of Sonoma County, and often these areas are served by extremely narrow roads where on-street parking may interfere with emergency response. Additionally, the current ordinance is not clear on how a parking space is defined. Staff recommends the following standards for parking:

1. One on-site parking space for a Vacation Rental with up to two guestrooms or sleeping rooms

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- 2. Two on-site parking spaces for a Vacation Rental with up to four guestrooms.
- 3. Three on-site parking spaces for a Vacation Rental with up to five guestrooms.
- 4. Off-street parking areas shall conform to standards of Sonoma County Code Section 26-82-030(q) Where on-site parking is limited or unavailable, one on-street parking space may be substituted for the required off street parking. Vacation Rentals with no on-site parking are limited to four persons.
- 5. Vacation Rentals may not block or obstruct parking on public streets, and signs may not be posted that "reserve" on-street parking for Vacation Rental guests or in any way indicate that parking on a public right of way is reserved for private use.
- 6. Vacation Rentals using on-street parking must demonstrate that adequate space is available on the public road for vehicles to be parked at least six feet from the road centerline, and provide a space that is twenty-four feet long by eight feet wide, consistent with Section 26-82-030(q). Where the roadway is less than twenty feet wide, evidence of adequate on-street parking area, in the form of photographs and/or drawings, shall be provided as part of the license application. Vacation Rentals are not permitted where no on-site parking exists and on-street parking is prohibited, or road width is inadequate to allow vehicles to park at least six feet from the road centerline.

RECOMMENDATION

Recommend approval of the Vacation Rental Program Update to the Board of Supervisors, which includes the following actions:

- 1. Add Article VIII to Sonoma County Code Chapter 4 to create a Vacation Rental License program.
- Rescind and replace Section 26-88-120 to revise land use standards, require a Vacation Rental License for operation, and move performance standards to Chapter 4, Article VIII of Sonoma County Code
- 3. Rescind and replace Chapter 26, Article 79 "X Vacation Rental Exclusion Combining District" with a new article that allows creation of a cap on Vacation Rentals as well as establishing exclusion zones.
- 4. Direct staff to analyze and identify specific areas of the County for inclusion in cap or exclusion zones, meet with local communities to refine recommendations, and return at a future date with rezoning recommendations for these areas.

Attachments:

ATT 1 Current Vacation Rental Ordinance 6145

ATT 2 Previous Ordinances 6336 6332 6221 6063 5908 2300

ATT 3 Fire Recovery Ordinances 6289 6325 6362 6329

ATT 4 Eyler Report Impacts on Single-family Housing Report March 2022

ATT 5 Chapter 26 Mother Ordinance

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ATT 6 Vacation Rental License Mother Ordinance
ATT 7 Exhibit A Vacation Rental Permit Ordinance
ATT 8 Exhibit B Vacation Rental Exclusion and Cap Combining District
ATT 9 Exhibit C Vacation Rental License Ordinance
ATT 10 Maps
ATT 11 Draft Resolution

Resolution Number 22-XXX

County of Sonoma Santa Rosa, California

May 5, 2022 ORD21-0005 Gary Helfrich

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS THE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE (THE ZONING CODE) TO REVISE REGULATIONS AND ALLOWANCES RELATED TO VACATION RENTALS

WHEREAS, 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, Sec. 26-88-120 (Vacation Rental Permit Ordinance); however, in the Coastal Zone there are currently no health and safety standards specific to Vacation Rentals; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, it is critical to impose heightened standards on vacation rentals related to outdoor burning and emergency evacuations; and

WHEREAS, a land use ordinance and permit are appropriate for determining suitable locations for vacation rentals, an annual business license is necessary and more suitable for imposing and enforcing non-land use health and safety standards related to the nature and ongoing operations of vacation rentals; and

WHEREAS, imposing the license requirement on existing vacation rentals is necessary to protect the public health and welfare because it adds requirements related to outdoor burning

and emergency evacuation and regulations for certified property managers to ensure compliance with all standards. An annual license review will also provide for greater oversight to ensure vacation rentals operate in a safe and compliant manner; and

WHEREAS, on March 17, 2022 the Sonoma County Planning Commission held a public hearing to consider draft changes to the Vacation Rental Ordinance as drafted by staff based on the Board of Supervisors direction; and

WHEREAS, on May 5, 2022 the Sonoma County Planning Commission reopened the public hearing to continue deliberation and consider changes to the Vacation Rental Ordinance in response to additional public outreach as directed by the Commission and input from the Commission at the March 17, 2022 hearing; and

WHEREAS, the Planning Commission, having considered all materials, file information, all public and agency comments, and all reports from staff, and the proposed Ordinance revisions, finds that the proposed revisions are appropriate and necessary to address neighborhood compatibility, protect public health and safety, control nuisance, and avoid loss of permanent housing stock while continuing to provide a valuable service for visitors to Sonoma County; and

WHEREAS, it is the determination of the department that the adoption of the proposed regulations is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines because allowing vacation rentals meeting the standards adopted herein to be located within existing single-family residences will not involve an expansion of use beyond that currently existing; and further, is exempt under Section15061(b)(3) because it can be seen with certainty that adoption of the Ordinance does not result in a physical change in the environment. Implementation of the regulations does not increase residential density or the intensity of use as the standards adopted herein are consistent with otherwise allowable residential use.

NOW, THEREFORE, BE IT RESOLVED that the Sonoma County Planning Commission recommends that the Board of Supervisors adopt changes to the vacation rental program as set forth in the attached Draft Ordinance 21-XX1 amending Chapter 26 and Chapter 26C of the Sonoma County Code, and amending the Development Element of the Local Coastal Plan to revise regulations and allowances related to vacation rentals as set forth in Exhibits A, Exhibit B, and Exhibit C attached and incorporated by reference.

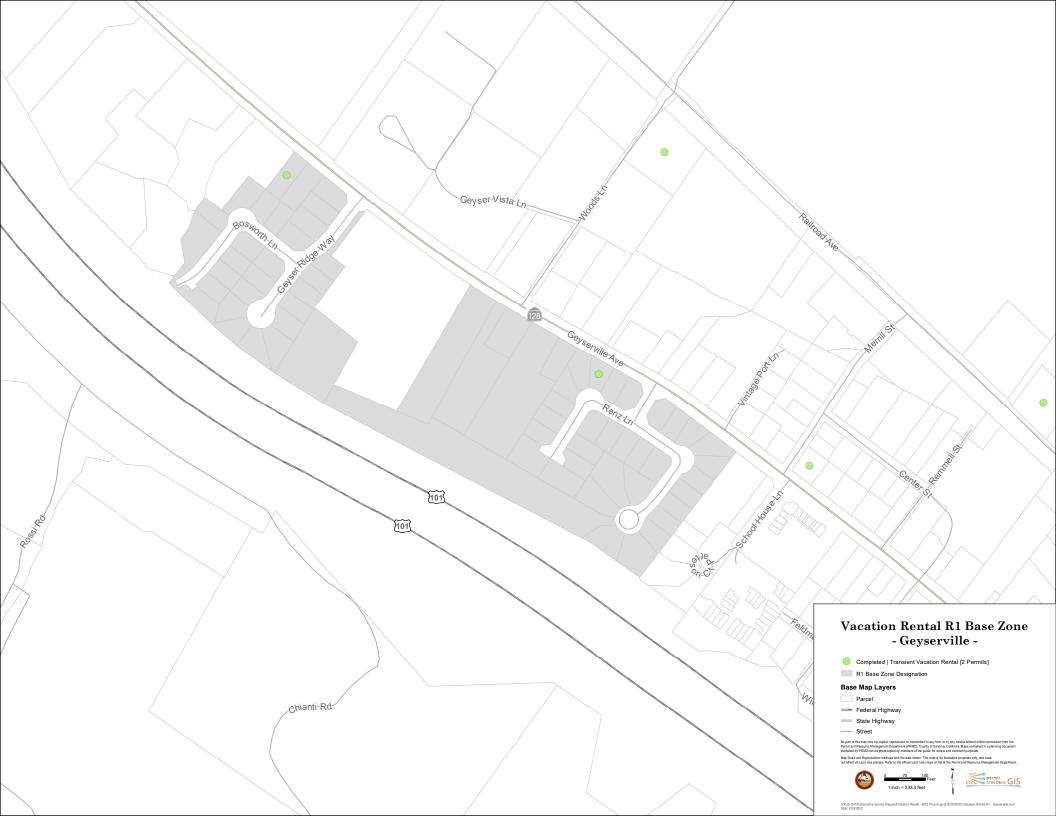
BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

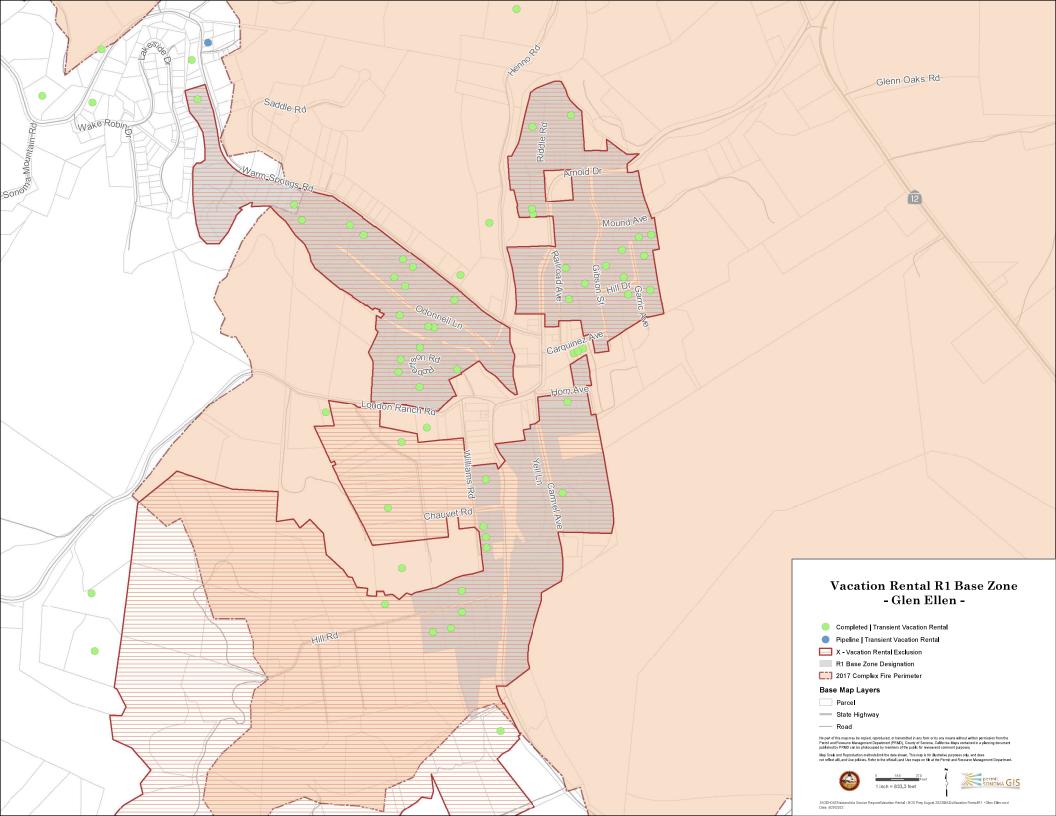
THE FOREGOING RESOLUTION was introduced by Commissioner, who moved its doption, seconded by Commissioner, and adopted on roll call by the following vote:
Commissioner Cornwall Commissioner Gilardi Commissioner Ocana Commissioner McCaffery Commissioner Grady
Ayes: Noes: Absent: Abstain:
VHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

