

County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only
Meeting Date **Held Until**
 / / / /
Agenda Item No: **Agenda Item No:**
 _____ _____

Department: Permit and Resource Management Department

4/5 Vote Required

Contact:
Jennifer Barrett

Phone:
(707) 565-2336

Board Date:
11/03/2009
9:30 am

Deadline for Board Action:

AGENDA SHORT TITLE: Vacation / Transient Rentals, File No. ORD09-0001

REQUESTED BOARD ACTION: Consider the Ad Hoc Committee’s recommendation on standards for vacation rentals and adopt a resolution of intention directing staff to develop an ordinance amending the zoning code to allow vacation rentals that meet certain standards with a zoning permit and allow vacation rentals that exceed the standards to be considered with a use permit.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES:

ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:

Estimated Cost	\$0	Contingencies (Fund Name:)	\$0
Amount Budgeted	\$0	Unanticipated Revenue (Source:)	\$0
Other Available Appropriations (Explain Below)	\$0	Other Transfers (Source:)	\$0
Additional Requested	\$0	Additional Funds Requested	\$0

Explanation (if required): None.

Prior Board Action: On April 21, 2009 the Board considered the compatibility issues with the use of single family homes as transient rentals and considered a range of possible policy options. The Chair appointed two supervisors to an Ad Hoc Committee to return with a recommendation.

Alternatives – Results of Non-Approval: The Board could direct the inclusion of different use standards for vacation rentals. If the Board declines to move this matter forward, there would be no standards for vacation rentals and the code would remain unclear as to the legality of various activities associated with vacation rentals. Staff would use the existing code provisions related to special events to control excessive noise and partying at transient rentals.

Background: On April 21, 2009 the Board considered a range of policy options to address issues related to the compatibility of vacation rentals within residential neighborhoods and after hearing testimony from the interested parties, the Chair appointed Supervisors Brown and Carrillo to an Ad Hoc Committee to form a recommendation. The Committee met with industry representatives on September 28th and met again on October 5th to give direction to staff on proposed standards that would address the concerns. The proposed process and standards are summarized as follows:

Proposal: Amend the code to allow vacation rentals that meet the standards outlined below with a simple over-the-counter zoning permit similar to a home occupation permit. Notice or posting would not be required for these permits.

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

A stay of enforcement action on vacation rentals is proposed to allow property owners time to bring their properties into compliance with the new standards. (Enforcement actions related to health, safety or nuisance violations would not be stayed). Pipeline provisions are also recommended with adoption of the ordinance to honor any rental agreements or leases executed prior to the adoption of the resolution of intention.

Applicability: These standards would 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 used as a vacation home, LLC's or timeshares.

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. This approach is similar to live-work permits. Permits could also be revoked for failure to comply with adopted standards.

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 whether there was a violation of a zoning or use permit condition.

If code enforcement verifies that a zoning or use 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 or use 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: The following definitions would be added.

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 that 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 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.

Special Use Standards: Zoning permits for vacation rentals would be subject to the following standards:

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. The 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.

NEXT STEPS

If your Board is inclined to move forward on development of regulations for vacation rentals, the following steps would be needed:

1. Board adopts a resolution of intention directing staff to develop an ordinance allowing vacation rentals and including special use standards. A stay of enforcement action on vacation rentals is proposed to allow property owners time to bring their properties into compliance with the new standards.

2. Staff develops draft ordinance and hosts public workshop to review options and refine as necessary.
3. Notice and Hearing before Planning Commission (PC) on draft ordinance. Property owners on the Tax Collector's TOT list and other interested parties will be notified and given an opportunity to participate. PC recommendations are incorporated and forwarded to the Board of Supervisors.
4. 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 rental contracts executed prior to the notice date.
5. Final Adoption of ordinance – generally effective 30 days after the adoption date. Pipeline provisions are recommended to honor any rental agreements or leases executed prior to the Notice of Intent.

Staff estimates that given current workload demands, the process of ordinance development and hearings would take approximately three to six months.

Attachments: Draft Resolution

On File With Clerk: None.

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: