



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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### MEMO

**Date:** November 19, 2015  
**To:** Planning Commission  
**From:** Jane Riley, AICP  
Project Planner  
**Subject:** Recommended Code Changes for Vacation Rentals

#### Background

On November 4, 2014, the Board of Supervisors adopted a Resolution of Intention directing staff to make revisions to the Vacation Rental Ordinance to address issues related to the potential loss of permanent housing stock, property manager requirements and responsibilities, and other issues that might arise during the public outreach process. Staff conducted an extensive outreach campaign which included a webpage, dedicated email and telephone hotline as well as four community meetings in areas where vacation rentals are concentrated.

The Planning Commission conducted a Public Workshop on May 18, 2015, to hear the data collected and analyzed by staff and to receive public input on this topic. Key issues identified during the public process included the commercialization of residential neighborhoods; noise and parties; parking; safety; an uneven playing field for good operators; an ineffective enforcement process; and a lack of response to neighborhood concerns.

Following the Commission's May 2015 Public Workshop and the assimilation of all data and public input collected to date, staff prepared a series of discussion papers and draft policy options for the Commission's consideration. The Planning Commission conducted a public hearing on September 3, 2015, to consider the policy options and to receive additional public input. The Commission continued its deliberations of the policy options to three additional public meetings on September 10, September 15, and September 22, 2015. After much discussion, the Commission took straw votes on each of the policy options and provided direction to staff on recommended changes.

#### Summary of Draft Ordinance

Staff has now prepared a draft ordinance amending Chapter 26 of the County Code to revise the Vacation Rental Ordinance and address one-room Bed and Breakfast Inns, also known as Hosted Rentals, for the Commission's consideration. The draft ordinance is based on the direction provided by the Planning Commission through the straw votes. The Draft Ordinance and Exhibits include the changes listed below:

Exhibit A – Definitions. Definitions are added to provide consistency with the new Code language, and are amended to allow for hosted rentals and to allow guest houses to be used as hosted rentals.

SECTION III – Changes to Zones. Changes are made to multiple zone districts to allow vacation rentals in commercial areas; to remove the allowance for vacation rentals in the R1 and replace it with an allowance for hosted rentals; and to allow hosted rentals in all zone districts where vacation rentals are allowed. Changes are also made to shorten the description of Bed and Breakfast Inns.

Exhibit B – New VR Combining Zone. The existing X – Mixed Occupancy Combining Zone is amended and renamed to become the VR – Visitor Residential Combining Zone, allowing both long-term and transient home rentals when applied over base zones K or R1.

Exhibit C – New X Combining Zone – this Combining Zone is added to prohibit vacation rentals where it is applied over the base zone. Hosted rentals would be allowed.

Exhibit D – New Section 26-88-118, Special Use Standards for Hosted Rentals and Bed and Breakfast Inns. This new Section sets forth the standards for Hosted Rentals, which were previously listed in each zone under on-room Bed and breakfast Inns, and also moves the standards for establishment of a Bed and Breakfast Inn with 2 or more rooms from the individual zones to this Section, consistent with the formatting of the Development Code Update.

Exhibit E – Vacation Rentals section. This Section is amended to accomplish the majority of the policy direction provided by the Planning Commission through their previous hearings and meetings.

SECTION VIII – Two year permit expiration not applicable in R1. This Section provides that the new 2-year limited term permit for a vacation rental will not apply to existing, fully permitted vacation rentals within the R1 zone. Instead, these permits will continue to expire upon sale or transfer of the property and may not be re-established if expired or revoked.

### **Other Planning Commission Direction**

In addition to the changes outlined above, the Planning Commission provided additional direction that is incorporated into their Resolution, as follows:

Enforcement and Monitoring. The public and the Commissioners both placed great emphasis on the need for enforcement of the ordinance provisions. The Commission strongly recommended that the Board of Supervisors provide additional staff resources to further monitor and enforce the permit requirements and enforcement standards, including weekend staffing.

Funding from TOT. The Planning Commission also expressed concern over the loss of permanent housing, and strongly encouraged the Board of Supervisors to direct a significant percentage of the Transient Occupancy Tax collected from visitor-serving uses to affordable and workforce housing, in order to help mitigate the loss of permanent housing stock to vacation rentals uses.

