

# **Sonoma County Planning Commission** **S T A F F R E P O R T**

## **Sonoma County Permit and Resource Management Department**

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DATE: August 5, 2010  
TO: Sonoma County Planning Commission  
FROM: Jane Riley, Project Planner  
SUBJECT: ORD09-0001, County of Sonoma

### **Previous Action of the Planning Commission:**

At its regularly scheduled meeting on June 10, 2010, the Planning Commission held a public hearing and took public testimony on a Draft Vacation Rental Ordinance. The public hearing was closed and deliberations on this matter were continued until August 5, 2010. The Planning Commission provided direction to staff to meet with various divisions and groups in an attempt to reach a closer consensus, and to simplify the draft Vacation rental Ordinance. Meetings have been held with the Board's Ad Hoc Committee, interest groups and County divisions and consensus has been reached on the majority of issues as discussed below. Several issues still require a policy determination; in these cases, policy options are outlined below.

### **ISSUES DISCUSSED AT THE PUBLIC HEARING**

#### **Issue #1: Overnight Occupancy Limits ("2+2")**

##### Discussion

One of the primary issues for vacation rental owners is the overnight occupancy limits, which are based on the number of bedrooms. The "2 persons per bedroom + 2 persons" standard has largely been agreed upon by industry representatives, but county staff hesitated to recommend this limit for properties on septic because the design load for septic system is based on a limit of 2 persons per bedroom. The June Draft ordinance allowed 2 persons per bedroom plus 2 additional persons for properties on sewer, but limited properties on septic to 2 persons per bedroom, with additional occupancy allowed only upon approval of a use permit which would have allowed individual systems to be evaluated to ensure the safety of guests and the public. Industry representatives argued that the "2 +2" standard should also apply to septic systems because of the seasonal nature of this use primarily during the dry season (less than 180 days per year), occupancy rates of about 50% during the peak season, and renting at maximum allowable occupancies only about 40% of the time. It was also noted that the draft standards

reviewed at the January workshop had not specified this more restrictive limit for vacation rentals on septic systems.

#### Resolution

Staff again reviewed the issues with Well and Septic staff. While there continues to be concern over the possibility of exceeding the design load of the system and causing degradation of water quality or septic system failures, staff acknowledged that vacation rentals have operated without limits for many years and the reduced occupancy limits in the draft ordinance would be a substantial improvement over the existing conditions. The revised Draft Ordinance specifies that the maximum overnight occupancy for all vacation rentals is two persons per sleeping room/bedroom, plus two additional persons per house, up to a maximum of 12 persons for a five-bedroom rental. If a lower limit is stated on the septic permit, the maximum overnight occupancy would be as stated on the septic permit. Vacation rentals with larger occupancies would only be allowed subject to the granting of a Use Permit to allow individual evaluation of septic systems and neighborhood compatibility.

### **Issue #2: Term of Use Permits and Zoning Permits**

#### Discussion

The June Draft Ordinance specified that a vacation rental Zoning Permit would be a one-time permit that runs with the landowner and would expire upon sale or transfer of the property, while Use Permits would run with the land but would expire upon sale of the property. Both types of permits could also be revoked for failure to comply with adopted standards, but legal issues were raised about the County's ability to expire use permits upon sale of the property without a public hearing.

#### Resolution

The mandatory limited term for use permits has been deleted from the revised draft of the Vacation Rentals Ordinance; a provision has also been added to require an owner to report any change of ownership and/or contact information within 30 days of transfer. A Use Permit for a vacation rental would run with the land like any other Use Permit, but could be granted for a limited term at the discretion of the decision-maker. Examples of situations where a limited term might be considered by the Board of Zoning Adjustments are Use Permits that include a large number of events or guests that would not be desirable to run in perpetuity, or where there is a concentration of other vacation rentals in a neighborhood.

