

# ORDINANCE NO. 6447

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26C OF THE SONOMA COUNTY CODE TO REGULATE VACATION RENTALS IN THE COASTAL ZONE

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

**Section I. Purpose and Authority.** The purpose of this Ordinance is to add a land use permit requirement to ensure vacation rentals operate in a manner that maintains the public health, safety, and welfare of each community and the county as a whole. This Ordinance is adopted pursuant to California Government Code § 65850 et seq. and § 25131, California Business and Professions Code § 16100, and California Public Resources Code § 30500 et seq.

### **Section II. Findings.**

- A. The Board of Supervisors adopted its first ordinance regulating the transient rental of single-family homes, known as vacation rentals, in 2009 (Ordinance. 5908) and established a land use permit requirement for vacation rentals in the inland zone.
- B. The Board of Supervisors held public meetings on December 15, 2021, and July 20, 2021, at which it directed staff to revise the County's Vacation Rental Program, including studying and developing regulations for the County's Coastal Zone;
- C. Following extensive public outreach with a diverse array of stakeholders, the Planning Commission held duly noticed public hearings on March 17, 2022, and May 5, 2022, on proposed changes to the Vacation Rental Program;
- D. On August 2, 2022, the Board of Supervisors held a duly noticed public hearing on amendments to the inland Vacation Rental Ordinance and approved such amendments. The Board of Supervisors further received public comments on changes to the LCP and Sonoma County Code Chapter 26C;
- E. On April 24, 2023, the Board of Supervisors held a public hearing and introduced a Vacation Rental License Ordinance establishing a license requirement and operating standards for vacation rentals, and on May 16, 2023, adopted the Ordinance to be effective initially within the inland zone;
- F. Title 14, Section 13515 of California Code of Regulations requires notice of 10 business days prior to final action and posting of related materials six weeks in advance of the public hearing, and such actions were taken by Permit Sonoma in

advance of a September 26, 2023 public hearing with the Board of Supervisors;  
and

- G. On September 26, 2023, the Board of Supervisors held a duly noticed public meeting to adopt this amend to Chapter 26C of the Sonoma County Municipal Code to enact vacation rental regulations in the Coastal Zone and received public comments, and reviewed and considered all public testimony and evidence presented at and prior to the hearing;
- H. 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.
- I. While the majority of vacation rentals are well operated causing minimal issues for their guests or the neighboring community, the County nonetheless receives numerous complaints related to noise, garbage, parking, septic capabilities, and public safety.
- J. Vacation rentals in the Coastal Zone serve an important role in providing access to coastal resources; however, vacation rentals are not currently subject to use-specific regulations in the Coastal Zone and sensible regulations are required to protect environmental resources, address nuisance, and protect the public health and safety.

**Section VII. Coastal Zone.** The following changes will become effective upon certification by the California Coastal Commission:

- A. Land use permit. Chapter 26C (Coastal Zoning Resource Districts) Section 26C-325.10 is added as provided in Exhibit A, attached and incorporated by reference.
- B. Vacation rental license. A property owner in the Coastal Zone must obtain a vacation rental license under Sonoma County Code Chapter 4 Article VIII prior to operating a vacation rental. A vacation rental in the Coastal Zone that began legally operating prior to the effective date of this Ordinance must obtain a vacation rental license within 1 year of such effective date.

**Section VIII. Environmental Determination.** The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, because requiring a vacation rental permit and a vacation rental license that impose standards that continue, add, or enhance requirements related to wastewater management, refuse management, noise, outdoor burning, and emergency evacuation will only serve to further protect natural resources and the environment from potential impacts related to vacation rentals. The Ordinance also adds these standards in

the Coastal Zone where vacation rentals are currently unregulated. The Ordinance is further exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment, because the project further regulates a currently allowed use in ways that are more protective of 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 State CEQA Guidelines.

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

**Section III. Effective Date.** This Ordinance shall be effective upon approval by the California Coastal Commission and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this 26th day of September, 2023, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

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

Ayes: 4                      Noes: 0                      Absent: 1                      Abstain: 0

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

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
M. Christina Rivera,  
Clerk of the Board of Supervisors

## EXHIBIT A

### Sec. 26C-325.10. Vacation Rentals.

A. **Definition.** Vacation rental means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax.

1. Excludes: Hosted rentals and bed and breakfast inns.

#### B. Permits.

1. Required. Zoning permit and vacation rental license (Chapter 4 Article VII) required.
2. Exceptions. A vacation rental permit is not required until the parcel transfers ownership if the vacation rental was legally operated between October 26, 2018, and October 26, 2023, as demonstrated by payment of transient occupancy tax and additional documentation as required by the Department.

#### C. Standards.

1. **Permit Term.** A vacation rental permit automatically expires upon sale or transfer of the parcel.
1. **Allowable Structures.** A vacation rental is only allowed in the following:
  - i. A detached single family dwelling unit.
  - ii. A detached single family dwelling unit together with its legally established guest house.
2. **Restricted Structures.** A vacation rental is not allowed in the following:
  - i. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing, or a farm family dwelling.
  - ii. A structure on a parcel under a Land Conservation (Williamson) Act contract.
  - iii. A timeshare.
  - iv. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.
  - v. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.

- vi. An accessory dwelling unit or junior accessory dwelling unit.
- 3. **Maximum Occupancy.** Maximum occupancy for a vacation rental is up to 2 guests per bedroom, plus 2 additional guests per property, up to a maximum of 12 guests, not including children under 3 years old.
- 4. **Wastewater Treatment Systems.** If a vacation rental is on a conditional or non-standard septic system, or a septic system with capacity limited by a voluntary repair, the maximum occupancy is calculated using the number of bedrooms the septic system is designed to serve. Where no record exists showing size and capacity of the septic system, maximum occupancy is limited to 4 guests, not including children under 3 years old.
- 5. **One Vacation Rental per Parcel.** Only 1 vacation rental is allowed per parcel.
- 6. **Parking.**
  - i. Parking spaces must be provided as follows:

Number of bedrooms in the vacation rental	Number of required parking spaces
1 or 2	1
3 or 4	2
5+	3

- ii. Required parking spaces must be provided on-site, except that 1 required parking space may be provided on-street.
- iii. Where there is no on-site parking the maximum occupancy is limited to 4 guests, not including children under 3 years old.
- iv. An on-site parking space must be at least 9 feet by 20 feet.
- v. On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- vi. A vacation rental permit cannot be issued where there is no on-site parking or on-street parking within 500 feet of the parcel.