Tiered Application Process & Fee Structure. The Planning Commission indicated that hosted rentals should have a lower application process and fee structure than vacation rentals. This direction is carried out within the Code changes by setting hosted rentals as a permitted use subject to a zoning permit without posting, and is further carried out by a recital in the Resolution.

### **Staff Recommendation**

Staff recommends that the Planning Commission:

- 1) Hear the staff report;
- 2) Hold a public hearing on the draft Ordinance amendments; and
- 3) Adopt the attached Resolution recommending that the Board of Supervisors make the recommended changes to the Sonoma County Zoning Code related to vacation rentals.

### Attachments

Draft Planning Commission Resolution

Draft Ordinance and Exhibits A-E

Public Comments received since September 4, 2015

Resolution Number

County of Sonoma  
Santa Rosa, California

November 19, 2015  
ORD14-0011 Jane Riley

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 AND ONE-ROOM BED AND BREAKFAST  
INNS (ALSO KNOWN AS HOSTED RENTALS)

WHEREAS, in 2010, the County of Sonoma adopted Ordinance No. 5908 establishing Section 26-88-120 of the Zoning Code, Vacation Rentals, which became effective on January 1, 2011; and

WHEREAS, the Permit and Resource Management Department and the Sheriff have received numerous complaints related to activities at vacation rentals; and

WHEREAS, the existing Vacation Rental Ordinance needs to be revised and amended to better protect existing housing stock and to provide better compatibility within residential neighborhoods; and

WHEREAS, the Vacation Rental Ordinance needs to be further revised to ensure that all vacation rentals are operating safely and in accordance with County Codes, and are properly registered and paying appropriate taxes; and

WHEREAS, on November 4, 2014 the Board of Supervisors adopted a Resolution of Intention directing staff to make revisions to the Vacation Rental Ordinance to address issues related to the potential loss of permanent housing stock, neighborhood compatibility issues, property manager requirements and responsibilities, and other issues as might arise during the public outreach process; and

WHEREAS, staff conducted an extensive outreach campaign which included four community meetings in areas where vacation rentals are concentrated; and

WHEREAS, the Sonoma County Planning Commission conducted a Public Workshop on May 18, 2015 to hear public input, and conducted a public hearing on September 3, 2015 to consider policy options and to receive additional public input; and

WHEREAS, the Sonoma County Planning Commission continued its deliberations of the policy options to three additional public meetings on September 10, September 15, and September 22, 2015, at the conclusion of which direction on each policy options was provided to staff in a series of straw votes; and

WHEREAS, on November 19, 2015 the Sonoma County Planning Commission held an additional public hearing to consider draft changes to the Vacation Rental regulations as drafted by staff based on the Commission's direction; and

WHEREAS, at the November 19, 2015 public hearing the Planning Commission again received public input on the draft vacation rental regulation changes; 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 and the 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 Section 15061(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 and any activities that may exceed the residential character would be subject to further discretionary review.

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 amending Chapter 26 of the Sonoma County to revise regulations and allowances related to vacation rentals and one-room bed and breakfast inns.

BE IT FURTHER RESOLVED that the Sonoma County Planning Commission strongly recommends that the Board of Supervisors provide additional staff resources to further monitor and enforce the permit requirements and performance standards, including weekend staffing.

BE IT FURTHER RESOLVED that the Planning Commission strongly encourages the Board of Supervisors to dedicate a significant percentage of the Transient Occupancy Tax collected from visitor-serving uses to affordable and workforce housing in order to help mitigate the loss of permanent housing stock to vacation rental uses.

BE IT FURTHER RESOLVED that the Planning Commission encourages a shorter and less expensive process for hosted rentals as opposed to whole-house vacation rentals.

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 adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:        Noes:        Absent:        Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

ORDINANCE NO.

An Ordinance Of The Board Of Supervisors, County Of Sonoma, State Of California,  
Amending Chapter 26 (Zoning) Of The Sonoma County Code To Revise Regulations And  
Allowances For Vacation Rentals And For One-Room Bed And Breakfast Inns, Also  
Known As Hosted Rentals

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

Section I. The Board finds and declares that the adoption of this Ordinance is necessary to enable expanded opportunities for vacation rental uses in appropriate areas to support the tourism industry, while better protecting residential neighborhoods, the general welfare of residents in the County, and the existing housing stock and residential land supply.

