

Comments are noted **thus**. Referenced text is noted **thus**. Errors are noted **thus**.

Under Draft Planning Commission Resolution:

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. **I don't understand how this can be CEQA Exempt. Having a standard that allows 2 guests per sleeping/guest room, +2 overnight and +6 daytime visitors IS an 'expansion of use' and DOES result in 'physical change in the environment' for single family residences (SFR) with CESSPOOLS. SFRs traditionally have a single master bedroom for 2 people and other bedrooms are for single person use. Along the Russian River, up to 16 visitors going swimming in the river and return to the residence to take a shower further overloads septic.**

Under Exhibit A definitions:

Vacation rental means a ~~property with a~~ **[single family]** dwelling unit, or a **[single family]** 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.~~ **Shouldn't this read [single family] to be consistent with the language of the Guest House definition? Otherwise this could be a loophole for duplexes?**

Under 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;

(d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.

Can items (a) and (d) be more clearly defined to allow exclusion of specific locations with poorly maintained, single lane 2-way roads, and roads without sidewalks: especially in wooded areas and on steep hillsides? Can it be required that local Fire Department input be required? I'm concerned that a Traditional Resort Area determination undermine these public safety issues.

Under Exhibit D Special Use Standards

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

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

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. **Items miss-numbered after the first number 3.**

Under Exhibit E, Vacation Rentals, Sec. 26-88-120. - Vacation Rentals:

(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.**
What is an AH Combining Zone?

(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. Is this a Free Pass loophole?**

(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 [Administrative?] 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.

(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. Giving a Free Pass to Pollute to vacation rentals with less than 5 guestrooms. 'plus any additional rooms intended or used for sleeping' would appear to be a loophole to avoid the county's definition of a bedroom?**

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. Currently, no one is doing inspections for this on the lower Russian River area prior to issuing a Vacation Rental Permit. It was previously suggested that home owners be required to hire their own**

contractor to do an inspection prior to permit issuance but this would be a conflict of interest. 'Design Load' needs to include TOTAL visitor allowance and based on DAILY LOAD.

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 (168) 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. **Allowing capacity exemptions on Memorial Day, 4th of July and Labor Day is a potential Free Pass to Overload Septics.**

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 (54).** Tents, yurts, and RVs are not allowed as a part of a vacation rental. **The 2 residence exception would seem to conflict with previously stated 'Only a single family residence' unless intended as a loophole for duplexes.**

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. Striking 'Required On Site' is re-enforcing the current (but missing from this document) loophole of 'at the discretion' 'On-street parking may be considered' should be stricken as only replaces the current loophole. 'As demonstrated by the application materials' should be replaced with 'As witnessed by PRMD inspector'. Evidence has been found of an applicant lying on their application form about number of on-site parking spaces. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.**

Under (f) Performance Standards:

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 <here>. 'unless in compliance with neighborhood standards' needs to be stricken as it's a vague loophole and is in conflict with the additional text referring to 'screened storage areas'. 'and the curb area cleared of all uncollected trash' should be inserted <here>.**

Under (g) Enforcement Process:

1. Initial complaints on vacation rentals shall be directed to the 24/**hr** ~~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.** **Will this information be available online for neighbors to track follow through on their complaints?**

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. **How does this solve the current problem of lack of enforcement and penalties?**

2. Enhanced penalty for non-permitted rentals. A vacation rental that is determined to be operating without the necessary permit required under this Section <here> shall be subject to a penalty of ten times the normal application fee. **Would suggest that [,irregardless of paying TOT,] be inserted <here> since enforcement and penalties are currently ignored in this situation.**

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.

How do Administrative Citations differ from Code Violations which are already reported under the online permit history?

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:
ALL permit requirements and performance standards should be included!

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 – 10AM), 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.