### **Issue #3: LIA Parcels**

#### Discussion

The Draft Ordinance does not include an allowance for vacation rentals on prime agricultural lands (LIA and all parcels under Williamson Act Contracts) for consistency with the General Plan. However, research of County TOT records indicates that there are currently about 20 LIA-zoned parcels with either vacation rentals or B&B's, neither of which is allowed in LIA; industry representatives have indicated that there are more.

Although the Sonoma County General Plan prohibits this type of visitor-serving uses in the LIA, it does contain a policy to encourage farm homestays. In conjunction with the update to the County's Agricultural Preserve Rules, staff have prepared a set of proposed ordinance amendments for all agricultural districts that would enable farm homestays. These amendment will come to the Planning Commission separately from vacation rental considerations.

#### Resolution

Industry representatives have requested that the ordinance include a stay of enforcement action on LIA-zoned lands until the new Agricultural Preserve Rules are adopted and these issues are resolved. Staff have included such a stay in the revised Draft Ordinance.

### **Issue #4: Limits on Daytime Guests**

#### Discussion

The June Draft Vacation Rental Ordinance contained a daytime guest limit of 6 persons more than the overnight limit. The limit would not apply to children under 3 years of age. Vacation rental owners and industry representatives requested that exemptions to these limitations be considered for major holidays.

#### Resolution

The Draft Ordinance has been revised to exempt 6 specific holidays including Christmas, Easter, Memorial Day, July 4th, Labor Day and Thanksgiving. Staff felt that many residents and vacationers share these holidays with friends and families, and that larger groups would be expected on these days. New Year's Eve was specifically excluded from the holiday exemptions to avoid use as "party houses." As well, events that would otherwise trigger the requirement for a Special or Cultural Events permit are not included in the holiday exemptions.

### **Issue #5: Age of Child Exemption**

#### Discussion

The June Draft Ordinance exempts children under 3 years of age from the guest limits. The Planning Commission asked staff to revisit the exemption age in order to not preclude families. The occupancy limits are not intended to preclude families from utilizing vacation rentals that are sized to accommodate them. The under 3 exemption is based on the fact that infants and toddlers can often be accommodated without additional rooms and have minimal impact on septic loads. Increasing the exemption age to allow older children to be exempted is not recommended because it would create a loophole for large groups, and may overload septic systems.

#### Resolution

Following discussion with industry representatives, it was agreed that the under 3 exemption was appropriate if the 2 persons per bedroom+2 limit was applied to properties on septic (Issue #1, above).

**Issue #6: Outdoor Activities**

Discussion

Some neighbors who live near vacation rentals would like to see all nighttime noise strictly prohibited. In close proximity, even normal speaking voices can disturb sleep. Vacation rental owners, however, point out that there are many outdoor activities that are integral to the enjoyment of their units (use of a hot tub, for example) that do not necessarily violate General Plan Noise Standards.

Resolution

The August Draft Ordinance has been revised to delete the prohibition on outdoor activities during quiet hours, but specifies that the noise limits apply to all activities during these hours. Noise is measured at the property line, and nighttime standards are much stricter so any outdoor activity that results in excessive noise carried onto a neighboring property would be prohibited. See also Issue #16, Quiet Hours, below.

**Issue #7: Pets**

Discussion

The June draft Ordinance required that pets be attended at all times. While year-round residents have experienced loose dogs and irresponsible behavior by vacationing pet owners, there are many responsible pet owners who would not vacation without their pets. Individual property owners vary widely in their acceptance of pets and their policies regarding them; many property management companies that allow pets have strict rules with regard to crating of animals, flea control, and the like. The real issues seem to be 1) loose pets; and 2) nuisance barking by unattended pets.

Resolution

The Draft Ordinance has been revised to specify that pets must be secured on the vacation rental property at all times; and, that unattended barking pets are prohibited.

**Issue #8: Revocation**

Discussion

The June Draft ordinance contained language specific to the County's ability to schedule a hearing to revoke a vacation rental permit on the first or second violation. Some property owners feel that they have been unfairly targeted by their neighbors, and that this language could be used to force an expensive hearing and revocation process for something as minor as an extra person on the vacation rental property.