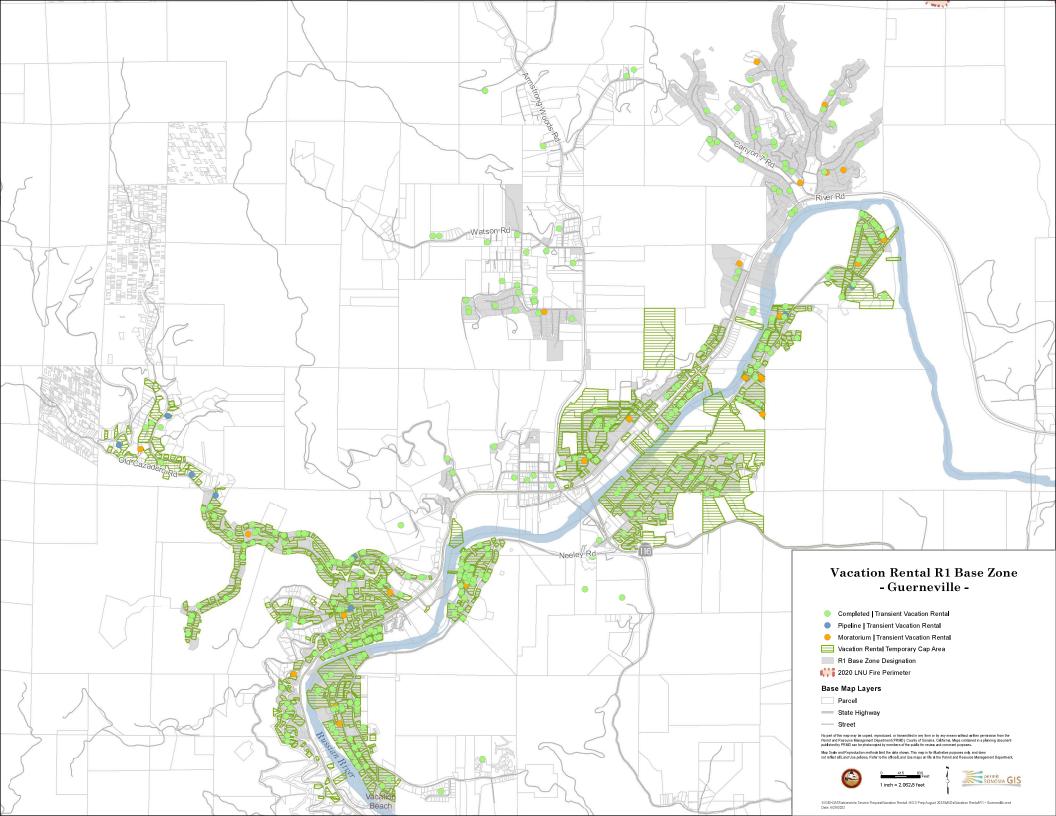


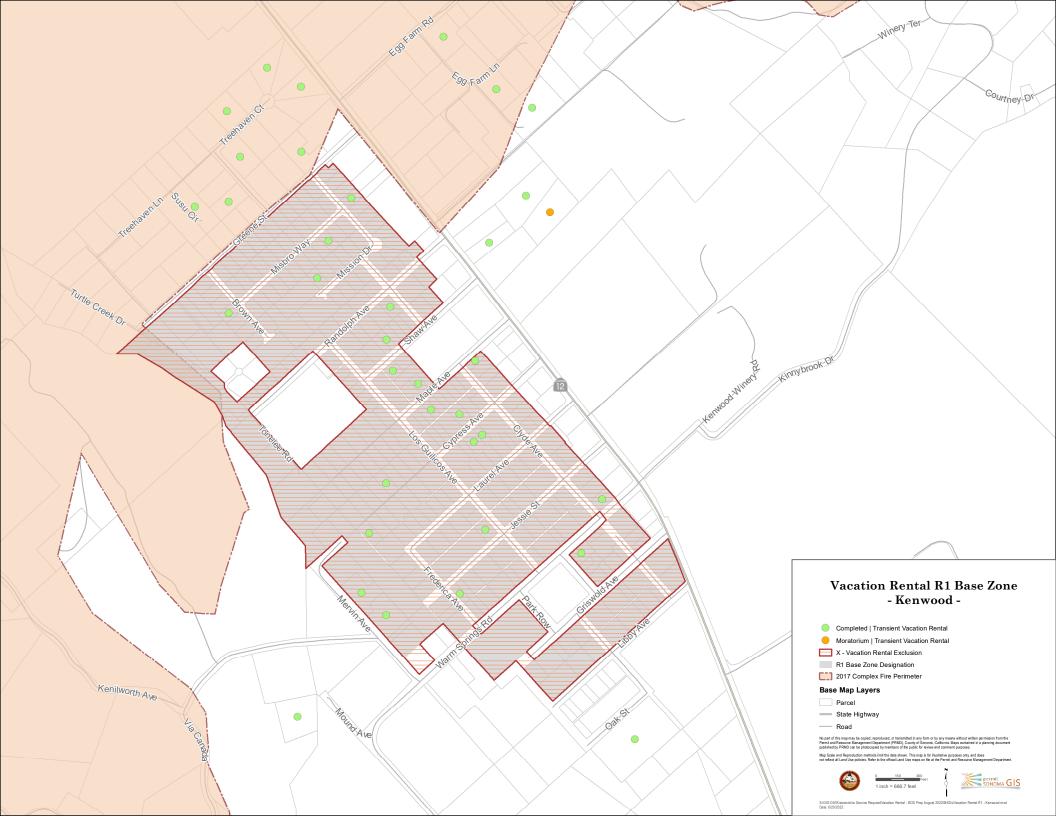


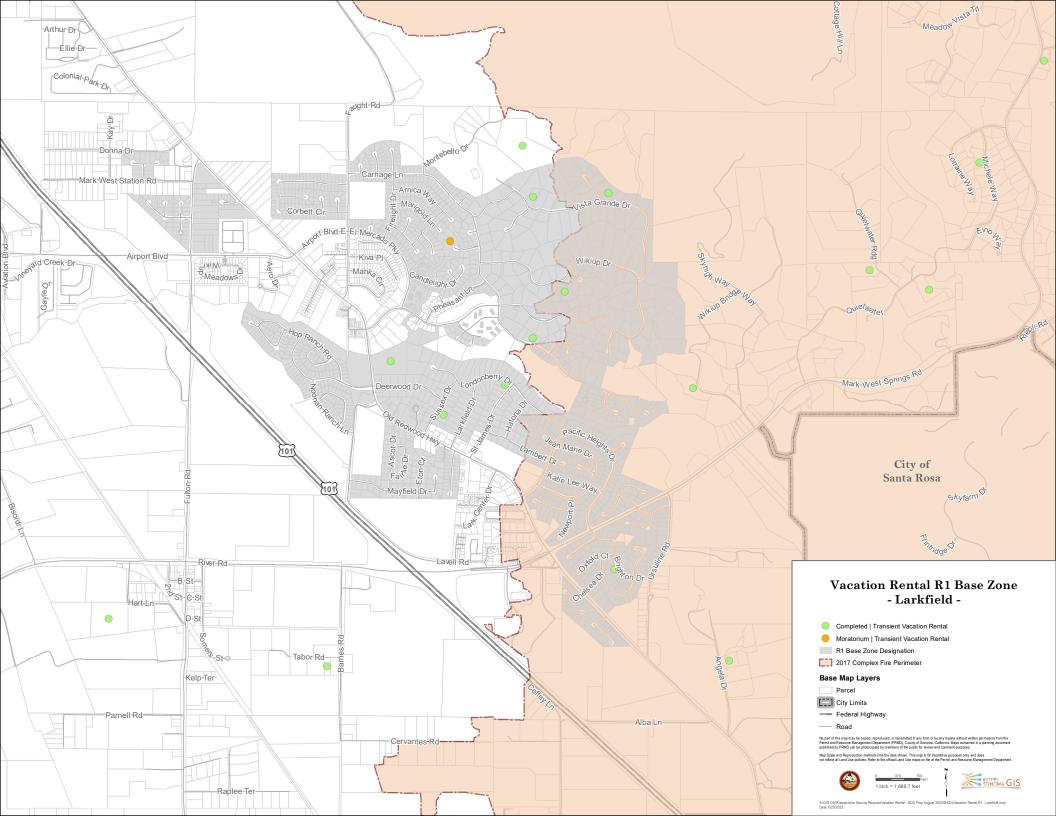








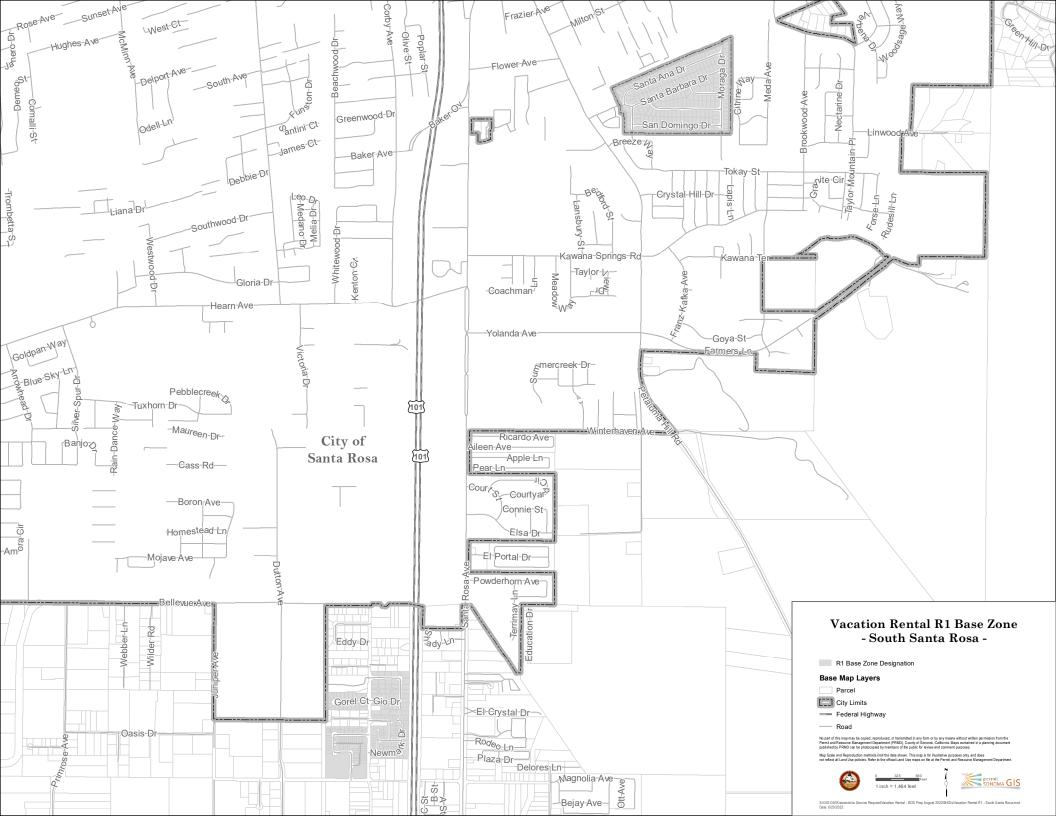


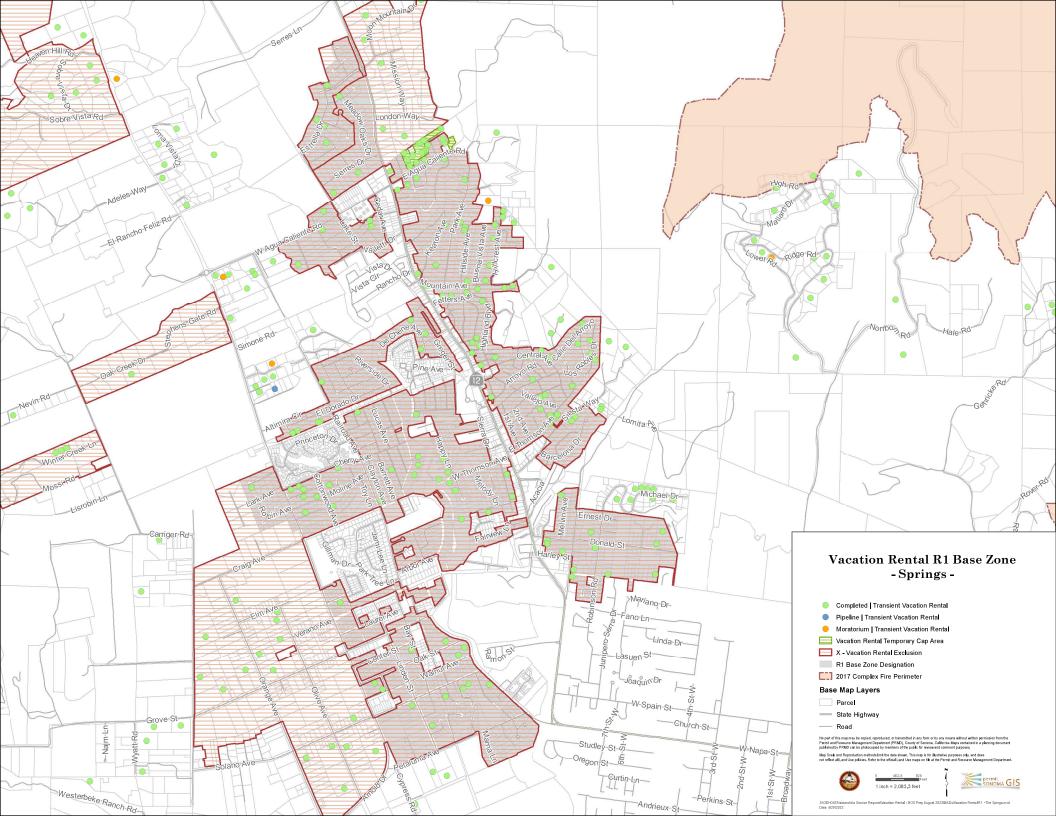












ORDINANCE NO. 6377

AN UNCODIFIED INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ESTABLISHING A MORATORIUM ON NEW VACATION RENTAL PERMITS IN THE UNINCORPORATED COUNTY

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

Section I. Authority and Findings. This Ordinance is adopted pursuant to California Government Code sections 25123, 25132, and 65858 and will take effect immediately upon its approval by at least four-fifth vote of the Board of Supervisors. The Board finds this Ordinance is necessary to protect the public safety, health, and welfare, by prohibiting new vacation rentals that may be in conflict with future zoning and licensing ordinances governing vacation rentals, based on the following facts:

- A. Sonoma County is experiencing a severe and ongoing housing crisis. Vacation rentals convert units that could otherwise be used for long-term housing, thereby exacerbating the crisis. A County-commissioned study, *Vacation Rentals and Home Prices* (December 2021) by Economic Forensics & Analytics, found that the number of vacation rentals had increased and that vacation rentals likely increase rental rates, which are already high relative to average household incomes.
- B. Concentration of vacation rentals in many areas of the County has an adverse impact on residential character, neighborhood stability, public safety, and quality of life, demonstrating the need to consider different regulations to separate, eliminate, or cap vacation rentals in certain zoning districts or areas of the County.
- C. The County has experienced several devastating fires in recent years. Vacation rentals in certain locations or without proper regulation to address evacuations and fire safety can jeopardize the safety of guests and the community.
- D. The County regularly receives complaints related to noise, garbage, parking, septic capabilities, and public safety indicating a need for heightened operating standards and enforcement.
- E. 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, however, these are not the only areas experiencing negative impacts from vacation rentals.
- F. The County is currently in the process of considering and studying various legislative proposals to address the issues associated with vacation rentals and reduce risks to public safety, health, and welfare.

- G. On March 17, 2022, the Planning Commission held a public hearing on a proposed 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 and prohibiting outdoor burning. The Planning Commission continued the item and directed staff to conduct further outreach with housing advocates to discuss the impact of vacation rentals on rental housing stock and rental rates.
- H. Following public notification of the Planning Commission meeting, Permit Sonoma has received 50 vacation rental permit applications, far in excess of the usual 10 permit applications normally received per month. The proliferation of applications demonstrates a rush to permit uses that may be inconsistent with future zoning and licensing regulations.
- I. 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 underregulated.

