



SKAMANIA COUNTY PLANNING COMMISSION

AGENDA

Tuesday, October 6, 2020 @ 6:15 PM

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 August 18, 2020, Planning Commission Meeting.
2. Public Hearing on proposed text amendments to Title 21 (Zoning) adopting regulations for short-term vacation rentals.

V. PLANNING COMMISSION BUSINESS

VI. ADJOURN

Participation Instructions:

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, August 18, 2020

Remote participation by Zoom Meeting telephone and video conference

Planning Commission Members:

Present: Mathew Joy, Ken Bajema,
Tony Coates, Sue Davis,
John Prescott, Adam King

Community Development Department Staff

Present: Mike Beck, Andrew Lembrick

AUDIENCE

Mitch Patton, Connie Lyons

PROCEEDINGS

Meeting was called to order at 6:15 P.M. by Chair, Mathew Joy

Mr. Joy led the Pledge of Allegiance.

Roll Call. Quorum was met. Cindy Soliz was absent.

1. Approve Minutes from the July 21, 2020 Planning Commission meeting.
 - a. Sue Davis moved to approve the minutes of the July 21, 2020 Planning Commission Meeting. Adam King seconded the motion.
 - b. Motion passed 6-0.

 2. Chair Mathew Joy opened the public hearing on proposed text amendments to Title 16 (SEPA), Title 17 (Subdivisions and Short Plats), and Title 21 (Zoning).
 - a. Mike Beck, planner, provided background on proposed text amendments and detailed that the proposed changes under discussion tonight had been previously discussed at an earlier 2020 planning commission meeting. Andrew Lembrick, planner, provided background on the proposed Title 21 text amendments to the Carson subarea zoning regulations governing light home industries. Planner Beck provided background on proposed Title 17 text amendments to the Subdivision Code governing exempt land divisions and lot size averaging. Planner Lembrick provided background on the proposed Title 16 text amendments to the county's SEPA policies.
 - b. Planner Beck outlined the review criteria and noticing process for the proposed text amendments. The proposed changes were reviewed by county staff and found consistent with the comprehensive plan, county code, and RCW. The actions taken to date by the Planning Commission have been in accordance with state and county regulations for public hearings and noticed properly. Planner Beck made the recommendation the Planning Commission approve the proposed text amendments as presented and forward their recommendation onto the Board of County Commissioners for their consideration.
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- c. Mr. Joy opened the meeting to public comment and invited the public to comment on the proposed zoning code changes.
 - i. Mitch Patton provided comment.
 - ii. Connie Lyons provided comment.
 - iii. Planner Lembrick shared written comments received from Gary and Nancy Johnson dated August 16, 2020.
- d. Mr. Joy asked each of the Planning Commissioners to provide their feedback on the proposal. Discussion included concerns about the SEPA checklist requirements and SEPA exemption thresholds. Concerns were raised about the written comments regarding development density after the lot size averaging rules are adopted. Comments were made in support of the changes and reiterating the positive changes the proposed changes will mean to property owners. A recommendation was made to approve the changes and also continue discussion on some of the other property rights issues in future planning commission meetings.
- e. Mr. Joy entertained motions for approval of the proposed text amendments to Title 16, Title 17, and Title 21. Motion by Adam King, seconded by John Prescott, to approve the text amendments to Title 16, Title 17, and Title 21 as presented. Motion passed unanimously.

3. Planning Commission Business.

- a. Planner Lembrick discussed the upcoming Planning Commission schedule for September and October. Planner Beck discussed an upcoming planned absence of the assistant planning director and possible Planning Commission discussion opportunities during his absence. Mathew Joy commented he and Tony Coates may not be around during hunting season.

4. MEETING ADJOURNED at 7:45 PM after motion by John Prescott, seconded by Sue Davis.

ATTEST

Planning Commission Chair

Secretary



Skamania County

Community Development Department

Building/Fire Marshal • Environmental Health • Planning

Skamania County Courthouse Annex

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STAFF REPORT

TO: Skamania County Planning Commission
FROM: Alan Peters, Assistant Planning Director

REPORT DATE: ~~September 17, 2020~~ Updated September 30, 2020
HEARING DATE: ~~September 22, 2020~~ Rescheduled to October 6, 2020
PROPOSAL: Short-term Vacation Rental Code Amendments

Background

At the direction of the Board of County Commissioners, Planning Staff has spent the last several months working with the Planning Commission to developing regulations for short-term vacation rentals (STVR) in Skamania County. At their November 13, 2019 meeting, the Board directed Planning Staff to prepare a STVR ordinance and 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, August adoption was not possible.