Section II. **Amendments to Definitions.** Section 26-02-140 Definitions of the Sonoma County Code is amended to revise certain definitions and add definitions in alphabetical order to read as shown in *Exhibit A*.

Section III. The following Sections of Chapter 26 of the Sonoma County Code are added:

Section 26-34-010 (ee) Permitted Uses – C3 General Commercial  
Section 26-36-010 (y) Permitted Uses – LC Limited Commercial  
Section 26-42-010 (s) Permitted Uses – K Recreation and Visitor-Serving Commercial

to read as follows:

“Vacation rentals with up to 4 guest rooms, subject to issuance of a zoning permit and compliance with Section 26-88-120 (Vacation Rentals).

Section IV. The following Sections of Chapter 26 are amended and replaced:

Section 26-06-010 (m) Permitted Uses – LEA Land Extensive Agriculture  
Section 26-08-010 (l) Permitted Uses – DA Diverse Agriculture  
Section 26-10-010 (dd) Permitted Uses – RRD Resource and Rural Development  
Section 26-16-010 (z) Permitted Uses – Agriculture and Residential  
Section 26-18-010 (u) Permitted Uses – Rural Residential  
Section 26-20-010 (y) Permitted Uses – R1 Low Density Residential  
Section 26-34-010 (ff) Permitted Uses – C3 General Commercial  
Section 26-36-010 (z) Permitted Uses – LC Limited Commercial

to read as follows:

“Hosted Rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns).”

Section 26-06-020 (p) (7) Uses permitted with a use permit – LEA Land Extensive Agriculture  
Section 26-08-020 (p) (7) Uses permitted with a use permit – DA Diverse Agriculture  
Section 26-10-020 (ll) Uses permitted with a use permit – RRD Resource and Rural Development

Section 26-16-020 (q) Uses permitted with a use permit – Agriculture and Residential  
Section 26-18-020 (s) Uses permitted with a use permit – Rural Residential

to read as follows:

“Bed and breakfast inns containing not more than five (5) guest rooms, subject to Design Review and compliance with Section 26-88-118.”

Section V: Article 77 (X Mixed Occupancy Combining Zone, now to be known as the VR Visitor Residential Combining Zone) of Chapter 26 of the Sonoma County Code is rescinded and replaced in its entirety to read as set forth in the attached *Exhibit B*.

Section VI: A new Article 79 (X Vacation Rental Exclusion Combining Zone) is established within Chapter 26 of the Sonoma County Code, to read as set forth in the attached *Exhibit C*.

Section VII: A new Section 26-88-118 (Special Use Standards for Hosted Rentals and Bed and Breakfast Inns) is established within Article 88 of Chapter 26 of the Sonoma County Code, to read as set forth in the attached *Exhibit D*.

Section VII: Section 26-88-120 (Vacation Rentals) is rescinded and replaced in its entirety, as set forth in the attached *Exhibit E*.

Section VIII. Notwithstanding the new standards and permit procedures set forth in Section VII of this ordinance, existing vacation rentals permitted prior to the effective date of this ordinance located within the R1 Single Family Residential Zone shall not be subject to the two-year term limit of the Zoning Permit required in Section 26-88-120. Instead, these vacation rental permits shall expire upon sale or transfer of the property, or upon revocation as set forth in Section VII. New vacation rentals shall not be established within the R1 Single Family Residential Zone on or after the effective date of this ordinance unless the parcel on which the vacation rental is located is within the V Vacation Rental/Mixed Occupancy Combining Zone. Existing vacation rentals shall comply with all other standards and permit requirements of Section 26-88-120 (Vacation Rentals).

