



SKAMANIA COUNTY PLANNING COMMISSION

AGENDA

Tuesday, July 7, 2020 @ 6:15 PM

HEGEWALD CENTER WEST MEETING ROOM, 710 SW ROCK CREEK DRIVE, STEVENSON, WA
WITH REMOTE PARTICIPATION BY ZOOM MEETING TELEPHONE AND VIDEO CONFERENCE

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. AGENDA ITEMS

1. Approval of minutes from the June 16, 2020, Planning Commission Meeting.
2. Consideration of zoning interpretation request by Darren Penner.
3. Workshop #4 to discuss Short-term Vacation Rental regulations.

V. PLANNING COMMISSION BUSINESS

VI. ADJOURN

Please note: In accordance with Proclamation 20-28.6, this meeting will be held in-person with the option to participate remotely. All meeting attendees will be separated by six feet and must comply with Secretary of Health Order 20-03 requiring cloth face coverings (masks). Those who cannot comply with these requirements or who would prefer to participate remotely may participate in the meeting by calling-in or joining the meeting online via Zoom.

To join the Zoom meeting online, visit <https://us02web.zoom.us/j/6564597957>.

To join by telephone, call (253) 215-8782, and enter the following meeting ID when prompted:
656 459 7957



Skamania County Planning Commission

PLANNING COMMISSION MEETING MINUTES

Tuesday, June 16, 2020
Remote Video and Telephone Conference

Planning Commission Members:
Present: Ken Bajema, Mathew Joy, Adam
King, John Prescott

Community Development Department Staff
Present:
Alan Peters

Absent: Tony Coates, Adam King

AUDIENCE
None.

PROCEEDINGS
Meeting was called to order at 6:17 P.M. by Chair, Mat Joy.
Quorum was met.
Chair, Mat Joy led the Pledge of Allegiance.

AGENDA ITEMS

1. Approve Minutes from the June 2, 2020 Planning Commission meeting.
 - a. Motion was made by Adam King and seconded by John Prescott to approve the minutes of the June 2, 2020 Planning Commission Meeting.
 - b. Motion passed 4-0.

 2. Workshop #3 to discuss Short-term Vacation Rental policy options.
 - a. Alan Peters, Assistant Planning Director, provided background on the short-term vacation rental (STVR) planning process so far and explained that the purpose of workshop was to go over some high level policy options that were gathered from the survey results and from other jurisdictions, including the City of Stevenson.
 - b. Mr. Peters discussed options related to housing issues, public safety, quality of life/nuisance issues, and permit requirements.
 - c. The Planning Commission discussed each of the proposals and provided feedback to Staff. Commissioners were comfortable with the state's safety requirements, but raised concerns about the cost of satisfying any new requirements imposed by the County and expressed interest in hearing what other counties are doing around this topic. The Commissioners questioned the need for regulating STVRs and discussed whether it was appropriate to address this topic during the COVID-19 pandemic.
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- d. Alan Peters stated that this project was proceeding at the direction of the Board of County Commissioners and expressed that regulations could also be considered a way to enable property owners to establish vacation rentals, not just restrict them. He stated that he understood that the Planning Commission was interested in minimal regulations for STVRs and would keep their comments in mind as Staff drafts a proposed ordinance for the next meeting in July. Mr. Peters felt that having a written proposal available for review would help solicit more input from the public.
3. Planning Commission Business.
 - a. Alan Peters let the Planning Commission know that he would be presenting a request from a resident to interpret the County's light home industry requirements with respect to a proposal for self-storage.
 - b. Commissioners and staff discussed the procedures for such interpretations. The item will be considered by the Planning Commission on July 7th with Staff providing a presentation and the resident addressing his proposal.
4. MEETING ADJOURNED at 7:35 PM after motion by Adam King, seconded by John Prescott.