Resolution

The Ordinance has been revised to eliminate the specific revocation provisions, and instead refers to Chapter 1 of the County Code which allows a hearing to be scheduled at the discretion of the Code Enforcement officer any time that standards are exceeded.

**Issue #9: Code Enforcement Penalties & Fees**

Discussion

At their June hearing, the Planning Commission heard testimony with regard to the County's ability to impose penalties equal to the fair market value of a vacation rental, rather than a set penalty per violation. Industry representatives expressed concern that this penalty could be excessive for a minor infraction. The "fair market" provision was suggested by the Board Ad Hoc Committee due to the potential for owners to benefit from forfeited deposits if rental standards are not adhered to by a tenant, thus creating a "windfall profit." The penalty is intended to encourage owners to enforce the rules and not provide a windfall profit for non-compliance. County Counsel have reviewed the matter and agree with staff's interpretation that the County does have the authority to assess penalties up to fair market value. However, the Code already has provisions in Chapter 1 that give the hearing officer discretion to assess a penalty on a per diem, fair market value or other basis.

Resolution

The Ordinance has been revised to simply reference Code Enforcement procedures contained in Chapter 1 of the Sonoma County Code.

**Issue #10: Business Licenses**

Discussion

The Planning Commission noted several times during their June hearing that a business license provision might be a more appropriate method for regulating vacation rentals, and requested that staff ensure that the land use ordinance could be easily converted to require a business license if the County adopts a business license program in the future. Staff noted that the Board of Supervisors had considered a business license approach and instead directed staff to develop zoning standards for vacation rentals. One advantage of a business license is that it could easily be revoked. Some disadvantages are that there is an annual fee, and licenses must be renewed on each property for each business.

Resolution

The standards in the ordinance could in future be converted to standards for a business license if such a program is adopted. However, the issuance of business licenses typically require zoning clearances for all types of businesses, and enforcement would generally rely on Permit & Resource Management Department staff, so it would still be necessary to provide standards in the Zoning Code.

**Issue #11: Timelines for Obtaining Permits**

Discussion

Industry representatives were concerned about the time it may take to complete applications and issue the Zoning Permits for a vacation rental and whether code enforcement action would apply during that interim period. Many felt that 30 days was an unreasonably short amount of time to make an application, and requested longer periods. Staff recognizes that it will take some time for applicants or their representatives to submit

their applications and that when one property manager submits for multiple properties it will require additional staff time to issue the Zoning Permits.

#### Resolution

The Draft Ordinance has been revised to become effective in 30 days and allows up to 60 days from the effective date for applications to be submitted, for a total of 90 days from date of adoption. A stay of enforcement action is also included until those permits complete the approval process.

#### **Issue #12: Environmental Determination**

Staff has determined that the adoption of this ordinance, as proposed, is exempt from review under the California Environmental Quality Act (CEQA) under the General Rule exemption section 15061(b)(3) since adoption of the ordinance would cause no physical change to the environment, and the standards set forth for zoning permits would ensure that vacation rentals are operated in a manner that is similar to existing single family residential use. Individual Use Permit applications for more intensive use of vacation rentals would require additional environmental review or a separate exemption determination. It should be noted that CEQA does not include evaluation of potential economic impacts.

Should the Planning Commission direct staff to revise the draft Ordinance to set forth zoning permit standards for vacation rentals that would allow these uses to operate in a manner inconsistent with existing single family home uses without need for individual review (Use Permit), a new Environmental Determination and further environmental review may become necessary.

#### **Issue #13: Vacation Rentals of 6 or More Bedrooms by Use Permit Only**

##### Discussion

Judging from the Code Enforcement complaints received, vacation rentals with a larger number of bedrooms appear to create more compatibility problems for surrounding residential uses than those with a smaller number of bedrooms. The June Draft Ordinance limited the maximum number of bedrooms used as a part of a vacation rental to five, consistent with zoning practices for B&B's. Vacation rentals with six or more bedrooms would be considered only by Use Permit.