Section III. Moratorium. The Permit and Resource Management Department cannot permit a new vacation rental under Sec. 26-88-120 for the term of this Ordinance, except for the following: (A) A vacation rental permit application accepted on or before March 17; or (B) A vacation rental permit application accepted on or before the effective date of the Ordinance that is located in Supervisorial District 2 or 3, due to the lack of significant vacation rental concentration; which will continue to be processed in accordance with Sec. 26-88-120 and other applicable provisions of the Sonoma County Code.

Section IV. Environmental Determination. This Ordinance is not subject to the California Environmental Quality Act (California Public Resources Code § 21000 et seq.) ("CEQA") pursuant to CEQA Guidelines sections 15060(b) and (c), because prohibiting new vacation rentals will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines section 15378, as it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally or alternative, the Ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that prohibiting new vacation rentals will have no significant effect on the environment. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the CEQA Guidelines.

Section V. 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 VI. Effective Date and Term. In accordance with Government Code sections 25123, 25132, and 65858, this Ordinance is effective immediately upon its passage by at least a 4/5 vote. This Ordinance is in effect for 45 days from the date of adoption, unless extended by the Board as provided in Government Code section 65858. Prior to expiration or extension, staff is directed to prepare the report required by Government Code section 65858(d) describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

Section VII. Publication. This Ordinance must be published once before the expiration of 15 days after its passage, with the names of the Supervisors voting for or against, 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 10th day of May, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Clerk of the Board of Supervisors

Gorin: Aye Rabbitt: Aye Coursey: Aye Hopkins: Aye Gore: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.

Chair, Board of Supervisors

County of Sonoma

Vacation Rental Ordinance Update

Board of Supervisors

Gary Helfrich
Project Planner
08/02/2022





Board of Supervisors Direction

- Evaluate Impacts on Housing
- Public outreach to develop policies
- Countywide license program
- Enhanced performance standards
- Process improvements Applications & Enforcement
- Policies to reduce areas of concentration

Housing Study

- New study by Robert Eyler, Economic Forensics & Analytics
- Multiple factors influencing housing market make it difficult to identify vacation rental effects in specific markets
- Vacation Rentals do not appear to have impact on housing prices at a Countywide scale, but may increase cost of long term rentals

Program Reorganizaion

Current Ordinance

Zoning Permit Regulating Land Use and Operational Performance Standards



Vacation Rental License
Authorizes Operation &
Regulates Standards

VR Zoning Permit
Authorizes Location
and Regulates Capacity

Planning Commission Recommendation

- □ Zoning Code (Chapter 26) amendments
 - Prohibit Vacation Rentals in R1 zoning
 - Require Vacation Rental License for operation
 - More restrictive parking and occupancy standards
- Local Coastal Program amendments
 - Local Coastal Plan Vacation Rental Program
 - Land use standards for structures, occupancy, and parking
 - Require Vacation Rental License for operation
- License comments
 - Limit licenses to natural persons, one license per individual