ATTEST

Planning Commission Chair

Secretary



Skamania County

Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

MEMO

TO: Planning Commission
FROM: Alan Peters, Assistant Planning Director
DATE: July 7, 2020
RE: Zoning Code Interpretation Request

Introduction

Darren Penner submitted a letter to the Planning Commission that was received on June 2, 2020, requesting interpretation of the County' cottage occupation/light home industry standards with respect to a proposal for self-storage at his property at 52 Panther Creek Rd, Carson. The property is zoned Residential (R2). Cottage occupations and light home industries are allowable in this zone, but self-storage facilities are not. Mr. Penner requests that the Planning Commission determine if his proposed self-storage facility can be allowable as a light home industry.

Applicable Code Criteria

SCC 21.08.010 - Definitions

"Light home industry" means a business operated within a building separate from the residential building(s) on a lot or parcel of land, and which principally employs persons who reside on the lot where said business is located. Such business may include the production, sale, repair, or service of products produced, manufactured, or assembled on the lot; and/or provide a service to customers and clients.

SCC 21.32.010 – Residential 2 Zone – Purpose

The R-2 zone classification is intended to provide a transition zone of medium density residential development which will maintain a rural character of the areas in the rural I and rural II land use areas of the county comprehensive plan A.

SCC 21.32.020 – Residential 2 Zone – Allowable Uses

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G. Light home industry (in accordance with Chapter 21.70).

SCC 21.70.040 – Cottage occupation/light home industry

A. Type of Use. Home occupations when permitted are those occupations which are carried on within a residential dwelling or a separate building constructed for such a use. Such activity shall be secondary to the use of the dwelling used for living purposes.

B. Disturbing Influences. No home occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity.

C. Exterior Modification. There shall be no exterior modification or adornment of the residential dwelling which would suggest a use other than residential; except, for light home industry which may be located in a separate building.

D. Work Force Limitation. Nonmember household worker (those workers who do not live on the property) shall be limited to five persons per day.

E. The hearing examiner may hear requests for waiver, exemption, reduction or modification of these requirements if the proposed use and modifications are determined to be in keeping with the purpose and intent of the zone classification involved.

Comprehensive Plan

Rural II Designation

The following uses, depending on adopted zoning classification, are appropriate within the Rural II designation:

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3. Home business (cottage occupations or light home industry)

Land Use Element Goals and Policies

Policy LU.4.4: Cottage occupations and light home industries should be encouraged in Rural Designations to the extent that they will not require public investment in infrastructure greater than that normally required for residential use of the density allowed in the land use designation.

Request for Interpretation

SCC 21.16.050 allows the Planning Commission to interpret the zoning code any use not specifically described in a zoning designation as an allowable, administrative review, or conditional use.

SCC 21.16.050 - Interpretations

It shall be the duty of the planning director, planning commission, hearing examiner, and board to:

A. Interpret in a zone classification and/or special purpose district any use not described in this title as an allowable, administrative review or conditional use, and deem it to be in general keeping with the uses authorized in such zone classifications and special purpose districts;

B. Interpret the provisions of this title in such a manner as to carry out the intent and purpose of the zoning map(s);

C. Interpret and/or administer the provisions of this title in such a manner as to carry out the intent and purpose of the Skamania County comprehensive plan A as it presently exists or is hereafter amended;

D. A record shall be kept by the planning director of such interpretations to facilitate equitable future administration and to permit periodic amendments to this title.

Staff Recommendation

The Planning Commission should hear from Mr. Penner and consider the relevant code criteria and comprehensive plan designation before making an interpretation.

The interpretation should be made by motion and voted upon. A record of the interpretation will be made in the minutes of the Planning Commission.

Whether or not the Planning Commission believes Mr. Penner’s property can support self-storage is not the question before the Planning Commission. The Planning Commission must consider whether “self-storage facilities” are an allowable light-home industry by the Zoning Code. The definition of “light home industry” in SCC 21.08.010 states that “such business may include the production, sale, repair, or service of products produced, manufactured, or assembled on the lot; and/or provide a service to customers and clients.”

Self-storage facilities do not include “the production, sale, repair, or service of products produced, manufactured, or assembled”. So, in order to be allowable as a light home industry the Planning Commission would need to determine that self-storage facilities “provide a service” contemplated by the zoning code. The Planning Commission need also consider that the light home industry must abide by the criteria listed in SCC 21.70.040. Any use that cannot comply with these standards cannot be considered a light home industry.

