

ORDINANCE NO. 6424

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING COUNTY CODE CHAPTER 26 TO ADD DEFINITION OF TIMESHARE AND TO REGULATE SHORT TERM USE OF FRACTIONALLY OWNED PROPERTY, AND MAKE GENERAL PLAN AND CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED FINDINGS

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

SECTION I. The Board finds and declares the following:

- A. Adoption of this ordinance is necessary and appropriate to regulate the short-term use of fractionally owned residential properties with the intent to preserve housing stock for long-term residential use, protect the residential character of neighborhoods, and limit other impacts related to traffic, noise, garbage, and parking beyond what would normally be associated with full-time residential use.
- B. The amendments to Chapter 26 adopted herein are not subject to the California Environmental Quality Act (CEQA) because the adoption of the proposed ordinance is not a “project” as defined pursuant to Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3) because adoption of the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. Specifically, the proposed ordinance will not authorize any development projects and any future development projects under the ordinance will be required to undergo CEQA review prior to authorization. Moreover, even if the adoption of the proposed ordinance is a project under CEQA, the Board finds it would be exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed ordinance will have no significant effect on the environment since the proposed ordinance only clarifies existing regulations and does not authorize any development projects.
- C. The proposed amendments are consistent and compatible with General Plan policies to prevent the loss of residential sites to vacation or visitor-serving uses, and to allow for a mix of long- and short-term occupancies within the VR (Visitor Residential) Combining Zone.

SECTION II. Sonoma County Code, Chapter 26, Section 26-04-020 (Definitions) is amended as set forth in Exhibit A.

SECTION III. Sonoma County Code, Chapter 26, Section 26-10-030 (Allowed land uses) is amended as set forth in Exhibit B.

SECTION IV. Sonoma County Code, Chapter 26, Article 28 (Service Use Standards) is amended as set forth in Exhibit C.

SECTION V. Sonoma County Code, Chapter 26, Article 77 (VR Combining Zone) is amended as set forth in Exhibit D.

SECTION VI. 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 VII. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days of the date of its passage and shall be published once before the expiration of fifteen (15) days after said 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, adopted this 24th day of April, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: No Gore: Aye Hopkins: Aye Coursey: Aye

Ayes: 4 Noes: 1 Absent: 0 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

Amendments to Section 26-04-020, Definitions

- I. Section 26-04-020(T) is amended to add the following definition, to be inserted in its alphabetical order:

Timeshare. Any accommodation, or portion thereof, used in accordance with a timeshare plan. See Section 26-28-165 for related definitions.

EXHIBIT B

Amendments to Article 10, Section 26-10-030, Allowed Land Uses

I. Section 26-10-030, Table 10-1 amended to add uses as indicated in underline below:

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
Agricultural and Resource-Based Land Use Category									
Agricultural Crop Production and Cultivation	-	-	-	-	-	-	P	P	26-18-020
Agricultural Processing	-	-	-	-	-	C	C	-	26-18-030
Agricultural Support Services	-	-	-	-	-	P*/C	P*/C	-	26-18-050
Animal Keeping: Beekeeping	P	P	P	P	P	P	P	P	26-18-060
Animal Keeping: Livestock Feed Yards	-	-	-	-	-	C	C	-	26-18-090
Farm Retail Sales	-	-	-	-	-	-	P	-	26-18-140
Farm Stands	-	-	-	-	-	-	P	-	26-18-150
Mushroom Farming	-	-	-	-	-	C	C	-	26-18-190
Nursery, Wholesale	-	-	-	C	-	-	P	P	26-18-200
Tasting Rooms	-	-	-	-	-	P*	P*	-	26-18-210
Industrial, Manufacturing, Processing and Storage Land Use Category									
Animal Product Processing	-	-	-	-	-	C	C	-	26-20-020
Fertilizer Plants						C			26-20-030
Laboratories	-	-	-	C	-	-	-	-	26-20-040
Laundry Plants	-	-	-	P	-	-	-	-	26-20-050
Manufacturing/Processing, Light	-	-	-	P	-	-	-	-	26-20-070
Manufacturing/Processing, Medium	-	-	-	P	-	-	-	-	26-20-080
Recycling Collection Facilities	†	†	†	†	†	†	†	†	† See 26-20-090 and 26-88-070