A short-term vacation rental (STVR) is generally understood to be the rental of a residential dwelling unit, accessory building, or an individual room for a period of less than 30 days. They are generally furnished spaces used for transient lodging, usually in place of more traditional lodging establishments such as hotels.

The concept isn't entirely new, but increased tourism to the Columbia River Gorge and the proliferation of online vacation rental platforms such as Airbnb, Vacasa, and VRBO has caused an increase in the number of these units throughout Skamania County. Recent assessments of the number of STVRs suggest that there are anywhere from 150 to 200 rentals in Skamania County, including whole home or partial home rentals. Yet, STVRs have never been specifically addressed in the County Code. Adoption of STVR regulations has the dual benefit of facilitating further development of these uses to accommodate tourism and economic development while providing County staff and neighbors enforcement mechanisms for STVRs that negatively impact their neighborhoods.

The proposed draft was prepared by Planning Staff after conducting public outreach (including stakeholder meetings and an online survey) and hold several workshops with the Planning Commission and Board of County Commissioners. The draft was revised and improved after receiving input from both bodies and from the public at meetings in July.

A SEPA Determination of Non-significance for the proposed final draft of these STVR regulations was issued on August 26, 2020, and published in the Skamania County Pioneer, posted on the Community Development website, and sent to interested parties.

The proposal was scheduled for a public hearing on September 22, 2020, but was rescheduled to October 6, 2020. Notice of this hearing was published in the Skamania County Pioneer on September 2, 2020, and posted on the County's website. A notice of the rescheduled hearing was published on the County's website on September 22, 2020, and published in the Skamania County Pioneer on September 30, 2020. Following the hearing, the Planning Commission can forward a recommendation to the Board of County Commissioners for final adoption of the proposed regulations.

Public Outreach

Stakeholder Meetings

Commissioner Tom Lannen and Assistant Planning Director Alan Peters met with three stakeholder groups in January 2020. These groups included interested county residents, operators of STVRs, and operators of conventional commercial lodging establishments – some of whom reached out to the Board or County Staff previously with interest in STVRs. Some key takeaways from that discussions include:

- Some property owners have had their quality of life negatively impacted due to mismanagement of nearby STVRs.
- Some home buyers are looking for properties that can support a STVR.
- Commercial operators are not opposed to STVRs, but would like to see more oversight.
- Local STVRs operators are not opposed to regulation, but have different opinions on how strongly they should be regulated.
- Operators of local STVRs and commercial lodging establishments both feel strongly that their businesses benefit the local economy.

Online Survey

The County solicited responses to an online survey during the month of April 2020. The purpose of the survey was to collect information needed to shape decisions associated with short-term rental policies and regulations. 159 responses were received. Some key takeaways from the survey include:

- 58% of respondents said they live near a STVR, most who do are satisfied with the operators and renters.
- Most respondents are supportive of STVRs, though opinions are divided between those that desire strong regulations, some regulations, and no regulations at all.
- About 15% of respondents are strongly opposed to STVRs. Some residents have had bad experiences with nearby rentals.
- Most residents have concerns with STVRs. The top concerns were generally private property rights, public safety, and nuisances.
- Some respondents are concerned about the County's ability to enforce regulations.
- Respondents favored permits, the ability to revoke a permit, requiring a local manager, and self-certification of compliance with STVR requirements.

Public Workshops

The Planning Commission and Board of County Commissioners held several public workshops beginning in November 2019 through July 2020. Public comment on the draft proposal was

received by the Planning Commission at its July 7, 2020, and July 21, 2020 meetings. The Board heard public comment at its July 14, 2020 meeting.

Public Hearing

The Planning Commission’s September 22, 2020 public hearing will provide yet another opportunity for the public to comment on the proposal.

Staff Analysis of Proposed Amendments

The proposed STVR regulations would result in text amendments to Title 21, the County’s zoning code. The initial draft was prepared by Planning Staff using language from RCW 64.37 which includes the state’s requirements for STVRs, language from the City of Stevenson’s short-term rental regulations, as well as new language drafted to reflect the preferences of County residents who participated in the survey. The draft was revised and improved after receiving input from the Planning Commission and Board of County Commissioners and from the public at meetings in July. A detailed summary of the proposed text amendments with analysis by Staff is included below.