Attachments

Letter from Darren Penner, received June 2, 2020

Darren Penner
509-263-7125

bigr1967@hotmail.com

5/26/2020

RECEIVED
SKAMANIA COUNTY

JUN 02 2020

COMMUNITY DEVELOPMENT
DEPARTMENT

Re: Interpretation of Light Home Industry

Skamania County Planning Commission,

I am writing you to request the planning commission for interpretation of use of a light home industry to include a storage facility for R2 which is what my parcel 04753600140100 located at 52 Panther Creek Road, Carson, WA 98610 is zoned under. My request is so that I will be allowed to build a storage unit service that I personally will operate on my land.

It is my understanding that under the Skamania County Code 21.08.010, a "Light home Industry" means a business operated within a building separate from the residential building(s) on a lot or parcel of land, and which principally employs persons who reside on the lot where said business is located. Such business may include the production, sale, repair, or service of products produced, manufactured, or assembled on the lot; and/or provide a service to customers and clients.

I believe that providing the service of storage units on my parcel of land and that I will solely be operating and being employed by constitutes a "Light Home Industry" as defined by Skamania County Code 21.08.010 and I am requesting the Planning Commissions interpretation of the Light Home Industry as it pertains to a storage unit business as I have described so that I may move forward with my proposal of the Storage Unit business.

Please feel free to email me at bigr1967@hotmail.com as well as Shelley Turner at shelleyturner82@gmail.com as she is assisting me with the paper work and letters. I may also be reached by mail at 1552 Old State Road, Carson, WA 98610.

I thank you for your time and attention to this matter.

Sincerely,

Darren Penner

(509)263-7125



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52 Panther Creek Road
Carson, WA 98610

Mailing: 1552 Old State Road
Carson, WA 98610



Skamania County

Community Development Department

Building/Fire Marshal • Environmental Health • Planning

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MEMO

TO: Planning Commission
FROM: Alan Peters, Assistant Planning Director
DATE: July 7, 2020
RE: Short-term Vacation Rentals Planning Commission Discussion Draft

Introduction

Under the direction of the Board of County Commissioners, Planning Staff is working on developing regulations for short-term vacation rentals (STVR). The Board has requested that new regulations be adopted by August 2020 and go into effect in January 2021.

Based on prior public outreach and Planning Commission discussions in three prior workshops, Staff has prepared a draft ordinance for Planning Commission discussion. The Planning Commission should discuss the draft, accept public comment, and provide guidance to Staff for further revisions.

Summary of Draft

The draft was prepared using new language drafted by staff and language from RCW 64.37 which includes the state's requirements for STVRs, and language from the City of Stevenson's short-term rental regulations.

Definition – The draft adopts a definition for "short-term vacation rental" which uses language found in RCW 64.37.

Purpose – The draft includes a purpose statement for STVR regulations and describes their applicability.

Development Standards and Operational Requirements – This section includes the basic requirements for operating a STVR, including standards for how and where short-term vacation rentals can be developed. Some key standards in this section include:

- STVRs can be located within a dwelling unit, in an accessory dwelling unit, or in an accessory building.
- Occupancy limit of 2 guests per bedroom, plus 2 additional guests.
- On-site parking required.
- Small signage allowed.
- Must adhere to building code, provide fire extinguisher.

- Must prevent disturbances to neighboring properties not typical of a residential neighborhood, including but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yards, trespassing, barking dogs, or excess vehicles, boats or recreational vehicles parked in the streets in front of the unit. The rental shall not be used at any time to host commercial events.
- Local contact who can respond to inquiries and complaints.
- Consumer safety requirements from RCW 64.37.
- Good neighbor guidelines and neighbor notification.

Liability Insurance – Required by RCW 64.37

Taxes – Required by RCW 64.37

Permit Requirements – The bulk of the ordinance draft describes the process for obtaining a STVR permit.

- Application requirements. Applicants will self-certify compliance with operational and development standards.
- Permit term. Permits will be issued for one year and may be renewed annually.
- Revocation. Survey respondents strongly supported the ability for the County to revoke STVR permits. This section utilizes language from the City of Stevenson’s code that would allow the County to revoke a STVR permit and would provide an appeal process for operators if their STVR permit is revoked.