Some vacation rental owners would like existing vacation rental properties with more than 5 bedrooms to be allowed under just a zoning permit, and require Use Permits for only new vacation rentals. However, this practice would not be consistent with zoning practices for B&B's, and would not allow for neighbor participation and input for these larger visitor-serving uses.

##### Policy Options:

1. Use Permit Required. This option would limit the total number of bedrooms to 5 or less unless a Use Permit is first secured.

2. Zoning Permit for Existing; Use Permit for New. This option would allow existing vacation rentals with 6 or more bedrooms to be “grandfathered” under Zoning Permits, but allow any new Vacation Rental with more than 5 bedrooms only by Use Permit.

Recommendation: Option 1, limit total number of bedrooms to 5 unless a Use Permit is first secured. Existing vacation rental properties with five or less bedrooms or sleeping rooms could be permitted with a Zoning Permit, or a Use Permit if more than one residence is involved (except see Issue #3, below). Existing properties with more than five bedrooms would either be restricted to the five-bedroom limit in a Zoning Permit or would need to apply for a Use Permit.

#### **Issue #14: Vacation Rentals with Multiple Structures/Units by Use Permit Only**

##### Discussion

Vacation rental properties with more than one dwelling or those which allow occupancy of accessory structures, such as guest houses and pool houses in addition to the main home, generate a larger number of complaints than do those properties with only one single-family home. The June Draft Ordinance allowed use of a legal guest house, but not other accessory structures or units without a Use Permit. At the June Planning Commission meeting, it was noted that there are many existing vacation rental properties – especially in the river area - that have more than one legal unit; where these are operating without a problem, many felt that they should be allowed to go forward without needing to apply for and receive a Use Permit.

Industry representatives have suggested that existing vacation rentals with multiple units be approved with a Zoning Permit, and require only new vacation rentals to obtain a Use Permit. Staff recommended a use permit for multiple units because of the intensity of use and issues of compatibility with residential neighborhoods: multiple units generally require management of multiple tenants, which can lead to more conflicts. Staff is also concerned about the conversion of restricted units and permanent affordable housing stock to visitor-serving uses, as could occur with the transient use of second dwelling units, ag employee units and farmworker housing. Several policy options are outlined below for the Planning Commission’s consideration:

##### Policy Options:

1. Use Permit Required. This option would allow more than one residence only by Use Permit. Under this option, any property proposing to use an additional residence or accessory structure (except a legally-established guest house) as a part of the vacation rental use would be required to receive a Use Permit. Use of any non-habitable structure as a part of a vacation rental would continue to be prohibited.

2. Zoning Permit for Existing/Use Permit for New. This option would allow up to two (2) existing legal residences to be used as a single vacation rental with a zoning permit so long as the total bedroom limit (5) is not exceeded, and all other vacation rental standards are met, including the provision of adequate parking. This option would allow an existing legal non-conforming unit to be used as a part of a vacation rental enterprise, but would not allow deed-restricted units (ag employee, farm family, or second dwelling units) as

vacation rentals. “New” properties applying for vacation rental permits would only be allowed by Use Permit. TOT records for the last 2 consecutive years would be used to establish “existing” units. Use of any non-habitable structure as a part of a vacation rental would continue to be prohibited.

3. Zoning Permit Only. This option would allow up to 5 bedrooms in multiple structures, so long as other standards are met. To ensure neighborhood compatibility, which is required for a Zoning Permit, this Option could be combined with additional standards such as increased setbacks to property lines. Use of any non-habitable structure as a part of a vacation rental would continue to be prohibited.

Recommendation: Option 1, require a Use Permit for multiple units or structures on the same parcel to ensure neighborhood compatibility. Option 2 is not recommended due to the administrative difficulties in implementing the rules differently for similar uses, and to avoid the appearance of unfairness. Option 3 is not recommended due to the inability to ensure neighborhood compatibility, and due to the potential for loss of permanent residential land and units in favor of visitor-serving uses.