Section IX. The Board of Supervisors hereby finds and declares that project 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 Section 15061(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 and any activities that may exceed the residential character would be subject to further discretionary review.; and

Section X: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and 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 XI: This Ordinance shall be and the same is hereby declared to be in full force and effect on and after 30 days following its passage, and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in 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, passed and adopted on the xx day of January, 2016, on regular roll call of the members of said Board by the following vote:

**Supervisors:**

Rabbitt:	Zane:	Gore:	Carrillo:	Gorin:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

Whereupon, the Chair declared the above and foregoing ordinance duly adopted and

So Ordered

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Chair, Board of Supervisors  
County of Sonoma

Attest:

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Clerk of the Board of Supervisors

## Amendments to Definitions in Section 26-02-140

Section 26-02-140 Definitions of the Sonoma County Code is changed to amend certain definitions and add definitions in alphabetical order to read as shown below:

**Administrative Citation** means a written citation on a form approved by the Director, issued to any person or entity responsible for creating or allowing a violation of the provisions of the County Code, when the Agent of the County determines that a violation has occurred.

**Agent of the County** means any County employee or authorized representative of the County, or a designated County contractor, charged with the authority to implement or enforce any provision of the County Code.

**Hosted rental** means a single family dwelling, with an owner in residence, where no more than one bedroom, sleeping area or guest house, is available, used, let or hired out for transient use, subject to standards in Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns). See also Vacation Rentals.

**Primary owner** means the property owner who resides in the property for a majority of the year, and does not have another primary residence. Primary owner does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six or more interests.

**Bed and Breakfast Inn** means a single-family dwelling, with an owner in residence, containing no more than ten (10) guest rooms used, let or hired out for transient occupancy, **subject to standards in Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns)**.

**Guest house** means an accessory building to a single family dwelling which consists of a detached living area of a permanent type of construction with a full bathroom, but no provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to, refrigeration, dishwashers or cooking facilities. The building shall not be leased, subleased, rented or sub-rented separately from the main dwelling **except as a "Hosted rental" as provided for under 26-88-118 (Hosted Rentals)**. The floor area of a guest house shall be a maximum of six hundred forty (640) square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest house and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purpose of calculating the maximum size of a guest house, any storage area attached to the guest house, excluding garage, shall be included. A guest house shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot. The guest house shall not be located more than one hundred feet (100') from the primary dwelling on the subject lot, except where the planning director determines that a greater setback is appropriate in light of topography, vegetation or unique physical characteristics.

**Vacation rental** means a ~~property with a~~ dwelling unit, or **a dwelling unit and a** guest house intended for permanent occupancy that is **available, used, let or hired out** ~~occupied~~ **for transient occupancy** use by any person other than the primary owner ~~for transient use~~; or is otherwise occupied or utilized on a transient basis. Vacation rental does not include **occasional home exchanges that are not otherwise subject to TOT, hosted rentals, or** a bed and breakfast inn ~~permitted and operated in accordance with this Code, or occasional home exchanges that are not otherwise subject to TOT.~~

*Visitor Residential Combining Zone*Article 77. - **VR Visitor Residential ~~X Mixed Occupancy~~ Combining Zone.**

Sec. 26-77-005. - Purpose.

The purpose of the **VR ~~X~~** combining zone is to provide flexibility in types and terms of occupancy for residential units to allow vacation rentals, timeshares, fractional ownerships and other forms of seasonal or year round transient use of residential dwelling units.

Sec. 26-77-010. - Applicability.

**The VR ~~X~~ combining zone may be applied only where surrounding uses or zoning are compatible with uses allowed in the VR ~~X~~ combining zone.** The **VR ~~X~~** combining zone may be applied to the following base zones ~~districts~~:

- (a) Recreation and visitor-serving commercial (K); and
- (b) Single Family Residential (R1).**

Sec. 26-77-015. - Designation prohibited.

The **VR ~~X~~** combining zone may not be applied to any property or residential unit protected under a long-term affordability agreement, ~~or to properties zoned for residential use.~~ The **VR ~~X~~** combining zone may also not be applied when a rezone to a different base zone would better reflect the proposed land use or the project objectives.

Sec. 26-020. – **Permitted Uses.** ~~Uses permitted with a use permit.~~

**In addition to the uses permitted within the base zone, the following uses may be permitted subject to issuance of a zoning permit:**

- (a) Vacation Rentals with up to four (4) guest rooms, subject to 26-88-120; and,**
- (b) Hosted Rentals subject to 26-88-118.**

Sec. 26-77-~~025~~020. - Uses permitted with a use permit.