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, a residential accessory building, or portion thereof, is offered or provided to a guest by a short-term vacation rental operator for a fee for fewer than thirty consecutive nights.

STVRs are commonly referred to as “short-term rentals” or “vacation rentals”. The County has adopted the term “short-term vacation rentals”. The text amendment would adopt a definition for this term which uses language found in RCW 64.37, the state’s regulations regarding this use. One local addition to this language is the added allowance for use of a “residential accessory building” as a STVR.

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.

The text amendments would create a new section found under the supplementary development provisions of the Zoning Code. This section establishes a purpose statement which is intended to balance the desire for promotion of tourism and economic development with the needs to prevent unreasonable burdens on services and minimize impacts to residential neighbors. The

purpose of these regulations is not to limit the development of STVRs, but to allow them in a manner that is consistent with the neighborhoods in which they are located.

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. A park model recreational vehicle may be used as a STVR in accordance with the occupancy restrictions in SCC 21.70.120(A).

This section allows for the creation of STVRs on any residential property. Various types of STVRs are allowable, including whole-house rentals, partial home rentals, rentals of accessory dwelling units, guest houses, etc. This section does not establish a limit on the number or type of STVRs, except that they must be on a residential property and located within a building.

Park model RVs are a type of RV that is intended for longer term occupancy and are similar in construction to single-family homes. These would be allowable STVRs on residential properties, but would be required to adhere to the existing occupancy requirements for RVs in SCC 21.70.120(A) which limits occupancy to 14 consecutive days and 120 days during a calendar year.

2. Dedicated on-site parking shall be provided to accommodate all guests.

No minimum number of parking spaces is required, but the operator would be required to provide sufficient parking for their STVR. This is intended to prevent guests from parking on public or private roads.

3. 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.

This section allows for operators to install signage of a reasonable size. STVRs commonly use signage to help guests locate the unit or to provide branding for the unit. This sign allowance is in addition to any address number signs.

4. STVR shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health (water and septic), 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.

This section would require STVRs to maintain compliance with applicable building, water, and septic code standards, including installation of carbon monoxide and smoke detectors. Fire extinguishers are not a requirement of building code, but are a good idea to prevent structure fires and can reduce property insurance costs.

5. Address numbers for the STVR shall be visible from the road.

A requirement of RCW 64.37 and the building code, visible address numbers help guests and emergency responders locate units.

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, unless the rental is associated with an approved commercial event center.

This section includes several subjective requirements that are intended to protect adjacent property owners and provide the County with some enforcement capability. Additionally, this section would prohibit the use of a vacation rental to host commercial events, unless it operates on the same property as an existing commercial event center. Commercial events are not defined in the County's zoning code, but this term generally refers to the renting of a space for the purpose of hosting a large event or party such as a wedding reception. This is a commercial use allowed only under certain circumstances. This would not preclude someone from celebrating an occasion while staying at a STVR, but is intended to prevent the unauthorized operation of a commercial event center.

7. 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; and
- f. The STVR permit issued by the Community Development Department.

Posting of this information is a requirement of RCW 64.37 and is intended to provide a minimum level of safety for occupants of the STVR. Posting of the STVR permit issued by the County will provide assurance to the tenant that they are staying in an approved unit.

9. Notice to Neighbors. Upon approval of an initial 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 within 300 feet of the STVR. 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 within 30 days of any change.

The proposed permit would not be subject to a public notice. Instead, this section would require that the operator personally provide notice to properties within 300 ft. of their STVR. This would be a one-time notice that could be mailed or distributed by hand. The purpose of this notice is for neighbors to be made aware of the STVR and to have the contact information of the operator in order to resolve any issues without the need for County involvement. This direct line of contact between neighbors and the property owner will have benefits for all parties. Neighbors may receive more timely responses by having a direct line of communication with the

property owner, the County will not need to get involved as often in the resolution of minor complaints, and STVR operators can avoid official complaints being attached to their property.

C. LIABILITY INSURANCE

Per RCW 64.37.050, 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.