R1 Zoning Bodega Bay



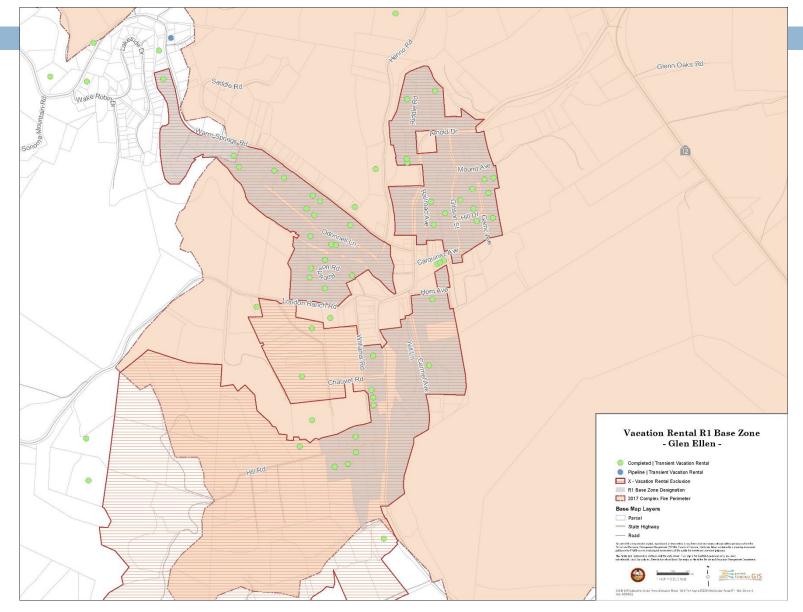
R1 Zoning Forestville



R1 Zoning Geyserville



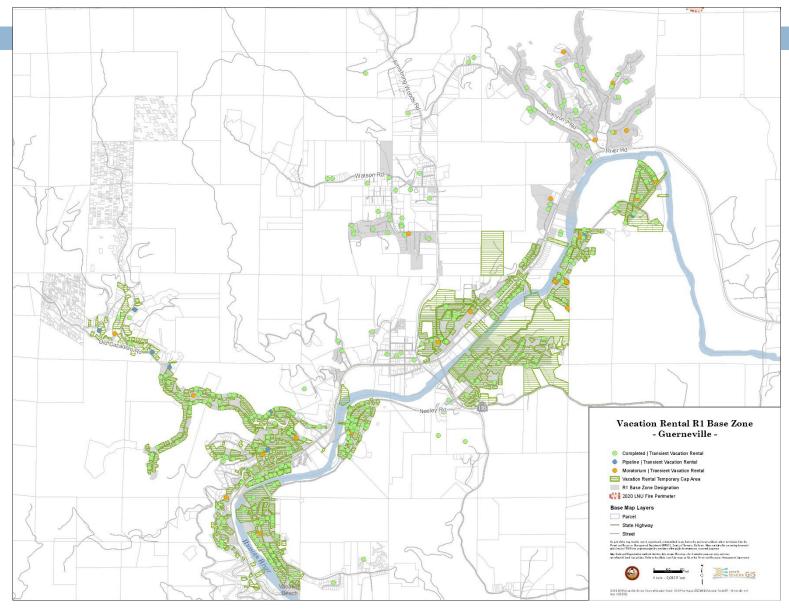
R1 Zoning Glen Ellen



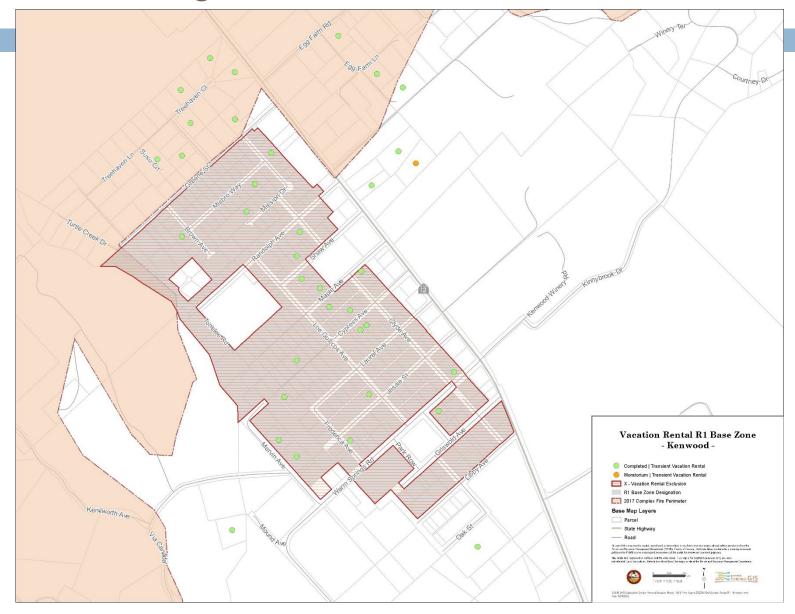
R1 Zoning Graton



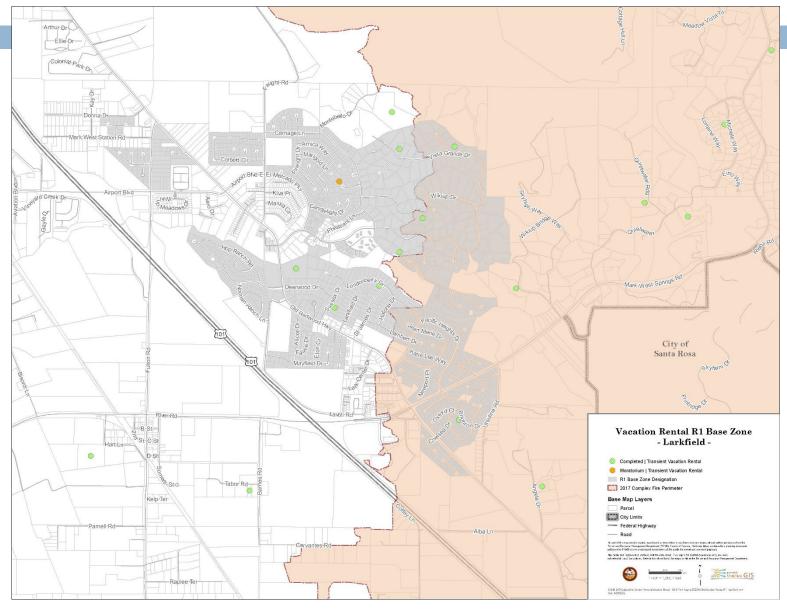
R1 Zoning Guerneville



R1 Zoning Kenwood



R1 Zoning Larkfield



R1 Zoning Monte Rio



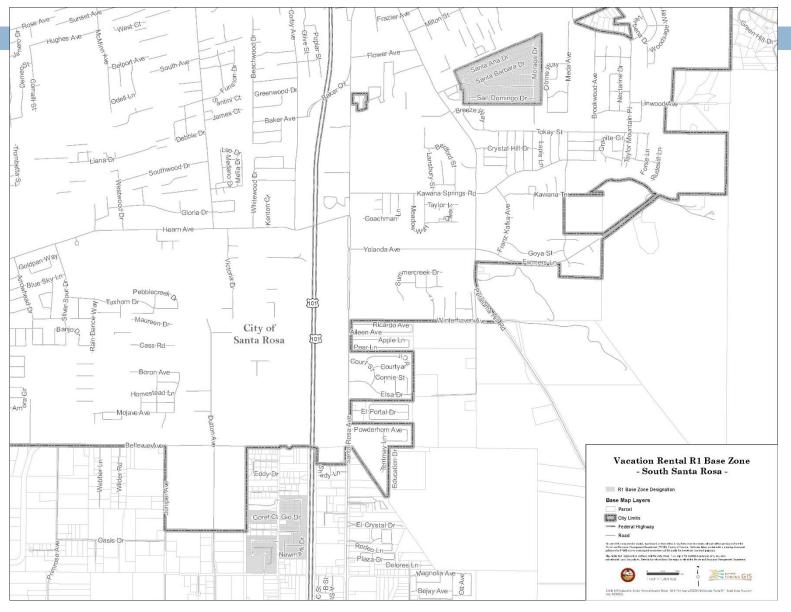
R1 Zoning North Sonoma Valley



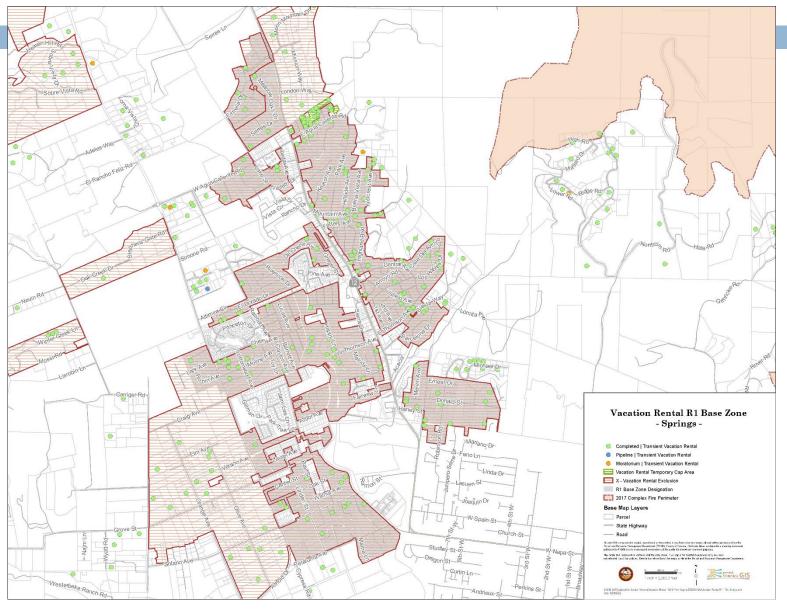
R1 Zoning Penngrove



R1 Zoning South Santa Rosa



R1 Zoning Springs



Policy Option R1 Zoning

- □ 1. Prohibit Vacation Rentals in R1.
- 2. Do not prohibit Vacation Rentals in R1 and use the provisions of the amended Vacation Rental Exclusion and Cap Combining District to rezone parcels in the R1 Zoning District for caps or exclusion consistent with neighborhood character and local needs

Policy Option: Caps

- 1. Amend the X combining zone to provide for a
 5% cap on vacation rentals.
- 2. Amend the X combining zone to provide for a 10% cap on vacation rentals.
- 3. Amend the X combining zone to provide for both
 a 5% and 10% cap as determined upon rezoning.

Policy Options VR Ownership

- Option 1: Natural Persons and Trusts
 - Most restrictive, easiest to implement and enforce.
 Simple ownership documents, no corporate ownership.
- □ Option 2: All Property Owner Restriction
 - Fairly restrictive in that a natural person or entity can only have ownership in one vacation rental property
- Option 3: Licensee Ownership Requirement
 - Least restrictive in that the County does not restrict or track 80% of ownership, but potentially easier to implement for that reason.

Amendment to Urgency Moratorium

Amend the Vacation Rental Urgency Moratorium to allow processing of applications submitted prior to adoption of the moratorium on May 10, 2022.

Questions?

Subject: RE: Supervisors meeting of August 2nd, Update to the Vacation Rental Ordinance

Monday, August 1, 2022 4:21:39 PM

From: David Eichar < eichar@sbcglobal.net > **Sent:** Friday, July 29, 2022 4:40 PM To: BOS < BOS@sonoma-county.org>

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

Subject: Supervisors meeting of August 2nd, Update to the Vacation Rental Ordinance

Supervisors;

First of all, removing the "Three Strikes Penalty" and replacing it with possible suspension or revocation after just one violation is unfair. This means a license can be revoked for a minor violation such as leaving a trash or recycling bin out on the street more than 24 hours after pickup or a guest does not adhere to the Sonoma County leash law. Suspension and revocation needs to be only after remedies have not been made or repeated violations have occurred. Leaving this at the discretion of the Director, is unfair.

Second, the quiet hours for vacation rentals should continue to be the same as for other businesses as specified in the General Plan, Noise Element, not changed to begin at 9 p.m.. In the Noise Element, the table listing acceptable noise levels is broken down into "Daytime" and "Nighttime" were "Nighttime" is defined as "10 p.m. to 7 a.m.". Renters can understand a 10 p.m. quiet hour start time, but will balk at a 9 p.m. start time, making it difficult to enforce.

Why should short term renters be subject to a different time frame for quiet hours than long term renters, guests in hotels, renters of a bed and

I believe it is unfair that renters in a vacation rental have quiet hours starting at 9pm, while quiet hours for renters in a bed and breakfast start at 10pm.

Regards.

David Eichar and Josette Brose-Eichar

References:

General Plan, Noise Element

 $https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Archive/Department%20Information/Cannabis%20Program/_Documents/General-program/_General-pro$ Plan-Noise-Element.pdf

Municipal Code for Bed and Breakfast Inns.

118SPUSSTHOREBEBRIN

"Sec. 26-88-118. - Special use standards for hosted rentals and bed and breakfast inns."

"(f) Performance Standards for Bed and Breakfast Inns with Two or More Guestrooms or Sleeping Areas."

"6. Noise Limits. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. unless otherwise allowed by use permit. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings."

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Sonoma County Board of Supervisors County of Sonoma 575 Administration Drive Room 100 A Santa Rosa, CA 95403

Re: Modification of Scope of Short-Term Vacation Rental Permit Moratorium August 2, 2022 Board of Supervisors Meeting

Dear Supervisors.

I wanted to express my support for the 50 or so homes that have been caught in the short term home moratorium currently in place. I find the current moratorium wrong on so many levels and should be corrected.