In addition to the uses permitted within the base zone district, the following uses may be permitted subject to the granting of a use permit:

- (a) Single room occupancy (SRO) facilities, subject to the standards in [Section 26-88-125](#).
- (b) Mixed Occupancies. Residential uses such as condominiums with mixed lengths of occupancy, time shares, stock cooperatives, resorts, extended stay hotels, and similar projects where a mix of transient and long-term occupancies are desired.
- (c) Vacation Rentals with more than four (4) bedrooms or that do not meet the standards set forth in 26-88-120.**

Sec. 26-77-030. - Development standards.

- (a) Development standards shall be the same as those of the underlying zone district.
- (b) No new structures, development, replacement of existing structures shall be allowed within the F1 flood way, other than seasonal camping.
- (c) Development within the F2 flood plain shall conform to [Chapter 7B](#) of this Code.
- (d) Development and conversions of existing structures shall be subject to applicable accessibility requirements, as determined by the building official.

## **Vacation Rental Exclusion Zone**

Chapter 26 of the Sonoma County Code is amended to add a new Article 79, as follows:

### **Article 79. – X Vacation Rental Exclusion Combining District.**

#### **Sec. 26-79-005. - Purpose.**

Purpose: the purpose of this district is to provide for the exclusion of vacation rentals in the following areas:

- (a) Areas where there is inadequate road access or off-street parking;
- (b) Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- (c) Areas where the residential housing stock is to be protected from conversion to visitor-serving uses;
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.
- (e) Areas where residential character is to be preserved or preferred; and
- (f) Other areas where the Board of Supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

#### **Sec. 26-79-010. - Permitted uses.**

All uses permitted in the respective district with which the X district is combined shall be permitted in the X district, except for the establishment, operation, placement or construction of a vacation rental otherwise authorized by 26-88-120.

**Section 26-88-118 – Special Use Standards for Hosted Rentals and Bed and Breakfast Inns**

(a) Purpose. This sections provides the requirements and standards for the establishment and operation of Bed and Breakfast Inns, including Hosted Rentals.

(b) Applicability. The provisions of this section shall apply to the transient use of residential property where the primary owner remains in residence during the rental period, including Bed and Breakfast Inns and Hosted Rentals of a room or sleeping area. Transient rentals of the entire home without the owner in residence are regulated by 28-88-120 (Vacation Rentals).

(c) Limitations. Bed and Breakfast Inns and Hosted Rentals shall not be permitted in non-habitable structures or in tents, RVs, or other provisions intended for temporary occupancy. Bed and Breakfast Inns shall also not be permitted within Second Dwelling Units, not in structures or dwellings with County covenants are agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under Williamson Act contract. Only one hosted rental is allowed per site. A hosted rental may not be located on the same site as a vacation rental unless a Use Permit has been obtained. A whole-house vacation rental is not a hosted rental or a Bed and Breakfast Inn, even if the property owner resides in another dwelling unit on the same property.

(d) Permits Required. Hosted Rentals (also known as one-room Bed and Breakfast Inns) of not more than one room or sleeping area that meet the standards of this Section are allowed as provided by the underlying zone, subject to issuance of a Zoning Permit. In the case of a guest house used as a transient rental, the primary owner will remain in residence within the main home on the same property. Rental of more than one room is considered a Bed and Breakfast Inn with 2 or more rooms, and shall be allowed subject to the permit requirements of the applicable zone and the standards set forth in subsection (f).

(e) Permit Requirements and Performance Standards for Hosted Rentals and One-Room Bed and Breakfast Inns.

1. Permitting. A Zoning Permit is required.
2. Transient Occupancy Tax. The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings
3. Food service, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.
4. No weddings, lawn parties or similar activities shall be permitted.
5. No outdoor amplified sound shall be permitted.
6. Vehicles. Limit of one vehicle associated with the transient use.
7. Noise Limits. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 9:00 p.m. to 10:00 a.m. No outside

gatherings of more than 4 persons are allowed during quiet hours. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

8. Pets. Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
9. Outdoor Fire Areas. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 9:00 pm, whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.
10. Septic Systems and Sewer Connections. The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.
11. Expiration. A zoning permit for a hosted rental expires upon sale or transfer of the property, or when the property is no longer occupied by a primary owner, whichever occurs sooner.