This is a requirement of RCW 64.37. Additional language in the RCW clarifies that this liability insurance can be provided by a STVR platform, such as Airbnb if that platform provides liability insurance to its customers.

D. TAXES

Per RCW 64.37.020, STVR operators must remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf. 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.

Tax collection is a requirement of RCW 64.37.

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.

The proposal would require a permit in order to operate a STVR. A permit is an important tool for enforcement of nuisance STVRs and for tracking tax compliance. A permit fee will also help cover the County's costs in administering STVR rules and responding to complaints. It will be considered a violation to rent or advertise for rent without a STVR and a permit could be revoked if a rental operates in violation of the adopted standards.

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:

The Community Development Department will be responsible for issuing STVR permits.

- i. Owner Information. Owner's name, permanent residence address, telephone number, owner's mailing address.
- ii. Contact Person Information. This person must be available to respond 24 hours a day, seven days a week to any complaints or inquiries. If the owner does not permanently reside in the local area it is recommended that the owner provide a local contact.

Owner and contact information must be provided with a STVR permit application. Contact persons must be available to respond 24/7 to any complaints or inquiries. Some operators of

STVRs may not reside in the local area and in these cases, it is recommended that they provide a local contact.

- iii. Occupancy Limits. The operator shall state the proposed occupancy limit for the STVR.

The proposed code will not specify a specific occupancy limit or STVRs. Some jurisdictions limit the numbers of total guests in a unit or limit the number of guests per bedroom. It will be up to each individual operator to determine an occupancy limit for their unit.

- iv. 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.

By submitting a STVR application, operators agree to collect and remit applicable lodging taxes. Taxes are usually collected by STVR platforms. Due to the nature of tax collection on STVR platforms such as Airbnb, the County is not usually able to connect individual tax receipts with a specific STVR.

- v. Inspection Access. A statement allowing the County reasonable access to the property for the purpose of verifying compliance with this section should the County receive complaints about the STVR.

The proposal does not include a requirement for annual inspections of STVRs. Instead, inspections may be conducted to verify any complaints received. By submitting the application, operators agree to allowing reasonable access to the County.

- vi. Self-certification. A statement that the STVR complies with the development standards and operational requirements in SCC 21.70.190(B).

The proposal does not include a requirement for inspections of STVRs. Instead, operators will self-certify that their unit complies with the requirements in the code.

- vii. Neighborhood Notice. A statement of intent to notify neighbors of the STVR.

Agreement that operators will provide the required neighborhood notice. As discussed above, the purpose of this notice is for neighbors to be made aware of the STVR and to have the contact information of the operator in order to resolve any issues without the need for County involvement.

- viii. Good Neighbor Guidelines. A statement of intent to provide the county-provided Good Neighbor Guidelines to guests of the STVR.

Agreement that operators will provide Good Neighbor Guidelines to guests. These will be developed by County staff and adapted from time to time as necessary. The following are examples from Good Neighbor Guidelines published by the City of Stevenson. Other jurisdictions include information about local amenities and transportation options. Earlier versions of this

proposal would have required that these be posted in a conspicuous place in the unit. As now proposed, operators could distribute this to guests in whatever manner they find appropriate. For example, the good neighbor guidelines could be posted on website, emailed to guests, or placed in a guidebook.

1. 24-Hour Contact Information. If at any time you have concerns about your stay in regards to your neighbors, please call the contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911.
2. General Respect for Neighbors. Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors, their privacy, and their property.
3. Noise. Be considerate of the neighborhood and your neighbor's right to the quiet enjoyment of their home and property, especially after 10 PM.
4. Maintenance of Property. Be sure to pick up after yourself and keep the property clean, presentable and free of trash.
5. Parking. Refer to the parking diagram posted in the unit and park on-site whenever possible. Do not park on lawns or in a manner which blocks driveways, sidewalks, alleys or mailboxes. On-street parking is a community resource, don't be surprised to see a neighbor parked in front of the home you are renting.
6. Traffic Safety. Drive slowly through neighborhoods and watch for pedestrians and children playing. Better yet, our streets, sidewalks and trails offer safe, convenient, and interesting alternatives to your in-town destinations.
7. Fires. Our wonderful summer weather lends itself to heightened fire hazards. Help us all stay safe from wildfires by fully extinguishing cigarettes and abiding all seasonal and emergency bans on recreational fires.
8. Pets. Promptly clean-up after your pets. Prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. Control aggressive pets, and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
9. Tenant/Guest Responsibility. Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be Sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

- ix. Liability Insurance. A statement of intent to provide liability insurance coverage as required by RCW 64.37.050.

