

ORDINANCE NO. 2018 - 1798

AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO DEFINE THE SHORT-TERM RENTAL OF A DWELLING AS A “VACATION HOUSE RENTAL” AND TO AUTHORIZE SUCH LAND USE, SUBJECT TO EITHER AN ADMINISTRATIVE PERMIT OR A MINOR USE PERMIT, WITHIN THE A-20 EXCLUSIVE AGRICULTURAL, SUISUN VALLEY AGRICULTURAL, RURAL RESIDENTIAL, AND WATERSHED ZONING DISTRICTS

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I: DEFINITIONS

The following definitions are amended or added, in alphabetical order, to section 28.01 of Chapter 28 (Zoning Regulations) the Solano County Code:

Guest house. Detached living quarters of a permanent type of construction, without a kitchen, and accessory to the primary dwelling on the same building site. A guest house may not to be rented, let, or leased separate from the primary dwelling, whether compensation be direct or indirect.

Vacation house rental. A dwelling with no more than five guestrooms or sleeping rooms that is offered, used, let, or hired out for compensation for periods of 30 consecutive days or less. Does not include an occasional home exchange of a dwelling used as the property owner’s primary residence. Includes any dwelling used pursuant to a time share plan or other similar form of co-ownership if any time share period or other entitlement to occupancy of the dwelling is limited to 30 days or less per year.

Vacation house rental. Hosted. A vacation house rental on a parcel with a primary and secondary dwelling where the property owner resides on the property in the non-rental dwelling.

Vacation house rental. Unhosted. A vacation house rental where the owner does not reside on the property.

SECTION II: EXCLUSIVE AGRICULTURE ZONING DISTRICTS

Table 28.21A of Section 28.21 of Chapter 28 of the Solano County Code is amended by inserting the following two rows into that table under heading 28.75 Tourist Uses – A. Agritourism:

ALLOWED USES	Permit Requirements				Land Use Regulations
	A-40	A-80	A-20	A-160	
Vacation house rental, Hosted	---	---	AP	---	28.75.30(A) & (B)(1)
Vacation house rental, Unhosted	---	---	MUP	---	28.75.30(A) & (B)(2)

SECTION III: SUISUN VALLEY AGRICULTURE ZONING DISTRICTS

Table 28.23A of Section 28.23 of Chapter 28 of the Solano County Code is amended by inserting the following two rows into that table under the heading of Tourist Uses:

ALLOWED USES	Land Use Regulations			
	A-SV-20	ATC	ATC-NC	
Vacation house rental, Hosted	AP	AP	- - -	28.75.30(A) & (B)(1)
Vacation house rental, Unhosted	MUP	MUP	- - -	28.75.30(A) & (B)(2)

SECTION IV: RURAL RESIDENTIAL ZONING DISTRICTS

Table 28.31A of Section 28.31 of Chapter 28 of the Solano County Code is amended by deleting the row titled "None Allowed" and inserting the following two rows into that table under heading 28.75 Tourist Uses – C. Agritourism:

ALLOWED USES	Land Use Regulations			
	RR-2.5	RR-5	RR-10	
Vacation house rental, Hosted	AP	AP	AP	28.75.30(A) & (B)(1)
Vacation house rental, Unhosted	MUP	MUP	MUP	28.75.30(A) & (B)(2)

SECTION V: WATERSHED AND CONSERVATION ZONING DISTRICT

Table 28.51A of Section 28.51 of Chapter 28 of the Solano County Code is amended by deleting the row titled "None Allowed" and inserting the following two rows into that table under heading 28.75 Tourist Uses – C. Agritourism:

ALLOWED USES	Land Use Regulations W District	
Vacation house rental, Hosted	---	
Vacation house rental, Unhosted	MUP	28.75.30(A) & (B)(2)

SECTION VI: REGULATIONS

Section 28.75 of Chapter 28 of the Solano County Code is amended to add a new subsection 28.75.30, as follows:

28.75.30 Vacation House Rentals

A. General Requirements

Vacation house rentals shall comply with the following general standards:

1. A dwelling used as a vacation house rental shall meet all of the development standards for dwellings specified in subsection 28.72.10(A)(1) and in Tables 28.21B, 28.23B, and 28.31B as applicable to the zoning district. If the dwelling includes a guest house, the guest house shall also meet those development standards.

