

DRAFT
PROPOSED VACATION RENTAL STANDARDS

Background: The Sonoma County Board of Supervisors adopted a Resolution of Intent directing staff to develop an ordinance allowing single family homes to be used as vacation rentals and including special use standards. A stay of enforcement action on existing vacation rentals was approved to allow property owners of existing vacation rentals time to bring their properties into compliance with the new standards. The Sonoma County Code would be amended to allow vacation rentals that meet certain standards with a simple over-the-counter zoning permit similar to a home occupation permit. Notice or posting would not be required.

Vacation Rentals that do not meet all of the standards may be permitted if they obtain a minor use permit. These permits are generally approved administratively by staff, if no protests are received. Notice and posting is required. If protests are received within 10 days of the notice, then the permit would require a public hearing before the Board of Zoning Adjustments for an additional fee.

Applicability: These standards do not apply when there is a primary owner in residence and occupying the unit. Primary owners do not include fractional ownerships of 5 or more interests, LLC's or timeshares, which are considered vacation rentals.

Term of Permit: Both the zoning permit and use permit would be one-time permits that run with the landowner/tenant and would expire upon sale or transfer of the property, similar to live-work permits or revocation whichever comes first.

Enforcement Process: Initial complaints on vacation rentals will be directed to the contact person identified in the zoning permit. If the issue reoccurs, the complaint will be addressed by PRMD code enforcement who will conduct an investigation to determine there was a violation of a zoning permit condition.

If code enforcement verifies that a zoning permit condition violation occurred, we will send a notice of violation. On the second verified violation, a penalty equal to the fair market rental rate for those days the property was determined to be in violation shall be administratively imposed. Both the determination of a violation and imposition of a penalty are appealable to a Hearing Officer in accordance with Sonoma County Code Section 1-7.3.

On the third verified violation, the owner/property will be scheduled for a zoning permit revocation hearing with the Board of Zoning Adjustments. If the permit is revoked, the landowner/tenant may not reapply for either a zoning or use permit for a vacation rental for a period of at least one year.

Definitions:

Dwelling unit means a permanent building or portion thereof including manufactured and mobile homes designated or used exclusively as a residence, sleeping room or quarters with kitchen facilities which constitutes an independent housekeeping unit for owner occupancy or rental or lease on a monthly or longer basis for one (1) or more persons. Dwelling unit does not include a tent, travel trailer, recreational vehicle or similar vehicle or structure.

Vacation rental means a property with a single family dwelling unit, guest house or second dwelling unit intended for single-family occupancy that is occupied by any person other than the owner for transient use or a timeshare, Limited Liability Partnership or Corporation, or fractional ownership of 5 or more interests used as a vacation home.

Transient use means occupancy of a lodging or vacation rental by any person, other than the owner, by concession, permit, right of access, license, gift or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

DRAFT STANDARDS FOR VACATION RENTALS

1. Maximum overnight occupancy of 2 persons per sleeping room/bedroom, plus 2 additional persons per house. Example: A 3 bedroom house would be allowed a maximum of 8 overnight occupants.
2. Total guests allowed on a single property including overnight guests is twice the number of overnight guests or 25 people whichever is less. Example: A 3 bedroom house would have a maximum overnight occupancy of 8 persons with a total guest allowance of 16 people.
3. Multiple structures on the same parcel may be used as a single vacation rental; only one tenant is allowed on-site at any given time.
4. Required On-site Parking: 1 on-site parking space for up to 2 bedroom vacation rental; 2 on-site parking spaces for 3-4 bedroom vacation rental. Larger rental units must demonstrate adequate parking. On-street parking may be considered.
5. Noise Limits: All activities associated with the vacation rental must meet the General Plan Noise Standards contained in Table NE-2. Quiet hours shall be from 10PM to 7AM.
6. Outdoor activities shall be limited to the number of overnight guests allowed in the Rural Residential (RR) and Urban Residential (R1) zones. In other zones outdoor activities up to the total guests allowed is permitted.
7. Occasional special events, parties, weddings or other similar activities over 25 persons (indoors or outdoors) may be permitted only with a special event zoning permit up to 4 times per year or by use permit except in the Rural Residential (RR) and Urban Residential (R1) zones where outdoor events, lawn parties, weddings or similar activities are not allowed at any time.
8. No outdoor amplified sound at any time.
9. Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards.
10. The owner shall maintain a properly functioning septic system or sewer connection.
11. The owner has a Transient Occupancy Tax License and is current on all reports and payments. Owner shall include the license number on all contracts or rental agreements and in any advertising or websites.
12. Applicant shall provide a current 24-hour working phone number of the property owner property manager or designated representative to the neighbors and the Sonoma County Permit and Resource Management Department. Said property owner or designated representative must be within 1-hour drive of the subject property.
13. The owner shall post these standards in a prominent place within the vacation rental and include them as part of all rental agreements.

Permit Approval Process

Zoning Permits – Issued over-the-counter. No notice or posting is required. Applications made available on the PRMD website. Owner signs/agrees to abide by the standards and pays a nominal fee for processing.

Special Event Zoning Permit – Required for occasional events, parties or large gatherings up to 4 per year. Generally issued by staff. Posting is required and if no protest is received, staff issues permit with conditions. Owner obtains sign-offs from different agencies or departments and pays an application fee.

Minor Use Permit – with hearing waiver. Allows uses that may exceed the minimum standards, such as allowing events on a regular basis or larger vacation rental properties. Applications are evaluated by staff and conditions may be added to address neighborhood concerns. Notice and posting is required, but hearing may be waived if no protests or requests for hearing are received within 10 days of the notice. If hearing is requested, then an additional fee is required.

NEXT STEPS

Ordinance Development and Adoption

1. Staff hosts public workshop to review options and refine draft standards as necessary. Staff evaluates policy options and prepares staff report and draft ordinance for review by the Planning Commission.
2. Notice and Hearing before Planning Commission (PC) on draft ordinance. Property owners and interested parties will be notified and given an opportunity to participate. PC recommendations are incorporated and forwarded to the Board of Supervisors.
3. Notice and Hearing before Board of Supervisors on the PC recommended ordinance. Property owners and interested parties will again be notified and given an opportunity to participate. Board provides direction to staff on any changes to draft ordinance and may consider pipeline provisions for any contracts executed prior to the notice date.
4. Final Adoption of ordinance – generally effective 30 days after the adoption date.