(f) Permit requirements and Performance Standards for Bed and Breakfast Inns with 2 or more guestrooms or sleeping areas.

1. A Use Permit is required unless specifically provided in the underlying zone.
2. Maximum number of rooms shall be as provided in the underlying zone.
3. Transient Occupancy Tax. The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings
3. Food service, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.
4. No weddings, lawn parties or similar activities shall be permitted unless authorized by the use permit.
5. No outdoor amplified sound shall be permitted unless authorized by the use permit.
6. Noise Limits. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 9:00 p.m. to 10:00 a.m. No outside gatherings of more than 4 persons are allowed during quiet hours. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.
7. Pets. Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
8. Outdoor Fire Areas. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-

combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 9:00 pm, whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

9. Septic Systems and Sewer Connections. The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

Sec. 26-88-120. - Vacation Rentals.

- (a) Purpose. This section provides **requirements and** standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.
- (b) Applicability. The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. **This section does not apply to legally established Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 26-88-118.** As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, **nor on parcels where the AH Combining Zone has been placed.** ~~or on lands under a Williamson Act Contract.~~ Vacation rentals shall also not be permitted within **second dwelling units, nor in** structures or dwellings with **County** covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, ~~second dwelling units,~~ farmworker housing, ~~or 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.**
- (c) ~~Permits Requirements~~**Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying ~~zoning district~~**zone**, subject to issuance of a zoning permit. Vacation rentals that ~~exceed~~**do not meet** the standards in this section may be permitted, subject to the granting of a use permit.
- (d) Term of Permit. Zoning permits shall run with the landowner **for a period of two years** and shall automatically expire upon sale or transfer of the property. **Zoning Permits may be administratively extended for additional 2 year periods upon request of the property owner when there has been no change in ownership and no issued citation or Notice of Violation.** Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.

~~Property Development Standards. Vacation rentals not utilizing existing structure(s) shall conform to all property development standards of the zoning district and combining zones in which they are located, including limitations on activities and vegetation removal along the Russian River or within any biotic resource (BR) combining zone, except as modified by these performance standards.~~

(e) **Permit Requirements.**

1. Maximum Number of Guestrooms. Vacation rentals may have a maximum of ~~five~~**four (54)** guestrooms or sleeping rooms. Vacation rentals with more than ~~five~~**four (54)** guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be

demonstrated, subject to the granting of a use permit. **For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.**

2. Maximum Overnight Occupancy. Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of ~~twelve~~ **ten** (10) persons, excluding children under three (3) years of age.

**Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit.** For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum overnight occupancy for vacation rentals shall be equal to the design load of the septic system. ~~Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit.~~ **The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.**

3. Maximum Number of Guests and **Daytime** Visitors. The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property **during the daytime**, or sixteen (16) persons, whichever is less, excluding children under three (3) years of age. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit. Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.

4. ~~Per Parcel~~ Limit on Number of Residences or Structures **per Parcel**. Only a single **family** residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: ~~second residences or accessory structures shall not be leased, subleased, rented or sub-rented separately from the main dwelling.~~ **Only one transient rental is allowed per parcel.** Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed ~~five~~ **four** (4). ~~Tents, yurts, and RVs are not allowed as a part of a vacation rental.~~

5. ~~Required On-Site Parking~~. Parking shall be provided as **follows: set forth in 26-90: a minimum of** one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered **for up to one (1) of the required parking spaces.** **The number of cars/vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application**

materials and the property checklist, but shall not exceed one vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

(f) Performance Standards.

1. Noise Limits. All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 9:00 a.m. **No outside gatherings of more than 4 persons are allowed during quiet hours. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.**

Hourly Noise Metric <sup>1</sup> , dBA	Activity hours 9:00 a.m. to 9:00 p.m.	Quiet Hours 10:00 p.m. to 9:00 a.m.
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. 1.5 dBA or more) shall be allowed.

Reduce the applicable standards above by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.