Recycling Processing Facilities	†	†	†	†	†	†	†	†	† See 26-20-100 and 26-88-070
Storage: Contractor's Storage Yard	-	-	-	C	-	-	-	-	26-20-110
Storage: Manufacture Home Storage	-	-	-	C	-	-	-	-	26-20-120
Storage: Personal Storage	-	-	-	P	-	-	-	-	26-20-130
Storage: Vehicle, Boat, and RV Storage	-	-	-	C	-	-	-	-	26-20-140
Storage: Warehouses	-	-	-	P	-	-	-	-	26-20-150
Storage: Wholesale and Distribution	-	-	-	P	-	-	-	-	26-20-160
Wrecking and Salvage Yards	-	-	-	C	-	-	-	-	26-20-170
Recreation, Education and Public Assembly Land Use Category									
Camp, Organized	-	-	-	-	-	-	-	C	26-22-020
Campgrounds	-	-	-	-	-	-	-	C	26-22-030
Civic Institution	C	-	-	-	-	-	-	C	26-22-040
Community Meeting Facilities	C	C	C	-	C	C	-	C	26-22-050
Country Clubs	-	-	-	-	-	-	-	C	26-22-060
Educational Institutions: Colleges and Universities	-	C	P	-	C	-	-	C	26-22-070
Educational Institutions: Specialized Education and Training	-	C	P	-	C	-	-	C	26-22-090
Golf Course	-	-	-	-	-	-	-	C	26-22-100
Parks and Playgrounds	C	-	-	-	-	-	-	P/C	26-22-110
Periodic Special Events	P	P	P	P	P	P	P	P	26-22-120
Recreation and Sports Facilities: Health/Fitness Facility	C	-	C	C	C	C	-	C	26-22-130
Recreation and Sports Facilities: Recreation Facility, Indoor	C	-	C	C	C	C	-	C	26-22-140

Recreation and Sports Facilities: Recreation Facility, Outdoor	-	-	-	-	-	-	-	C	26-22-150
Recreation and Sports Facilities: Rural Sports and Recreation	-	-	-	-	-	-	-	C	26-22-160
Recreation and Sports Facilities: Shooting Ranges	-	-	-	-	-	-	-	C	26-22-170
Sports and Entertainment Assembly	-	-	-	-	-	-	-	C	26-22-180
Studios for Art Crafts, Dance, Music	-	C	-	-	C	-	-	C	26-22-190
Theater and Entertainment Venues	-	-	C	C	-	-	-	-	26-22-200
Visitor/Interpretive Center	-	-	-	-	-	-	-	P	26-22-210
Residential Land Use Category									
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	26-24-020; 26-88-060
Caretaker Dwelling	-	-	-	-	C	-	C	C	26-24-080
Dwelling, Single-Family	C	C	C	C	C	P	P	C	26-24-130
Family Day Care Home, Large	-	P	P	-	P	P	P	P	26-28-150; 26-88-080
Family Day Care Home, Small	-	P	P	-	P	P	P	P	26-28-150
Home Occupation	P	-	-	-	-	P	P	P	26-24-180; 26-88-121
Junior Accessory Dwelling Unit	P	P	P	P	P	P	P	P	26-24-190; 26-88-061
Live/Work	C	C	C	C	C	C	C	C	26-24-200; 26-88-122
Mixed-Use Development	C	P*/C	P*/C	-	P*/C	-	-	C	26-24-210; 26-88-123
Permanent Supportive Housing	P	P	P	P	P	P	P	-	26-24-230
Residential Community Care, Large	C	C	C	C	C	-	C	C	26-24-240

Residential Community Care, Small	P	P	P	-	P	P	P	P	26-24-240
Single-Room Occupancy, Large	-	C	C	-	C	-	-	-	26-24-250; 26-88-125
Single-Room Occupancy, Small	-	-	C	-	C	-	-	-	26-24-250; 26-88-125
Transitional Housing	P	P	P	P	P	P	P	-	26-24-270; 26-88-127
Retail Land Use Category									
Alcoholic Beverage Sales, Large		P	P	-	P	C			26-26-020
Alcoholic Beverage Sales, Small	-	C	C	C	C	C	-	-	26-26-020; 26-88-195
Bar, Tavern, Nightclub	-	C	P	C	C	C	-	C	26-26-030
Building and Landscape Materials Sales	-	-	-	P	-	-	C	-	26-26-040
Farm Equipment and Supplies Sales and Rental	-	-	-	P	P		C	-	26-26-050
Fuel Dealers	-	-	-	C	C	C	-	-	26-26-070
Fuel Station	-	C	C	C	C	C	-	-	26-26-080
General Retail	-	P *	P	P	P*	C	-	C	26-26-090
Heavy Equipment Sales and Rentals	-	-	-	C	C	C	-	-	26-26-100
Manufactured Homes Sales and Rentals	-	-	-	P	-	-	-	-	26-26-110
Nursery, Retail	-	-	P	-	C	-	C	-	26-26-120
Outdoor Vendor	-	C	C	-	C	-	-	-	26-26-130
Restaurant	-	P/C	P	-	P/C	-	-	P/C	26-26-140
Vehicles/Boats Sales and Rentals	-	-	C	P	-	-	-	-	26-26-150
Services Land Use Category									
Adult Entertainment Establishment	-	-	-	C	-	-	-	-	26-28-020; 26-88-010(f)
Banks and Financial Institutions	P	P	P	-	P	C	-	-	26-28-030
Business Support Services	-	-	C	P	-	-	-	-	26-28-040