## **Issue #15: Amplified Sound**

### Discussion

The June Draft Ordinance prohibited outdoor amplified sound associated with a vacation rental at any time. Noise complaints are the most common complaint, and the prohibition against amplified sound was directed by the Board Ad Hoc Committee. The Committee felt that the prohibition was appropriate because no other commercial enterprises are allowed to have amplified sound without a Use Permit, and possibly a noise study to assess potential impacts on neighboring land uses. Because the standards for a vacation rental to be permitted by-right have to be written in such a manner as to ensure that these uses will provide compatibility, special allowances for amplified sound cannot really be provided without individual review of each case (Use Permit). Additionally, an outright prohibition against amplified sound is much easier to enforce than noise levels to be measured at the property line. As well, it should be noted that enforcement is complaint-based: if there are no complaints, then the amplified sound prohibition is not an issue.

Industry representatives have indicated that some properties have outdoor sound systems, and a concern was raised that a prohibition on amplified sound would require that “the wires be cut.” Staff notes that sound systems would not need to be modified, but that the rules prohibiting the use of outdoor sound systems would need to be posted in the vacation rental units and incorporated into rental agreements.

### Policy Options:

1. Prohibit Amplified Sound at any time; do not allow with Use Permit. This option is consistent with the direction provided by the Board Ad Hoc Committee, as originally proposed by staff.

2. Allow only by Use Permit or Special Events Permit. This option would prohibit amplified sound unless a Special/Cultural Events Permit or Use Permit is first secured. This option would provide flexibility in individual cases, such as for properties on large

acreage, and would preserve the higher standard of neighborhood compatibility for the “by-right” zoning permit.

3. Allow with 1200’ setbacks, within General Plan Noise Standards. Under this option there would be no outright prohibition on amplified sound; instead, a minimum setback of 1200 feet from the nearest residential or other noise-sensitive use would be required. This would allow large properties to have amplified sound if clearly no impact would occur.

Recommendation: Option 2, Allow only by Use Permit or Special Events Permit. Option 3 is not recommended because it established an arbitrary standard and does not allow individual review and/or conduct of noise studies in cases where they may be needed.

## **Issue #16: Quiet Hours**

### Discussion

The time at which overnight “quiet hours” would end was raised as an issue at the June meeting. While vacation rental owners would like to see the hours be the same as those for other commercial activities, neighbors point out that commercial activities conducted within residential areas – particularly every weekend - should be subject to stricter standards. At the January workshop a “vote” was taken of all attendees including many VRBOs and industry representatives; the result was almost unanimously for a 9:00 am ending time.

There was concern expressed that the County would have two standards within the same neighborhoods – one for property owners/permanent residents, and another for vacation rentals. However, staff notes that there currently is no noise ordinance in the County, and residents are not subject to the General Plan Noise Standards but rather the “disturbance of the peace” laws which require a “citizen’s arrest.” Additionally, it should be noted that the Board of Zoning Adjustments has often adopted stricter noise requirements on construction or other activities near residential or other noise sensitive land uses.

Another factor to consider is that the General Plan Noise Standards generally require additional analysis, as adjustments to the standards are required for ambient conditions and for impulsive sounds such as music or speech:

*“Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking”*

These required adjustments result in a further reduction in the allowable noise level. It is therefore difficult to determine what an acceptable noise level will be without individual review of a particular case.

Lastly, staff notes that the purpose of residential zones is primarily residential, and that the focus of the noise limits is to ensure compatibility.

Policy Options:

1. Maintain 10:00 p.m. – 9:00 a.m. Quiet Hours. This Option would maintain the Quiet Hours agreed upon at the January workshop.

2. Quiet Hours Same as GP Noise Table. This Option would designate quiet hours of 10:00 p.m. – 7:00 a.m. to be the same as the General Plan noise table, but with the addition of the adjustment factors required in the General Plan Noise Element.