- We lost our home during the 2017 Tubbs Fire and we were suddenly acutely aware of the lack of housing opportunities in Sonoma County. It was quite a struggle to find housing. Short term housing can be challenging to find.
- 2) Over the years, we have had friends and family come to visit the area and they have a hard time finding a hotel or motel or accommodations in Sonoma County. There never seems to be enough rooms in Sonoma County.
- 3) The moratorium being placed retroactively seems to go against everything our country holds dear like transparent open honest government. This is scary because everyone could be susceptible to any ordinance that could be placed retroactively, no one is safe. How can the Supervisors penalize small Mom and Pop concerns who put forth their applications in good faith to not only help alleviate the housing problem in Sonoma County but also to comply with the rules. The Supervisors even went against the recommendation of their own council.
- 4) I like the advent of these short term rentals because it has given the people a way to supplement their income, added more possible rooms to the lack of rooms in Sonoma County and helped more people to see the beauty of Sonoma County, not to mention bring more tax dollars to the County and surrounding cities in Sonoma County.
- 5) An unintended consequence of the moratorium is helping the large corporations/Hotels etc curtail the dreams and hopes of average Americans hoping to help their families with additional income.
- 6) There is a place for short term rentals in Sonoma County, as long as the short term rentals follow the laws and are good operators and not a nuisance to their neighbors.

I truly believe the Supervisors need to let the current applications proceed and if they deem it necessary to curtail short term housing in Sonoma County then make those laws going forward not retroactively. I also believe that more short term rentals are needed in Sonoma County as this is a beautiful place and should be shared with others. I do agree that those with the privilege of being licensed in the County must follow the rules and not disturb the peace of their neighbors!

Sincerely,

David Poulsen

From: Sonoma Coast VR Owners

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: VR Ordinance - VR License Preferred Nomenclature

Date: May 10, 2022 1:18:12 PM

EXTERNAL

Dear Commissioners and PRMD:

Recently the Commission appeared to prefer the term "business license" instead of the proposed term "VR License" for the county's VR Ordinance.

Vacation Rental home owners strongly support the term VR License for the following reasons:

The unincorporated area of Sonoma County does not always require a business license for sole practitioners or partners, while cities in the county, certain professions, incorporated entities, and actual commercial businesses do require a business license.

A person conducting business from their home in the unincorporated area of the county does require a Home Occupation Permit.

VR regulation statewide is based on the *land use* (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a "residence". A rental home is not a business use of the home.

Bodega Harbour and The Sea Ranch are zoned "PC" Planned Community. There are 5 planned communities in the county's Coastal Zone. We have many VRs on the coast and their owners open the coast to the public by offering their homes as short term rentals.

Each lot within these planned communities is zoned for residential use. The rental of homes by owners within these communities is a residential use of the home and within the county planning and zoning requirements.

Planned Communities prohibit businesses. However, even your planning department does not believe that VRs change the zoning of a home from "residential" to "commercial" due to the "business" aspect of renting out a home. If this were true, then all VRs would have to be located in commercially zoned areas.

Renting a home to tenants is not conducting a "trade or business" in the home. It is using the home as a residence in full compliance with the county planning department and land use regulations.

Renting out a home short-term is a residential use of the home. We recommend the county use the term "VR License" to make clear the license is regulating the residential use of the home. This makes sense since the licensing here is being

proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Thank you for considering this position.

Sonoma Coast Vacation Rental Owners Supporting an Open Coast for the Public

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.

From: Olle Lundberg

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: VR Ordinance - VR License Preferred Nomenclature

Date: May 10, 2022 1:38:10 PM

EXTERNAL

Dear Commissioners and PRMD:

Recently the Commission appeared to prefer the term "business license" instead of the proposed term "VR License" for the county's VR Ordinance.

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The unincorporated area of Sonoma County does not always require a business license for sole practitioners or partners, while cities in the county, certain professions, incorporated entities, and actual commercial businesses do require a business license.

A person conducting business from their home in the unincorporated area of the county does require a Home Occupation Permit.

VR regulation statewide is based on the *land use* (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a *"residence"*. A rental home is not a business use of the home.

Bodega Harbour and The Sea Ranch are zoned "PC" Planned Community. There are 5 planned communities in the county's Coastal Zone. We have many VRs on the coast and their owners open the coast to the public by offering their homes as short term rentals.

Each lot within these planned communities is zoned for residential use. The rental of homes by owners within these communities is a residential use of the home and within the county planning and zoning requirements.

Planned Communities prohibit businesses. However, even your planning department does not believe that VRs change the zoning of a home from "residential" to "commercial" due to the "business" aspect of renting out a home. If this were true, then all VRs would have to be located in commercially zoned areas.

Renting a home to tenants is not conducting a "trade or business" in the home. It is using the home as a residence in full compliance with the county planning department and land use regulations.

Renting out a home short-term is a residential use of the home. We recommend the county use the term "VR License" to make clear the license is regulating the residential use of the home. This makes sense since the licensing here is being

proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Thank you for considering this position.

Sonoma Coast Vacation Rental Owners

T.Olle Lundberg 509 Smith Bros Rd. Bodega Bay

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To view this discussion on the web visit

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From: <u>Jan Jonkers</u>

To: PRMD-LCP-Update; PlanningAgency; BOS
Cc: coastvrowners@googlegroups.com; C Estrada
Subject: VR Ordinance " VR License Preferred Nomenclature

Date: May 10, 2022 2:07:54 PM

EXTERNAL

We ask that you consider the following comments when deciding on a VR License versus Business License:

VR regulation statewide is based on the land use (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a "residence". A rental home is not a business use of the home.

Our vacation rental is in the Bodega Harbour community which is zoned "PC" Planned Community. Each lot within these planned communities is zoned for residential use and is in full compliance with the county planning department and land use regulations. Renting out a home short-term is a residential use of the home and is not conducting a "trade or business". Therefore we would request the county use the term "VR License" to make clear the license is regulating the residential use of the home.

Planned Communities, like Bodega Harbor, prohibit businesses so if the License is change to "Business License" then vacation rentals such as ours would be in jeopardy.

Thank you for your consideration.

Jan & Carl Jonkers (707-217-3752)

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From: Janice Stenger

To: PlanningAgency

Subject: /sgirt /tern giysubg 2209

Date: May 10, 2022 4:57:23 PM

EXTERNAL

I slogged my way through the county meeting on short term rentals but I had a hard time getting on Zoom and finally had to accept the replay and couldn't comment. I think there might be an ADA problem with Zoom because old people cannot manage the format you use on your website. I realize those of you who work in laptop world have the zoom thing down, due to three years of working "at home" but luckily not me. On your website, there was a Webinar number given as 9874595 9818 with a password of 865529 bu when I put that number in it replied several times,

'not an accurate number.' You might not know it, but the Pandemic is actually over and live meetings both of MAC and county offices need to bring some Brown Act regulations to the process.

I have these concerns...I live in the Armstrong Valley Neighborhood and have for 50 years. 75 yrs in Guerneville. When we began to see the conversion of permanent houses to VRBO's we began talking with Supervisor Hopkins who offered a complicated, expensive (again we are old= limited \$) path without county help. Our neigbor-hood has continued to convert and almost none of the new owners LIVE here. Our road is one lane in some places. It isn't the community it used to be. In addition we live in a PGE designated HIGH fire danger.

Our Armstrong neighborhood has been defined as "Brook-dale

to Watson to the end of school property and the end of Laughlin Road. We count about 200 parcels; 20 are without houses. We think there are about 22 maybe 5 aspiring sad at least three secret ones, probably more. I have a county map that shows an outline of our neighborhood, following the boundaries of the sewer and probably the map of the CalWater Company.

We personally have two rentals on Laughlin Road and we rent them full time at a significantly low rate. (Just think of how much we'd have made if we felt our neighborhood wouldn't find it repugnant.) We love our neighbors and we would never do that to them And with at least three VRBOs with each an 8 car minimum our little haven gets busy. (one rents for @1000 a night) The one on our left about \$275,,, The rest all within a thousand feet of us number 3 or 4...so about 8 in an 8th of a mile.

Naturally I am very in favor of the 10% rule because we believe we've already reached it here. Thanks for your work to at least try to change the tide...we have only gotte negative and hopeless feedback. Also we don't have any intention of incorporating.

From: Gary Helfrich
To: Chelsea Holup

Subject: A roque Vacation Rental comment from May 5

Date: Monday, June 6, 2022 11:58:18 AM

Hi Chelsea,

Vacation Rental – not LCP! Been so focused on LCP that I missed this one. Please add it to public comments for the BOS hearing.

Garv

From: Tara Antongiorgi <tantongiorgi@yahoo.com>

Sent: Thursday, May 05, 2022 4:23 PM

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

Cc: district5 < district5@sonoma-county.org>

Subject: May 5, 2022 ~ Sonoma County Planning Commission Meeting

EXTERNAL

For the record, I would like to submit my public comment made during today's meeting to the Planning Commission.

Thank you Planning Commissioner's for hearing my concerns today.

I support all effort to craft an ordinance with the goal of creating neighborhoods in which you cannot tell whether a home is full time, long term or a short term rental. Bad behavior is to be penalized and a strong ordinance that makes that loud and clear is warranted.

Where your considerations detour from this goal they do so on the backs of property rights. First let me quote from the Planning Commission Staff memo regarding the R1 areas of the Russian River and Bodega Bay:

"...summer cabins in these areas continue to be converted into full time residences. they have become a significant stock of market to slightly below market housing"

My translation is this...my property rights are being used to supplement and remedy a housing shortage caused by poor planning, or no planning by countless supervisors before you. When I bought my Rio Nido property 25 years ago, rented long term since, I do not recall signing a document letting me know my home might be considered as "significant stock" for the county and I should realize my current rights might not exist in the future.

In this day and age of deteriorating rights, I see this as one more sign that our democracy is fragile.

I took on the financial burden of running a long term rental, it is not lucrative, it is hard enough as it is without having the rug pulled with regulations that restrict my choices. There are many reasons why converting my property to a STR might benefit me and my family, I ask you to not take that choice away from me.

Two general comments:

- 1. The septic certification changes are arbitrary and confusing. I inquired with the county's STR permit office and was told that a Tier 2 findings report would suffice should no cert exist. And now you are proposing an arbitrary reduction of only 4 adults without a cert. A 6 bedroom, 5 bath zoned agricultural farmhouse would be reduced to 4 adults because of lax certification decades ago. Please craft a reasonable way to re-certify these systems to represent their actual capacity and not a random reduction in occupancy that does not fix the issue at hand.
- 2. Your proposal to implement a moratorium is once again an attack on property rights. You mention a recent large increase in permit applications of 500. Actually, to a large extent you created that surge. The proposals you have shared with the public will in fact cause owners who might not have considered operating a STR to secure the permit just in case.

Let's agree on the following, TOT is a vital source of income for the county, in turn the income from STRs can also be vital to home owners and/or substantially improve their standard of living, Sonoma county believes in property rights and bad behavior in any neighborhood by anyone should be penalized.

If we can agree on all of that then we don't need such drastic modification to Sonoma's STR ordinance.