Maintenance of liability insurance is a requirement of RCW 64.37. Some STVR platforms included liability insurance for operators that use their platform to rent out a STVR.

- 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. Application and renewal fees shall be determined by the intensity of the STVR operation as set by the following tiers:
 - i. Tier 1. Any single-family dwelling or accessory dwelling unit that operates as a STVR full-time or is not occupied by its owner for at least four months per year; or any parcel that contains more than one STVR.

ii. Tier 2. All other STVRs.

An application fee is necessary to cover the cost of enforcement of STVR regulations and maintenance of STVR permits. The costs will be determined based on the final regulations adopted and the nature of the STVR being operated. This proposes two fee tiers. Tier 1 is for any single-family dwelling or accessory dwelling unit that operates full-time as a STVR. These types of properties operate solely as income properties and may displace long-term tenants. Because they operate at all times as a STVR, their impacts are greater than other part-time or smaller units. All other STVRs would be Tier 2 STVRs and would have a lesser permit fee.

- 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.

Approval of a STVR is not discretionary. STVRs that operate according to the code standards will be issued a 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.

Permits will be required annually as long as the STVR continues to operate. The County will notify operators when it is time to renew.

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. 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.

The ability to revoke a STVR permit will be the County's most important enforcement tool to eliminate nuisance STVRs and to bring them into compliance. Respondents to the County's STVR survey highly favored the ability for the County to revoke a permit. This section gives

specific direction on how the County will respond to multiple complaints received within a 12-month period. The first and second complaints will result in a warning, but the third complaint receive may result in a warning, revocation of a permit, or imposition of special operational standards.

- 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.

This section allows an operator to appeal the County's revocation of a permit or imposition of special operational standards to the Board of County Commissioners. The revocation or permit update would be stayed until the appeal is determined by the Board of County Commissioners.

OTHER AMENDMENTS

21.70.180 **ACCESSORY DWELLING UNITS**

B. STANDARDS AND CRITERIA

- 1. Only one ADU may be established per legal lot of record and only if a lot contains one principal dwelling unit and no other dwellings. ~~The property owner must occupy either the principal unit or the ADU as their permanent residence for at least six months out of each year. To meet this requirement, a property owner may include any spouse, child, sibling, parent, grandchild, grandparent, aunt, uncle, niece, or nephew of the property owner on title.~~

STVRs can displace long-term residents by removing long-term rentals from the rental market. In order to counter this issue, Staff proposes to remove the restriction currently in place for accessory dwelling units that requires owner-occupancy of one either the principal dwelling unit or accessory dwelling unit. This would allow for both units to operate as rentals (either as long-term rentals or short-term rentals) and has the potential of increasing the number of affordable rentals in the county.

...

- 8. Either the ADU or the principal unit, but not both units, may be rented as a short-term vacation rental. ~~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.~~

The proposal would remove a restriction that currently prohibits ADUs from being using as a STVR.

Review Criteria and Findings

Skamania County Code (SCC) Chapter 21.18 – Zoning Text and Map Amendments

21.18.020 Textual amendments.

The board of county commissioners, upon recommendation of the planning commission, or upon its own motion and referral to and report from the planning commission and after a public hearing, may amend, delete, supplement, or change by ordinance the regulations herein established, provided such revision is in accordance with the procedures set forth in RCW 36.70. An amendment to the text of this title may only be initiated by the board of county commissioners or the planning commission and shall be consistent with the terms of the comprehensive plan.

Staff Findings:

The proposal was initiated by the Board of County Commissioners. The Planning Commission will hold a public hearing and make a recommendation to the Board of County Commissioners.

Revised Code of Washington (RCW) 36.70 Planning Enabling Act

36.70.580 Official controls—Public hearing by commission.

Before recommending an official control or amendment to the board for adoption, the commission shall hold at least one public hearing.

36.70.590 Official controls—Notice of hearing.

Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county at least ten days before the hearing. The board may prescribe additional methods for providing notice.

36.70.600 Official controls—Recommendation to board—Required vote.

The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chair and the secretary of the commission and of such others as the commission in its rules may designate.