Public Utility Facilities	C	C	C	C	C	C	C	C	26-30-100
Renewable Energy Facilities	†	†	†	†	†	†	†	†	† See 26-30-110 and Section 26-88-200
Telecommunications Facilities	†	†	†	†	†	†	†	†	† See 26-30-120 and Section 26-88-130
Truck/Bus/Freight Terminal	-	-	C	C	C	C	-	-	26-30-130
Other Land Uses									
Commercial Cannabis Uses	†	†	†	†	†	†	†	†	† See 26-88-250; 26-88-254; 26-88-256

EXHIBIT C
Amendments to Article 28, Service Use Standards

I. Section 26-28-165 is added to read as follows:

Section 26-28-165 – Lodging: Timeshares

A. **Definition.** Any accommodation, or portion thereof, used pursuant to a timeshare plan.

1. “Accommodation,” as used in the definition of timeshares, is any residential dwelling unit, condominium or cooperative unit, cabin, lodge, hotel or motel room, or other private or commercial structure containing toilet facilities.
2. “Person,” for the purposes of this section, is a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, government, governmental subdivision or agency, or other legal entity, or any combination thereof.
3. “Timeshare plan,” as used in the definition of timeshares, is any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser receives the right to exclusive use of an accommodation(s) or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare plan shall be deemed to exist whenever such recurring rights of exclusive use to the accommodation(s), or portion thereof, are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in the accommodation(s), and regardless of whether they are coupled with an estate in real property such as a freehold interest or an estate for years in the property subject to the time-share plan.
4. “Timeshare interest,” as used in the definition of timeshares, is the right to exclusively occupy an accommodation for a period of time on a recurring basis pursuant to a timeshare plan, whether or not coupled with an estate in real property.
5. “Timeshare use” means the use of one or more accommodations or any part thereof, pursuant to a timeshare plan.

B. **Permits.** A Use Permit is required.

C. **Standards.**

1. Only permitted on parcels within the VR combining district.
2. Vacation rentals are prohibited in timeshares.

EXHIBIT D
Amendments to Article 77, VR Combining Zone

I. Section 26-77 is amended as indicated in underline and strikeout below:

Sec. 26-77-005. Purpose.

The purpose of the VR combining ~~zone~~ district is to provide flexibility in types and terms of occupancy for residential units on lands zoned for recreation and visitor-serving uses. The ~~X-zone~~ VR combining district may be applied where surrounding uses or zoning are compatible with uses allowed in the ~~X-zone~~ VR combining district.

Sec. 26-77-010. Applicability.

The VR combining ~~zone~~ district may be applied to the following base zones:

Recreation and visitor-serving commercial (K).

Sec. 26-77-015. Designation prohibited.

The VR combining ~~zone~~ district may not be applied to any property ~~or containing a~~ residential unit protected under a long-term affordability agreement. ~~The VR combining zone may also not be applied nor~~ when a rezone to a different base zone would better reflect the proposed land use or the project objectives.

Sec. 26-77-020. Uses permitted with a use permit.

In addition to the uses permitted within the base zone district, the following uses may be permitted subject to the granting of a use permit:

- (a) Single room occupancy (SRO) facilities, subject to the standards in Section 26-88-125.
- (b) Mixed Occupancies. Residential uses such as condominiums with mixed lengths of occupancy, timeshares, stock cooperatives, resorts, extended stay hotels, and similar projects where a mix of transient and long-term occupancies are desired.

Sec. 26-77-030. Development standards.

- (a) Development standards shall be the same as those of the underlying zone district.
- (b) No new development shall be allowed within the F1 flood way, other than seasonal camping.
- (c) Development within the F2 flood plain shall conform to Chapter 7B of this Code.
- (d) Development and conversions of existing structures shall be subject to applicable accessibility requirements, as determined by the building official.
- (e) Uses permitted within Section 26-77-020 shall comply with all applicable provisions of Article 89 (Affordable Housing Program Requirements and Incentives).