Thank you for your time, Tara Antongiorgi

Tara Antongiorgi cell: 310-721-2660

From: Janice Stenger

To: PlanningAgency

Subject: /sgirt /tern giysubg 2209

Date: May 10, 2022 4:57:23 PM

EXTERNAL

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From: Sonoma Coast VR Owners

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: VR Ordinance - VR License Preferred Nomenclature

Date: May 10, 2022 1:18:12 PM

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Dear Commissioners and PRMD:

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Each lot within these planned communities is zoned for residential use. The rental of homes by owners within these communities is a residential use of the home and within the county planning and zoning requirements.

Planned Communities prohibit businesses. However, even your planning department does not believe that VRs change the zoning of a home from "residential" to "commercial" due to the "business" aspect of renting out a home. If this were true, then all VRs would have to be located in commercially zoned areas.

Renting a home to tenants is not conducting a "trade or business" in the home. It is using the home as a residence in full compliance with the county planning department and land use regulations.

Renting out a home short-term is a residential use of the home. We recommend the county use the term "VR License" to make clear the license is regulating the residential use of the home. This makes sense since the licensing here is being

proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Thank you for considering this position.

Sonoma Coast Vacation Rental Owners Supporting an Open Coast for the Public

From: Olle Lundberg

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: VR Ordinance - VR License Preferred Nomenclature

Date: May 10, 2022 1:38:10 PM

EXTERNAL

Dear Commissioners and PRMD:

Recently the Commission appeared to prefer the term "business license" instead of the proposed term "VR License" for the county's VR Ordinance.

Vacation Rental home owners strongly support the term VR License for the following reasons:

The unincorporated area of Sonoma County does not always require a business license for sole practitioners or partners, while cities in the county, certain professions, incorporated entities, and actual commercial businesses do require a business license.

A person conducting business from their home in the unincorporated area of the county does require a Home Occupation Permit.

VR regulation statewide is based on the *land use* (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a *"residence"*. A rental home is not a business use of the home.

Bodega Harbour and The Sea Ranch are zoned "PC" Planned Community. There are 5 planned communities in the county's Coastal Zone. We have many VRs on the coast and their owners open the coast to the public by offering their homes as short term rentals.

Each lot within these planned communities is zoned for residential use. The rental of homes by owners within these communities is a residential use of the home and within the county planning and zoning requirements.

Planned Communities prohibit businesses. However, even your planning department does not believe that VRs change the zoning of a home from "residential" to "commercial" due to the "business" aspect of renting out a home. If this were true, then all VRs would have to be located in commercially zoned areas.

Renting a home to tenants is not conducting a "trade or business" in the home. It is using the home as a residence in full compliance with the county planning department and land use regulations.

Renting out a home short-term is a residential use of the home. We recommend the county use the term "VR License" to make clear the license is regulating the residential use of the home. This makes sense since the licensing here is being

proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Thank you for considering this position.

Sonoma Coast Vacation Rental Owners

T.Olle Lundberg 509 Smith Bros Rd. Bodega Bay

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From: <u>Jan Jonkers</u>

To: PRMD-LCP-Update; PlanningAgency; BOS
Cc: coastvrowners@googlegroups.com; C Estrada
Subject: VR Ordinance " VR License Preferred Nomenclature

Date: May 10, 2022 2:07:54 PM

EXTERNAL

We ask that you consider the following comments when deciding on a VR License versus Business License:

VR regulation statewide is based on the land use (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a "residence". A rental home is not a business use of the home.

Our vacation rental is in the Bodega Harbour community which is zoned "PC" Planned Community. Each lot within these planned communities is zoned for residential use and is in full compliance with the county planning department and land use regulations. Renting out a home short-term is a residential use of the home and is not conducting a "trade or business". Therefore we would request the county use the term "VR License" to make clear the license is regulating the residential use of the home.

Planned Communities, like Bodega Harbor, prohibit businesses so if the License is change to "Business License" then vacation rentals such as ours would be in jeopardy.

Thank you for your consideration.

Jan & Carl Jonkers (707-217-3752)

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Sonoma County Board of Supervisors County of Sonoma 575 Administration Drive Room 100 A Santa Rosa, CA 95403

Re: Modification of Scope of Short-Term Vacation Rental Permit Moratorium August 2, 2022 Board of Supervisors Meeting

Dear Supervisors.

I wanted to express my support for the 50 or so homes that have been caught in the short term home moratorium currently in place. I find the current moratorium wrong on so many levels and should be corrected.

- We lost our home during the 2017 Tubbs Fire and we were suddenly acutely aware of the lack of housing opportunities in Sonoma County. It was quite a struggle to find housing. Short term housing can be challenging to find.
- 2) Over the years, we have had friends and family come to visit the area and they have a hard time finding a hotel or motel or accommodations in Sonoma County. There never seems to be enough rooms in Sonoma County.
- 3) The moratorium being placed retroactively seems to go against everything our country holds dear like transparent open honest government. This is scary because everyone could be susceptible to any ordinance that could be placed retroactively, no one is safe. How can the Supervisors penalize small Mom and Pop concerns who put forth their applications in good faith to not only help alleviate the housing problem in Sonoma County but also to comply with the rules. The Supervisors even went against the recommendation of their own council.
- 4) I like the advent of these short term rentals because it has given the people a way to supplement their income, added more possible rooms to the lack of rooms in Sonoma County and helped more people to see the beauty of Sonoma County, not to mention bring more tax dollars to the County and surrounding cities in Sonoma County.
- 5) An unintended consequence of the moratorium is helping the large corporations/Hotels etc curtail the dreams and hopes of average Americans hoping to help their families with additional income.
- 6) There is a place for short term rentals in Sonoma County, as long as the short term rentals follow the laws and are good operators and not a nuisance to their neighbors.

I truly believe the Supervisors need to let the current applications proceed and if they deem it necessary to curtail short term housing in Sonoma County then make those laws going forward not retroactively. I also believe that more short term rentals are needed in Sonoma County as this is a beautiful place and should be shared with others. I do agree that those with the privilege of being licensed in the County must follow the rules and not disturb the peace of their neighbors!

Sincerely,

David Poulsen

Vacation Rental Recommendations June 28, 2022

Presented by Ellen DeProto, General Manager, Russian River Rentals, Liza Graves, President, BeautifulPlaces, Inc. & Madeline Yankee, President, Woodfield Properties

We are a group of locally owned profession vacation rental companies who have been in business for decades with a deep commitment to Sonoma County. We support enhanced regulation and performance standards, licensing, increasing the professionalism and acumen of rental owners, hosts, operators, and managers along with painful and swift penalties for violation of regulations along with incentives for compliance with regulations. We support very targeted standards and policies aimed at changing the potential negative impacts of vacation rentals. We impose standards on ourselves which are more stringent than the current regulations and are very selective about which properties we will work with, proactively avoiding homes which we know are likely to cause problems in a neighborhood.

The current recommendations proposed by the Planning Commission and PRMD are unlikely to swiftly eliminate bad vacation rental actors and reduce the negative impacts attributed to vacation rentals.

To achieve rapid change the following is needed:

- Enhanced performance standards should apply not just to new permitted vacation rentals, but more importantly, apply to existing permitted rentals.
- A robust enforcement process that is responsive 24/7 which is funded and staffed at an appropriate level.
- Painful penalties for violations in line with those imposed in other counties throughout California.
- Incentives for owners and managers to comply with regulations.
- More stringent requirements for certified property managers.
- And more, such as disclosure documents for potential buyers of properties in Sonoma County.

We present the following recommendations to increase the effectiveness of the proposed vacation rental ordinance and license program and are available to provide our expertise and knowledge to help refine them.

- 1) New Enhanced Performance Standards should apply not just to new permitted rentals, but also to currently permitted rentals.
 - **a.** Although PRMD staff has indicated that it is not possible to impose new performance standards on rental properties which are currently permitted, there is already a model in place in Sonoma County which can serve as a framework for vacation rentals.
 - b. Under Sonoma County regulations, a commercial kennel must have both a use permit approved by PRMD and a license from the Health Department to operate. The Health Department Director may make the license subject to conditions as the director deems necessary...to protect the public health, safety, and welfare. (See sections 5-70,5-71 and 5-72 of County Code)

- c. Using this as a model, The County should require new standards apply to both existing and new permitted vacation rentals under the vacation rental license program.
- 2) New Performance standards must address the root causes of behavior that impacts neighbors the most, especially noise, parties, parties, and lack of rapid response from owners, hosts, and managers of vacation rentals:
- a. Additional day guests We concur with eliminating the additional six (6) day guests allowed over the nighttime occupancy of the property. This one change should reduce noise, parking, and trash issues. We further recommend that the number of children under the age that do not currently count towards the allowable occupancy should not be unlimited. Consider limiting to four (4) children under the age of 3 who do not count towards the occupancy limit.
- **b. Noise monitoring** Require properties in R1, and other dense neighborhoods install a noise monitoring device after the first noise complaint, so that owners/hosts/managers can proactively respond to noise issues before they get out of control.
- c. Occupancy monitoring Require properties in R1 and other dense areas to install a video camera with a view towards the driveway or view out the front door or a device which monitors the number of mobile phones at the property allowing owners/hosts/managers to address occupancy violations before they become an issue. Under law, video cameras may not record conversations, may not be installed within the house, and must be disclosed to guest before the booking is completed. Video cameras should not be in use on other areas of the property during guest occupancy, for for example on the pool area where guests expect privacy.
- **d. HO Insurance** Require all owners to maintain insurance that identifies the property as a vacation rental with minimum liability insurance of \$500,000-\$1,000,000 as is required in other jurisdictions in the country. This is a required by professional managers in Sonoma County of property owners they represent.

e. Burned Zones and areas of high fire danger

- a. Vacation rental guests must evacuate upon an evacuation warning for the zone where the property is located. Owners, managers, hosts responsible for contacting guests.
- Each property should have a property specific written emergency plan available onsite. Dr.
 Nancy Brown has offered to produce a poster for VR's which highlights the evacuation zone and key sources of information during an emergency.
- c. Each owner, host or manager of multiple properties must have an emergency response plan in place specific to Sonoma County. This outlines how the owner/host or manager will manage emergency situations.
- d. Guests should receive information how to sign up for Nixle and other apps prior to arrival.
- e. Property must have an NOAA emergency radio.
- f. Property must have a Cal Fire compliant green and white address sign.
- g. Property must have a gate with battery back-up which operates during an outage.
- h. Properties in areas with poor mobile service must have a land line. Owner/host/manager must obtain at least 2 mobile numbers to contact guests prior to arrival.
- i. No wood/artificial log burning fires year-round. No wood/log burning indoor fires during fire season.

3. Certified Property Managers

- a. Require certified property managers get recertified upon introduction of the new program.
- b. All properties must have a certified property manager.
- c. The new certification test should be comprehensive, meaningful, and more challenging. The test should cover:
 - The new ordinance and performance standards
 - TOT requirements and compliance.
 - Emergency and fire procedures
 - Water and energy conservation
 - Trash and recycling required in the County
 - Septic maintenance
 - Insurance
 - Trust accounting
 - Other content to raise the level of professionalism among owners, hosts, and managers.