2. Amplified Sound. Outdoor amplified sound shall not be allowed at any time associated with a vacation rental. ~~unless specifically permitted by a cultural or special event permit, or use permit.~~

~~Cultural or Special Events. Occasional special events, parties, weddings or other similar activities over the maximum daytime occupancy (indoors or outdoors) may be permitted only with a cultural or special event zoning permit up to four (4) times per year for a maximum one (1) year, or by use permit, except in the RR (Rural Residential) and R1 (Urban Residential) zoning districts where special events, outdoor events, lawn parties, weddings or similar activities associated with a vacation rental are not allowed at any time.~~

3. Pets. Pets, **if allowed by owner**, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

4. **Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. **Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.**

5. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 9:00 pm, whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

6. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

7. **Transient Occupancy Tax.** The vacation rental owner or authorized agent shall maintain a transient occupancy tax ~~license~~ **certificate** and remain current on all required reports and payments. Owner or authorized agent shall include the ~~license~~ **certificate** number on all contracts or rental agreements, and in any advertising or websites.

8. ~~Designated Representative~~ **Certified 24-hour Property Manager.** All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Certified property managers may be professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the County and may be revoked by the County. Once certified, a property manager must continue to comply with all provisions set forth in this Section, including timely reporting of all complains and their resolutions, in order to remain certified. Certified property managers must be located within a 30 mile radius of the vacation rental and available to respond to complaints during the rental period. Applicant shall provide a current 24-hour working phone number of the property owner, property manager or other designated representative ~~to all neighbors within a one hundred foot radius of the subject property boundaries, and to the county permit and resource management department, and any change shall also be~~ Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new Vacation Rental Supplemental Application with the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this Section. The name and 24 hour contact information of the certified property manager shall be provided to any interested party upon request. ~~reported and noticed to neighbors within~~

~~thirty (30) days. Said property owner or designated representative must be available during the rental period within a one-hour drive of the subject property.~~

9. Emergency Access. **The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.**

10. Posting of **Permit and Standards. Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property.** The owner shall post these standards in a prominent place within **6 feet of the front door** of the vacation rental, and include them as part of all rental agreements. All advertising handouts, flyers, **internet listings**, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. **Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.**

11. **Requirements for all internet Advertisements and Listings. All advertisements and/or listings for the vacation rental property shall include the following:**

- a. **Maximum occupancy, not including children under 3;**
- b. **Maximum number of vehicles;**
- c. **Notification that quiet hours must be observed between 10:00 pm and 9:00 am, and notification that outdoor activitiesgatherings of more than 4 persons during these hours are prohibited;**
- d. **Notification that no outdoor amplified sound is allowed; and,**
- e. **The Transient Occupancy Tax Certificate number for that particular property.**

(g) Enforcement Process.

1. Initial complaints on vacation rentals shall be directed to the ~~24-hour~~ **contact person or certified property manager** identified in the zoning permit or use permit, as applicable. **The certified property manager shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any**

**such complaints, and their resolution or attempted resolution(s), to PRMD within 24 hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.**

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who shall conduct an investigation to determine whether there was a violation of a zoning or use permit condition. ~~Code enforcement may accept.~~ **Sheriff reports, online searches, citations or neighbor documentation** consisting of photos, sound recordings and video ~~to support~~ **may constitute** proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation shall be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer ~~or other county official~~ **the Director**, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

**2. Enhanced penalty for non-permitted rentals. A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.**

**3. Three Strikes Penalty. Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards within a two year period, the vacation rental permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental shall not be accepted for a minimum period of two years.**

**4. Violation of Performance Standards –Administrative Citations.**

In addition to all other legal remedies, criminal or civil, which may be pursued by the County to address any violation of the County Code, this subsection provides for Administrative Citations.

- a. **Use of Administrative Citations shall be at the sole discretion of the County.**
- b. **This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.**
- c. **Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this**

**subsection, and are subject to administrative citation:**

- 1. Conduct of a cultural event, special event, party, wedding or other similar activity;**
- 2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;**
- 3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;**
- 4. Violations of quiet hours (9PM – 10 AM), including outside gatherings of more than 4 persons during quiet hours.**
- 5. Exceeding maximum number of vehicles**
- 6. Exceeding fire limits, including lighting fires during bans**
- 7. Unsecured pets and/or nuisance barking;**
- 8. Operation of a vacation rental without a certified property manager;**
- 9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;**
- 10. Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;**
- 11. Failure of the property owner to maintain current Transient Occupancy Tax status.**

**(h) Monitoring and Enforcement.**

- 1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.**