



Skamania County

Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

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MEMO

TO: Board of County Commissioners
FROM: Alan Peters, Assistant Planning Director
DATE: July 14, 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. Due to the pause on Planning Commission meetings because of COVID-19, adoption is more likely to occur in September.

Based on prior public outreach (including stakeholder meetings and an online survey) and Planning Commission/Board of County Commission workshop discussions, Staff prepared a draft ordinance for Planning Commission discussion. The Planning Commission discussed this draft at their July 7, 2020 Meeting and accepted comment from members of the public. After discussing the proposal, the Planning Commission felt comfortable with Staff presenting the draft to the Board of County Commissioners for their review and direction.

The purpose of this workshop is to share the Planning Commission's progress with the Board of County Commissioners and receive input on the draft ordinance. Following this workshop, Staff will take the draft back to the Planning Commission for a final round of edits before scheduling a public hearing. This workshop is not a public hearing, but Staff would request that the Board consider allowing for public comment during the workshop.

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. The Planning Commission expressed their support for the proposed language, with the exception of the permit requirements and application process. There is particular concern on the burden of fees and annual renewals on short-term operators. The Planning Commission has also expressed concern about implementing new STVR regulations at a time of uncertainty for the hospitality industry, and how these standards would be applied to any pre-existing vacation rentals.

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. The Planning Commission had concerns with this restriction, as it does not account for rooms that are designed for higher occupancy and could limit the use of vacation rentals by large families. Staff feels this is an important standard as it clear and objective and more easily enforceable. Restricting the number of adult occupants only may be a more reasonable approach.
- 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. The Planning Commission has reservations about the requirements as described in this draft.

- 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.

**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. (The Planning Commission has reservations about this requirement)*
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