4. Business License Program

- a. See section 1 of this report for a model to allow new performance standards to be imposed on all existing permitted rentals. This will require a transition period so that rental reservations booked under the current performance standards would be subject to the performance standards currently in place.
- b. 3 categories of licenses depending upon what type of certified manager the owner uses:
 - Individual owners/individual property managers of 1-7 homes
 - Professional property managers with 8-85 properties
 - Large property managers with over 80 properties spanning multiple states such as Vicasa, Turnkey and companies like Avant stay which lease multiple properties and promote as short-term rentals.
- c. Licenses must be valid for more than one year provided the owner or natural person is in good standing. Require an annual monitoring fee and annual update form of 24/7 contact numbers
- d. Allow the certified manager to provide multiple 24/7 contact numbers to facilitate rapid response for example, a daytime number during business hours, and several after hours, weekend and holiday contact numbers.
- e. Small LLC's with a handful of members such as spouses, family members and jointly owned properties must be allowed. Differentiate between LLC's with many members which are clearly investment properties.

5. Enforcement and penalties

- a. Annual fees must be sufficient to fund comprehensive management of the permit and license program and fund robust and successful enforcement.
- b. PRMD has indicated that Sonoma County code does not allow the county to impose significant fines like other counties in California do. Other counties impose stiff fines of \$1,500 or more per violation per day, \$3,000 for violating the same ordinance within a year

and \$5,000 for each additional violation withing a year of the first violation. Effective September 24, 2021, Cal.Gov.Code 25132 was amended to allow for significantly increased fines for violations of a short-term rental ordinance that is deemed an infraction. For example, the County of San Bernadino increased fines from \$100 for the first violation, \$200 for the second and \$500 for the third (as Sonoma County has) ten-fold to \$1,000 for the first violation, \$2,000 for the second, and \$5,000 for the third violation. Sonoma County needs to move quickly to take advantage of the opportunity to impose painful fines which will be a greater deterrent then the current fines of \$100, \$250 and \$500 for VR violations.

- c. Enforcement, license revocation and fines should be based on the history of violations, severity of violation and responsiveness of the license holder.
- d. Use California Unfair Business Practices Law (Business and Professionals 17200) as appropriate. Can go after 1/3 of a violator's net worth.
- e. Require online listing services such as Airbnb and VRBO to prominently display the TOT number on the first page of a property listing.

6. Monitoring and Management

- a. Require a quarterly or semi-annual monitoring report on key data items including:
 - # Of new VR applications, # approved/denied, # in pipeline
 - # Of permits terminated by owner/manager
 - # Of violations by violation type/zone/district, with # first, second and third violation
 - Information on action taken complaints under investigation, violations issued, # licenses revoked by reason, total of fees and fines collected by category. Annual report on use of fees and fines.
 - Tax Collector # actions taken against properties with no TOT number, or not reporting rental sales or not collecting and submitting TOT. Total amount of fines and fees collected.
- b. **Advisory Board** Appoint a Vacation Rental Advisory Board consisting of representatives from key stakeholder groups to provide input, direction and review the performance of the VR program and date reports.
- c. Who is in charge? Determine which County department has demonstrated the skill set to manage a license program. There is a perception that Permit Sonoma has not used the resources at its disposal to meaningly enforce the current regulations to the disappointment of both neighbors of Vacation Rentals, VR owners and property managers. Without strong leadership, management and enforcement, the new program may not succeed.
- d. **Set measurable performance objectives** for the county departments responsible for executing and managing this program.

7. Real Estate Disclosure Requirement

a. Agents must provide prospective buyers with a disclosure and information about the VR ordinance and license program, and limitations on investor properties. Buyers should

- be provided with a contact at the County who can provide information on properties with VR permits in the are of the property they are considering purchasing.
- b. Buyer must sign a form indicating that they have received and read the disclosure and that they understand there is no guarantee that they will be able to obtain a permit or license and no guarantee that properties near the one they are buying will not become vacation rentals in the future.
- 8. Education and upgrading the professionalism of owners/hosts/managers. The Sonoma County Hospitality Association (SCHA) has committed to providing information and hosting educational workshops for VR owner/hosts/managers and neighbors on the business license program, performance standards, best practices, collaborating effectively with neighbors, emergency preparation and response, and topics such as water and energy conservation and more.

Subject: RE: Supervisors meeting of August 2nd, Update to the Vacation Rental Ordinance

Monday, August 1, 2022 4:21:39 PM

From: David Eichar < eichar@sbcglobal.net > **Sent:** Friday, July 29, 2022 4:40 PM To: BOS < BOS@sonoma-county.org>

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

Subject: Supervisors meeting of August 2nd, Update to the Vacation Rental Ordinance

Supervisors;

First of all, removing the "Three Strikes Penalty" and replacing it with possible suspension or revocation after just one violation is unfair. This means a license can be revoked for a minor violation such as leaving a trash or recycling bin out on the street more than 24 hours after pickup or a guest does not adhere to the Sonoma County leash law. Suspension and revocation needs to be only after remedies have not been made or repeated violations have occurred. Leaving this at the discretion of the Director, is unfair.

Second, the quiet hours for vacation rentals should continue to be the same as for other businesses as specified in the General Plan, Noise Element, not changed to begin at 9 p.m.. In the Noise Element, the table listing acceptable noise levels is broken down into "Daytime" and "Nighttime" were "Nighttime" is defined as "10 p.m. to 7 a.m.". Renters can understand a 10 p.m. quiet hour start time, but will balk at a 9 p.m. start time, making it difficult to enforce.

Why should short term renters be subject to a different time frame for quiet hours than long term renters, guests in hotels, renters of a bed and

I believe it is unfair that renters in a vacation rental have quiet hours starting at 9pm, while quiet hours for renters in a bed and breakfast start at 10pm.

Regards.

David Eichar and Josette Brose-Eichar

References:

General Plan, Noise Element

 $https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Archive/Department%20Information/Cannabis%20Program/_Documents/General-program/_General-pro$ Plan-Noise-Element.pdf

Municipal Code for Bed and Breakfast Inns.

118SPUSSTHOREBEBRIN

"Sec. 26-88-118. - Special use standards for hosted rentals and bed and breakfast inns."

"(f) Performance Standards for Bed and Breakfast Inns with Two or More Guestrooms or Sleeping Areas."

"6. Noise Limits. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. unless otherwise allowed by use permit. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings."

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From: Gary Helfrich
To: Chelsea Holup

Subject: A rogue Vacation Rental comment from May 5

Date: Monday, June 6, 2022 11:58:18 AM

Hi Chelsea,

Vacation Rental – not LCP! Been so focused on LCP that I missed this one. Please add it to public comments for the BOS hearing.

Garv

From: Tara Antongiorgi <tantongiorgi@yahoo.com>

Sent: Thursday, May 05, 2022 4:23 PM

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

Cc: district5 < district5@sonoma-county.org>

Subject: May 5, 2022 ~ Sonoma County Planning Commission Meeting

EXTERNAL

For the record, I would like to submit my public comment made during today's meeting to the Planning Commission.

Thank you Planning Commissioner's for hearing my concerns today.

I support all effort to craft an ordinance with the goal of creating neighborhoods in which you cannot tell whether a home is full time, long term or a short term rental. Bad behavior is to be penalized and a strong ordinance that makes that loud and clear is warranted.

Where your considerations detour from this goal they do so on the backs of property rights. First let me quote from the Planning Commission Staff memo regarding the R1 areas of the Russian River and Bodega Bay:

"...summer cabins in these areas continue to be converted into full time residences. they have become a significant stock of market to slightly below market housing"

My translation is this...my property rights are being used to supplement and remedy a housing shortage caused by poor planning, or no planning by countless supervisors before you. When I bought my Rio Nido property 25 years ago, rented long term since, I do not recall signing a document letting me know my home might be considered as "significant stock" for the county and I should realize my current rights might not exist in the future.

In this day and age of deteriorating rights, I see this as one more sign that our democracy is fragile.

I took on the financial burden of running a long term rental, it is not lucrative, it is hard enough as it is without having the rug pulled with regulations that restrict my choices. There are many reasons why converting my property to a STR might benefit me and my family, I ask you to not take that choice away from me.

Two general comments:

- 1. The septic certification changes are arbitrary and confusing. I inquired with the county's STR permit office and was told that a Tier 2 findings report would suffice should no cert exist. And now you are proposing an arbitrary reduction of only 4 adults without a cert. A 6 bedroom, 5 bath zoned agricultural farmhouse would be reduced to 4 adults because of lax certification decades ago. Please craft a reasonable way to re-certify these systems to represent their actual capacity and not a random reduction in occupancy that does not fix the issue at hand.
- 2. Your proposal to implement a moratorium is once again an attack on property rights. You mention a recent large increase in permit applications of 500. Actually, to a large extent you created that surge. The proposals you have shared with the public will in fact cause owners who might not have considered operating a STR to secure the permit just in case.

Let's agree on the following, TOT is a vital source of income for the county, in turn the income from STRs can also be vital to home owners and/or substantially improve their standard of living, Sonoma county believes in property rights and bad behavior in any neighborhood by anyone should be penalized.

If we can agree on all of that then we don't need such drastic modification to Sonoma's STR ordinance.

Thank you for your time, Tara Antongiorgi

Tara Antongiorgi cell: 310-721-2660

From: Mark Crescione < <u>crescione@hotmail.com</u>>

Sent: Monday, May 9, 2022 11:14 PM

To: PRMD-VacationRentals < PRMD-VacationRentals@sonoma-county.org>

Subject: Vacation Rental Conversion Moratorium

EXTERNAL

I would like you to halt any more conversions of residential housing stock to vacation rentals until you solve the problems that the current conversions have caused.

It's like you have added a huge hotel to our community without the scrutiny of CEQA, without the protection of public health and safety standards for pools and spas, without making ANY provision for equitable access provided by ADA, and without considering the impact it would have on workforce housing, and without considering the impact it would have on the quality of life of fulltime residents.

How do you plan to replace the workforce housing that has been converted to vacation rentals? And where would you put it?

When will visitors with disabilities have equitable access to this lodging experience? Without onsite management, how are you going to mitigate the negative impact they are having on the quality of life of full-time residents?

From: Tom Chrisman
To: PlanningAgency
Subject: VR License

Date: May 11, 2022 5:43:04 AM

EXTERNAL

Please use the term VR License when describing the short term rental properties along the Sonoma coastline. Respectfully

Thomas Chrisman BHHA homeowner

Sent from my iPad

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From: <u>Trini Amador</u>

To: PRMD-LCP-Update; PlanningAgency; BOS; tamador@bhcconsulting.com

Cc: coastvrowners@googlegroups.com
Subject: Name is Vacation Rental License please

Date: May 10, 2022 8:10:48 PM

EXTERNAL

Please.follow the earlier recommendation of calling a Vacation Rental License and not a Business License:

Short and long term rentals are a legal use of a residence.

Our vacation rental is in the Sea Ranch community which is zoned is zoned for residential use and is in full compliance with the county planning department and land use regulations. The Coastal Commission protects our right to rent.

We suggest the county use the term "Vacation Rental License" to make clear the license is regulating the residential use of the home.

Sea Ranch CC&Rs prohibit businesses so if the License is change to "Business License" then it creates an an intended consequence of your idea.