3. 8:00 a.m. Compromise for Quiet Hours. This option would establish a “compromise” 8:00 a.m. end to quiet hours.

Recommendation: Option 1, maintain Quiet Hours of 10:00 p.m. to 9:00 a.m., as agreed to at the January public workshop.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Re-open the public hearing only for the limited purpose of addressing the recommended changes to the ordinance; and
- 2) Adopt the attached Resolution recommending that the Board of Supervisors approve the revised Draft Ordinance amending Chapter 26 (the Zoning Ordinance) of the Sonoma County Code to establish standards allowing for vacation rentals as recommended by staff.

**ALTERNATIVES**

Alternatively, the Planning Commission may want to discuss the policy options outlined in issues 13, 14, 15 & 16 and provide direction to staff on any changes to the proposed Draft Ordinance.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Ordinance  
EXHIBIT B: Public Comments received after the June 9<sup>th</sup> public hearing  
EXHIBIT C: Draft Resolution

DRAFT VACATION RENTAL STANDARDS  
08/05/2010 PLANNING COMMISSION MEETING

**26-88-120. Vacation Rentals.**

(a) **Purpose.** This Section provides 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 or occupying the unit. 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 or on lands under a Williamson Act Contract. Vacation rentals shall also not be permitted within structures or dwellings with 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.

(c) **Permit Requirements.** Vacation rentals that meet the standards outlined in this Section shall be allowed as provided by the underlying zoning district, subject to issuance of a Zoning Permit. Vacation rentals that exceed 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 and shall automatically expire upon sale or transfer of the property. 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) **Property Development Standards.** Vacation rentals not utilizing existing structure(s) shall conform to all property development standards of the zoning district in which they are located, except as modified by these performance standards.

(f) **Performance Standards.**

1. **Maximum Number of Bedrooms.** Vacation rentals may have a maximum of five (5) bedrooms or sleeping rooms. Vacation rentals with more than five (5) bedrooms 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.

2. **Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or bedroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. For homes on a conditional septic system, 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.

**4. Maximum Number of Guests and 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 house, or eighteen (18) 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, 4<sup>th</sup> of July, Labor Day, Thanksgiving, and Christmas, so long as the holiday event does not otherwise trigger the requirement for a Special or Cultural Events Permit.

**5. Per Parcel Limit on Number of Residences or Structures.** Only a single residence, and 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; accessory structures shall not be leased, subleased, rented or sub-rented separately from the main dwelling. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a Use Permit. Tents and RVs are not allowed as a part of a vacation rental.

**6. Required On-site Parking.** Parking shall be provided as set forth in 26-90: one (1) on-site parking space for a vacation rental with up to two (2) bedrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) bedroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered.

**7. 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.

Hourly Noise Metric <sup>1</sup> , dBA	Activity hours 9:00 a.m. to 10:00 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.

**8. 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.

**9. 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.

**10. Pets.** Pets shall be secured on the property at all times. Continual nuisance barking by unattended pets shall not be tolerated.

**11. Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards.

**12. 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.

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

**14. Designated Representative.** Applicant shall provide a current 24-hour working phone number of the property owner, property manager or other designated representative to the adjacent neighbors and the Sonoma County Permit and Resource Management Department, and any change shall be reported within 30 days. Said property owner or designated representative must be available during the rental period within a one-hour drive of the subject property.

**15. Emergency Access.** 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.

**16. Posting of Standards.** The owner shall post these standards in a prominent place within the vacation rental and include them as part of all rental agreements. All advertising handouts, flyers, 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 .

**(g) Enforcement Process.**

1. Initial complaints on vacation rentals shall be directed to the contact person identified in the Zoning Permit or Use Permit, as applicable. 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 neighbor documentation consisting of photos, sound recordings and video to support 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, 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. An annual fee may be adopted by the Board of Supervisors and collected by PRMD or the Sonoma County Tax Collector to pay for monitoring and enforcement of vacation rentals.