Accessory Dwelling Units – STVRs are currently prohibited from operating within ADUs. Based on input from the Planning Commission, staff proposes removing language from this section that would prohibit the use of ADUs as a short-term vacation rental.

Next Steps

Following this workshop, Staff will update the draft with any edits recommended by the Planning Commission before reviewing the draft with the Board of County Commissioners at a future workshop. Following the Board’s review, Staff will bring the proposal back to the Planning Commission for a public hearing.

**SHORT-TERM VACATION RENTALS
PLANNING COMMISSION DISCUSSION DRAFT**

KEY: Language in blue is borrowed from or a requirement of RCW 64.37.
Language in green is borrowed from the Stevenson Municipal Code

NEW DEFINITION

21.08.010 **DEFINITIONS - INTERPRETATION**

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Short-term vacation rental: means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term vacation rental operator for a fee for fewer than thirty consecutive nights.

NEW SECTION

21.70.190 **SHORT-TERM VACATION RENTALS**

A. PURPOSE

The purpose this section is to establish regulations for the operation of short-term vacation rentals (STVRs) in Skamania County. These regulations do not apply to hotels, motels, or bed and breakfasts which operate as commercial uses. The provisions in this section are necessary to promote tourism and economic development within Skamania County while preventing unreasonable burdens on services and minimizing impacts to rural residential neighborhoods.

B. DEVELOPMENT STANDARDS AND OPERATIONAL REQUIREMENTS

1. A STVR may be located within any dwelling unit (including any entire dwelling unit or any portion of a dwelling unit), within any accessory dwelling unit, or within a residential accessory building. The exterior of the STVR shall retain a residential appearance with address numbers visible from the road.
2. Occupancy shall be limited to no more than two guests per bedroom, plus two additional guests.
3. Dedicated on-site parking shall be provided to accommodate all guests.
4. One sign either attached to the dwelling or placed in front of the dwelling and containing no more than four square feet, is permitted. No off-premise signage is permitted.
5. STVR shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC). At least one functioning fire extinguisher shall be installed within the STVR.
6. The STVR shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yards, trespassing, barking dogs, or excess vehicles, boats or recreational vehicles parked in the streets in front of the unit. The rental shall not be used at any time to host commercial events.
7. A local contact must be provided who is able to respond 24 hours a day, seven days a week to any complaints or inquiries.
8. Operators must post the following information in a conspicuous place within each STVR:
 - a. The STVR street address;

- b. The emergency contact information for summoning police, fire, or emergency medical services;
- c. The floor plan indicating fire exits and escape routes;
- d. The maximum occupancy limits;
- e. The contact information for the operator or designated contact;
- f. The STVR permit issued by the Community Development Department; and
- f. The “good neighbor” guidelines provided by the Community Development Department.

9. Notice to Neighbors. Upon approval of a STVR permit, the owner or contact person shall provide a mailing or otherwise distribute by hand, a flier to all property owners of record and/or occupants of properties adjacent to and abutting the STVR and shall provide a copy of this notice to the Community Development Department. The notice shall include the telephone number of the owner and contact person. The purpose of this notice is so that neighboring property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the STVR. If the permanent contact information changes during the license period, the new information must be mailed or distributed again.

C. LIABILITY INSURANCE

A STVR operator must maintain primary liability insurance to cover the STVR in the aggregate of not less than one million dollars or conduct each STVR transaction through a platform that provides equal or greater primary liability insurance coverage. Nothing in this section prevents an operator or a platform from seeking contributions from any other insurer also providing primary liability insurance coverage for the STVR transaction to the extent of that insurer's primary liability coverage limits.

D. TAXES

STVR operators must remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf. This includes occupancy, sales, lodging, and other taxes, fees, and assessments to which an owner or operator of a hotel or bed and breakfast is subject in the jurisdiction in which the STVR is located. If the STVR platform collects and remits an occupancy, sales, lodging, and other tax, fee, or assessment to which a STVR operator is subject on behalf of such operator, the platform must collect and remit such tax to the appropriate authorities.