You can process the license through your business license infrastructure maintaining your systems. :)

Trini and Lisa Amador

From: <u>Janice Herrmann</u>

To: PRMD-LCP-Update; PlanningAgency

Cc: <u>C Estrada</u>

Subject: Business License vs Vacation Rental License

Date: May 10, 2022 7:01:32 PM

EXTERNAL

I would like to request that the term business license not be used for vacation rental licensing.

I agree with the many reasons already listed by the Sonoma Coast Vacation rental owners group.

Additionally, those of us who rent our homes as vacation rentals part-time may be restricted from purchasing home owners insurance if you list our license as a business license instead of a vacation rental license.

We currently rent our home part-time and have homeowners insurance that covers our home as a residence and a vacation rental (limiting the number of days guest occupy our home). If you were to call the vacation rental license a business license it could prevent some owners from getting homeowners insurance (which is required for us to carry a mortgage) which is not a reasonable option. Not being able to get insurance coverage for our homes could result in some of us not being able to rent our home. In turn, we would not be able to afford to keep our homes, which we worked so hard to acquire and keep.

Please consider keeping the license a vacation rental license. Business license does not accurately reflect the parttime or full-time use of our homes for vacationing guests to rent.

Thank you, Janice Herrmann

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From: <u>1mjmack</u>

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: Today"s meeting at 6 pm my preference is the term "VR License

Date: May 10, 2022 4:15:37 PM

EXTERNAL

Renting out a home short-term is a residential use of the home. We recommend the county use the term "VR License" to make clear the license is regulating the residential use of the home. This makes sense since the licensing here is being proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Renting a home to tenants is not conducting a "trade or business" in the home. It is using the home as a residence in full compliance with the county planning department and land use regulations.

Planned Communities prohibit businesses. However, even your planning department does not believe that VRs change the zoning of a home from "residential" to "commercial" due to the "business" aspect of renting out a home. If this were true, then all VRs would have to be located in commercially zoned areas.

Bodega Harbour and The Sea Ranch are zoned "PC" Planned Community. There are 5 planned communities in the county's Coastal Zone. We have many VRs on the coast and their owners open the coast to the public by offering their homes as short term rentals.

Thank you for considering this point of view.

MJ

From: Sonoma Coast VR Owners

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: VR Ordinance - VR License Preferred Nomenclature

Date: May 10, 2022 1:18:12 PM

EXTERNAL

Dear Commissioners and PRMD:

Recently the Commission appeared to prefer the term "business license" instead of the proposed term "VR License" for the county's VR Ordinance.

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The unincorporated area of Sonoma County does not always require a business license for sole practitioners or partners, while cities in the county, certain professions, incorporated entities, and actual commercial businesses do require a business license.

A person conducting business from their home in the unincorporated area of the county does require a Home Occupation Permit.

VR regulation statewide is based on the *land use* (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a "residence". A rental home is not a business use of the home.

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proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Thank you for considering this position.

Sonoma Coast Vacation Rental Owners Supporting an Open Coast for the Public

From: Olle Lundberg

To: PRMD-LCP-Update; PlanningAgency; BOS

Subject: VR Ordinance - VR License Preferred Nomenclature

Date: May 10, 2022 1:38:10 PM

EXTERNAL

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Bodega Harbour and The Sea Ranch are zoned "PC" Planned Community. There are 5 planned communities in the county's Coastal Zone. We have many VRs on the coast and their owners open the coast to the public by offering their homes as short term rentals.

Each lot within these planned communities is zoned for residential use. The rental of homes by owners within these communities is a residential use of the home and within the county planning and zoning requirements.

Planned Communities prohibit businesses. However, even your planning department does not believe that VRs change the zoning of a home from "residential" to "commercial" due to the "business" aspect of renting out a home. If this were true, then all VRs would have to be located in commercially zoned areas.

Renting a home to tenants is not conducting a "trade or business" in the home. It is using the home as a residence in full compliance with the county planning department and land use regulations.

Renting out a home short-term is a residential use of the home. We recommend the county use the term "VR License" to make clear the license is regulating the residential use of the home. This makes sense since the licensing here is being

proposed and overseen by the county planning department, not the business arm of the county where most true business licenses are managed.

Thank you for considering this position.

Sonoma Coast Vacation Rental Owners

T.Olle Lundberg 509 Smith Bros Rd. Bodega Bay

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From: <u>Jan Jonkers</u>

To: PRMD-LCP-Update; PlanningAgency; BOS
Cc: coastvrowners@googlegroups.com; C Estrada
Subject: VR Ordinance " VR License Preferred Nomenclature

Date: May 10, 2022 2:07:54 PM

EXTERNAL

We ask that you consider the following comments when deciding on a VR License versus Business License:

VR regulation statewide is based on the land use (not business use) of property. A county planning department oversees land use through zoning and permitted uses whether the land be residential, commercial, industrial, agricultural etc. A rental home, for both short or long term rental, is a valid, legal land use of the home as a "residence". A rental home is not a business use of the home.

Our vacation rental is in the Bodega Harbour community which is zoned "PC" Planned Community. Each lot within these planned communities is zoned for residential use and is in full compliance with the county planning department and land use regulations. Renting out a home short-term is a residential use of the home and is not conducting a "trade or business". Therefore we would request the county use the term "VR License" to make clear the license is regulating the residential use of the home.

Planned Communities, like Bodega Harbor, prohibit businesses so if the License is change to "Business License" then vacation rentals such as ours would be in jeopardy.

Thank you for your consideration.

Jan & Carl Jonkers (707-217-3752)

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From: Rachel Kesel

To: <u>PermitSonoma-Comp-Planning</u>; <u>district5</u>

Subject: Limit vacation rentals in Unincorporated Sonoma County

Date: Monday, May 9, 2022 11:40:43 PM

EXTERNAL

Dear Supervisor Hopkins & Permit Sonoma,

I am in favor of all proposed limits on vacation rentals.

Please create a moratorium.

Please protect our land and water by limiting occupancy based on sewer/septic capacity.

Please protect our community by capping vacation rentals at 5%.

We need housing for residents. We need neighbors and families here.

Thank you,

Rachel Kesel Austin Creek Rd Cazadero

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 From:
 Tracey Rattray

 To:
 PermitSonoma-Comp-Planning

 Subject:
 No more short + term rentals

 Date:
 Monday, May 9, 2022 2:14:03 PM

EXTERNAL

To Whom it may concern

I'm writing because I just learned another neighbor has gotten a short-term rental permit, so now my house is literally surrounded directly on all sides by short-term rentals - to the left (9 ft away), to the right (40 ft away), across the river (75 ft away), and now across the narrow street across from my house (25 ft away). There are numerous short terms rentals up and down the street; they far outnumber the people who live here. There is no escape from the noise and commotion, and we have no neighbors or sense of community.

I understand that my area is considered low density, however the county does not seem to use maps at the level of homes on streets to approve the permits. One house, like mine, surrounded by four short-term rentals shouldn't be allowed. GPS maps that show short term rentals could be used to avoid this.

It's not just the occasional noisy group of renters, it's the constant arriving and departing of up to three cars from each property at all hours, parties that aren't technically against the noise ordinance, but when they are happening on all sides, more than impedes the enjoyment of our home. Renters are excited, they're drinking wine, having friends over, playing music, all out on the deck, all day until 10 pm.

I urge you to serve the people who live in Sonoma County first, then the people who don't live here and just reap revenue from investment properties. Yes, please provide a moratorium on rentals. And, please do not renew permits where there is overly dense number of short term rentals. It's a serious quality of life issue.

Regard: Tracey

Tracey Rattray, MPH, MSW
Executive Director
California Alliance for Prevention Funding
555 12th St, 10th floor
Oakland, CA 94607
(510) 301-8981 (cell)
https://www.ca-tracklerose.com/v3/ https://www.ca-

allianceforpreventionfunding.org :!!!JLa0CrXIHAf!S2NXBtRwpwxrW3PcSCy3cfTl3EbpwoMdcEVrNrV5mP6fZWiCrztDNZdUivsFCV4m2wmKpV54M4oSFbprzLO_S3aYwYLYMQIXIAMoVQ\$

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From: <u>Jarrod Dill</u>

To: PermitSonoma-Comp-Planning

Subject: Public comment

Date: Tuesday, May 10, 2022 6:07:33 AM

EXTERNAL

Ref: item 23 Coc board

To whom it may concern:

I understand that permits have increased by a larger percentage than expected and this is creating a burden in public offices. The county has promoted activities and housing that has made it a highly desirable place for people to relocate and this brings with it challenges support a changing and growing population. I'm against passing a moratorium against new short term rentals because of this. We shouldn't be punishing home owners that are fulfilling a need just because renters want to take that right for themselves. It's the right of the owners who pay very high real estate taxes to decide on the use of their properties. Limiting their ability to use and generate income to compensate for the price and upkeep cost of their property is wrong.

Sent from my iPhone

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From: <u>Daniel House</u>

To: PermitSonoma-Comp-Planning

Subject: Public comment

Date: Monday, May 9, 2022 9:00:39 PM

EXTERNAL

To the COC bored My name is Daniel House

My husband and I recently purchased a property in Sonoma county and we closed on the property just a few weeks ago.

Our intentions are to rent it out periodically as a short-term vacation rental to help cover the cost of the mortgage and the 24,000+ dollars a year in taxes.

In a few years we plan on retiring there.

This property is not within city limits and it is almost completely off the grid. It does not take any resources from the county or the city of Sebastopol, it is on 23+ acres of land.

This moratorium is lumping everyone into the same category and there are certain homes in certain areas that do not fit into the Anger/rage agenda.

I do believe that there should be a comprehensive policy on vacation rentals absolutely 100%, however an emergency ordinance is not the answer for being overloaded with paperwork that you brought upon yourselves.

The moratorium I am concerned might have a financial impact on our future and decision making.

Please keep in mind that a pass decisions on this vote has a trickle down effect On the local community.

Regards

Daniel Sent from my iPhone

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From: DIANNA BLAKLEY < diana-blake@comcast.net >

Sent: Friday, May 6, 2022 10:22 PM

To: district4 < district4@sonoma-county.org >

Subject: Vacation Rental Properties

EXTERNAL

Dear James Core -

I do not understand the constant attach on VRBO......as a real estate broker I have found the homes being offered as short-term rentals or not the type of dwellings for affordable housing. Many of the country properties are on large properties with no neighbors in site yet can not be rented. This is a source of income for the county as it is for restaurants, wineries, and retail shops to have these visitors come to our area and spend their money. Yet this area is constantly under attach and being diminished in our county.

I understand there is another meeting to once again put off setting a clear policy on May 10th. I will be unable to attend but I would like to go on the record the restrictions need to be more practical and absolutely STOP thinking this usual type of properties do not affect the housing market. Example: A property I sold is now rented full time at \$10,000 a month so the county does not receive any \$ from this property. As a vacation rental the county would receive considerable fees.

Diana Blakeley, GRI

Broker Associate
DRE #00333761

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328 B Healdsburg Ave. Healdsburg, CA 95448

Mobile: +1 (707) 290-0202 Website: Diana Blakeley Website

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