2. Space used for overnight accommodations as part of a vacation house rental must be located entirely within a dwelling or a dwelling in combination with an approved guest house. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents may not be used as a vacation house rental.
3. Overnight occupancy is limited to 2 persons per bedroom plus 2 additional persons, not to exceed a total of 10 persons.
4. Three off-street parking spaces shall be provided for all guests. On-street parking is prohibited for any property on which a vacation house is located.
5. A vacation house rental may not be advertised, offered, or used as a special events facility that includes events such as weddings, parties and similar events. No outdoor amplified sound is allowed.
6. A dwelling or guest house may not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provision of this code.
7. Transient occupancy tax registration and payment are required, pursuant to Chapter 11 of this code. A business license is required, pursuant to Chapter 14 of this code.
8. The property shall be covered by commercial property insurance.
9. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and /or listings for the vacation house rental shall include the following:
 - a. Maximum occupancy, not including children under 3;
 - b. Maximum number of vehicles;
 - c. Notification that quiet hours must be observed between 10 p.m. and 8 a.m.;
 - d. Notification that no outdoor amplified sound is allowed; and
 - e. The Transient Occupancy Tax Certificate number for that property.
10. Vacation house rentals shall meet all building and fire codes at all times and shall be inspected by the Fire Department before any short-term rental can occur.
11. An exterior display with the name of the property owner or manager and a current contact phone number shall be located near the front door of the rental unit. While a vacation house is rented, the owner or a property manager shall be available twenty-four hours per day, seven days per week, for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation house rental or their guests. Items in need of repair may take longer to correct.

B. Specific Requirements

Vacation house rentals listed below shall comply with the general requirements in section 28.75.30(A) above and the following specific standards.

1. Vacation House Rental-Hosted

- a. A hosted vacation house rental requires the property owner to reside on the property during the vacation house rental period.

- b. Only one dwelling may be used as a vacation house rental and the property owner must reside in the other dwelling.

SECTION VII:

All ordinance and parts of ordinances in conflict herewith are repealed.

SECTION VIII

The Board of Supervisors has made the following findings and declarations in regard to the zoning amendments:

1. These zoning amendments are in conformity with the Solano County General Plan.
2. The zoning amendment will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County or be detrimental to adjacent property or improvements in the neighborhood.
3. This ordinance is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) of the CEQA Guidelines. This ordinance will not permit the development of new dwelling units at locations not already allowed, and the ordinance imposes standards on vacation house rentals sufficient to ensure that the use of existing and new dwelling units as vacation house rentals will not have a greater adverse effect on the environment than the use of such structures as residences. Because the use of some dwelling units as vacation house rentals will require discretionary approval of a minor use permit, consideration of any potential site-specific impacts related to a particular location is properly deferred.
4. The use of a dwelling unit as a vacation house rental, as defined in this ordinance, is a commercial land use rather than as a residential land use and is not currently authorized by Chapter 28 of the Solano County Code. Therefore, this ordinance is amendatory to rather than declarative of existing law. Any use of a dwelling unit as a vacation house rental prior to the effective date of this ordinance or prior to the approval of a use permit pursuant to the regulations set forth in Sections III through V of this ordinance shall not be considered a legal nonconforming land use.

SECTION IX

This ordinance will be effective thirty (30) days after its adoption.

SECTION X

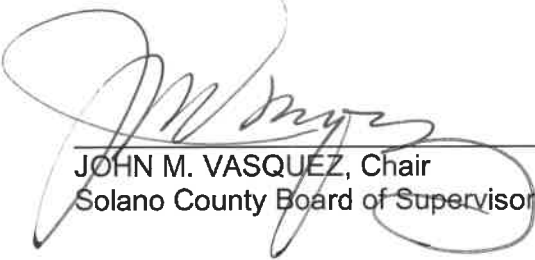
If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION XI

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its adoption.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on October 2, 2018 by the following vote:

AYES:	SUPERVISORS	<u>Brown, Spering, Thomson</u>
		<u>and Chair Vasquez</u>
NOES:	SUPERVISORS	<u>None.</u>
EXCUSED:	SUPERVISORS	<u>Hannigan</u>



JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: 

Jeanette Neiger, Chief Deputy Clerk