E. SHORT-TERM VACATION RENTAL PERMITS

All operators of STVRs shall maintain a short-term vacation rental permit as required in this section. It is a violation of this section to rent, offer for rent, or advertise for rent a STVR without first obtaining a STVR permit.

1. APPLICATION PROCEDURE

- a. An application for a STVR permit shall be made to the Community Development Department on a form provided by the Department. The application shall include at a minimum:
 - i. Owner Information. Owner's name, permanent residence address, telephone number, owner's mailing address.
 - ii. Contact Person Information. If the owner does not permanently reside in the local area or is not always available when the property is being rented, the owner shall provide the name, telephone number and email of a contact person from the local area to represent the owner regarding the use of the property and/or complaints related to the STVR.
 - iii. Tax Information. A statement of intent to collect and remit all taxes associated with the vacation rental home as required by RCW 64.37.020.

- iv. Inspection Access. A statement allowing the County reasonable access to the property for the purpose of reviewing the proposal for the health and safety requirements in RCW 64.37.030 and this section.
 - v. Self-certification. A statement that the STVR complies with the development standards and operational requirements in SCC 21.70.190(B).
 - vi. Right to Publish Contact Information. A statement allowing the county to make owner and contact person phone numbers publicly available.
 - vii. Neighborhood Notice. A statement of intent to notify neighbors of the STVR.
 - viii. Good Neighbor Guidelines. A statement of intent to provide the county-provided Good Neighbor Guidelines to guests of the STVR.
 - ix. Parking Diagram. A statement of intent to provide guests of the STVR with a diagram of parking spaces that are available to or intended for use by the vacation rental home.
 - x. Liability Insurance. A statement of intent to provide liability insurance coverage as required by RCW 64.37.050.
- b. Application Fee. Applications shall be accompanied by a nonrefundable fee payable to the Skamania County Treasurer in an amount established by the Board of County Commissioners. Application fees will be prorated if issued for less than half of the annual term.
 - c. Approval. Upon receipt of a complete application, the Community Development Department will verify compliance with the requirements of this section and issue a STVR permit.

2. TERM OF ANNUAL PERMIT

- a. A STVR permit shall be issued for a period not to exceed one year, with its effective date running from the date of issuance to December 31st.
- b. Permits may be renewed annually by the owner upon a showing that all applicable standards continue to be met.
- c. The Community Development Department shall send annual notice prior to December 31st informing operators of the expiration and renewal requirements.

3. REVOCATION

- a. In addition to other enforcement options available to the County under SCC 21.100, the County following provisions apply to violations of this section:
 - i. Failure to meet the operational requirements of SCC 21.70.190(B) is grounds for immediate revocation of the permit.
 - ii. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the permit.
 - iii. Such other violations of this chapter of sufficient severity in the reasonable judgement of the Community Development Department, so as to provide reasonable grounds for immediate revocation of the permit.
 - iv. Other violations of this chapter, including but not limited to investigation/sustaining of complaints, shall be processed as follows:
 - 1. For the first and second violations within a twelve-month period, the sanction shall be a warning notice.
 - 2. If the same offense continues to occur or a third similar offense occurs at any time during a twelve-month period, the County may either issue a third warning, update the permit to include reasonable special operational standards, or revoke the permit.
- b. Notice of Decision/Appeal/Stay. If the STVR permit is updated or revoked as provided in this section, the Community Development Department shall send written notice to the owner stating the basis for the decision. The notice shall include

information about the right to appeal the decision and the procedure for filing an appeal with the Board of County Commissioners. Upon receipt of an appeal, the Community Development Department shall stay the update or revocation decision until the appeal has been finally determined by the Board of County Commissioners.

OTHER AMENDMENTS

21.70.180 **ACCESSORY DWELLING UNITS**
B. STANDARDS AND CRITERIA

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8. Either the ADU or the principal unit may be rented, but both may not be rented at the same time. ~~Neither the ADU nor the principal unit shall be used at any time as a short-term vacation rental. A short-term vacation rental is a unit rented out for any period of less than sixty days.~~

DRAFT