Staff Findings:

A public hearing on the proposed amendments is scheduled for October 6, 2020. Notice of this hearing was published in the Skamania County Pioneer on September 2, 2020, and on the County's website. Notice of the rescheduled hearing was published on the County's website on September 22, 2020, and in the Pioneer on September 30, 2020. After the public hearing, the Planning Commission may make a recommendation to the Board of County Commissioners on the proposed text amendments.

Recommendation

Based on the analysis in this report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the Board of County Commissioners to approve the proposed amendments to Title 21, establishing standards for Short-term Vacation Rentals in Skamania County.

Alternatively, the Planning Commission may amend the proposal before forwarding it to the Board or may forward a recommendation to not adopt the proposal.



Skamania County

Community Development Department

Building/Fire Marshal • Environmental Health • Planning

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SKAMANIA COUNTY PLANNING COMMISSION MOTION TO RECOMMEND APPROVAL OF AMENDMENTS TO TITLE 21 ESTABLISHING REGULATIONS FOR THE OPERATION OF SHORT-TERM VACATION RENTALS

The Skamania County Planning Commission conducted a public hearing to consider proposed text amendments to Title 21, establishing regulations for the operation of short-term vacation rentals and amending the requirements for accessory dwelling units.

I, _____, do hereby move that the Skamania County Planning Commission make the following Findings of Fact, and Conclusions.

FINDINGS OF FACT

- A. RCW 36.70 authorizes counties to adopt or amend zoning regulations.
- B. RCW 64.37 includes certain requirements for operation of short-term vacation rentals.
- C. The increased growth of short-term vacation rentals in Skamania County requires the adoption of development and operational standards.
- D. Short-term vacation rentals benefit the local economy of Skamania County, but can be a negative community impact if not addressed effectively.
- E. The proposed amendments to the County's Zoning regulations are consistent with state law, including RCW 36.70 and RCW 64.37, and the County's Comprehensive Plan.
- F. The Planning Commission, having provided proper notice in the Skamania County Pioneer, and with a quorum present, conducted a public hearing at its October 6, 2020, meeting.

CONCLUSIONS

Based on public comment and staff analysis, the proposed text amending Title 21 to establish regulations for the operation of short-term vacation rentals will help to promote tourism and economic development within Skamania County while preventing unreasonable burdens on services and minimizing impacts to rural residential neighborhoods, protects the general health, safety, and welfare of the public, and should be recommended to the Board of County Commissioners for approval.

RECOMMENDATION

Based upon the findings of fact and conclusions, I further move that the Planning Commission recommend to the Board of County Commissioners that they adopt the proposed text amendments.

Motion seconded by _____.

| | AYE | NAY |
|-------------------------|-------|-------|
| Mat Joy, Chair | _____ | _____ |
| Cyndi Soliz, Vice Chair | _____ | _____ |
| Ken Bajema | _____ | _____ |
| Tony Coates | _____ | _____ |
| Sue Davis | _____ | _____ |
| Adam King | _____ | _____ |
| John Prescott | _____ | _____ |

**SHORT-TERM VACATION RENTALS
PROPOSED TEXT AMENDMENTS**

NEW DEFINITION

21.08.010 **DEFINITIONS - INTERPRETATION**

...

Short-term vacation rental: means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, a residential accessory building, or portion thereof, 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. A park model recreational vehicle may be used as a STVR in accordance with the occupancy restrictions in SCC 21.70.120(A).
2. Dedicated on-site parking shall be provided to accommodate all guests.
3. 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.
4. STVR shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health (water and septic), 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.
5. Address numbers for the STVR shall be visible from the road.
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, unless the rental is associated with an approved commercial event center.
7. 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; and
 - f. The STVR permit issued by the Community Development Department.

9. Notice to Neighbors. Upon approval of an initial 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 within 300 feet of the STVR. 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 within 30 days of any change.

C. LIABILITY INSURANCE

Per RCW 64.37.050, 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.

D. TAXES

Per RCW 64.37.020, STVR operators must remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf. 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. This person must be available to respond 24 hours a day, seven days a week to any complaints or inquiries. If the owner does not permanently reside in the local area it is recommended that the owner provide a local contact.
 - iii. Occupancy Limits. The operator shall state the proposed occupancy limit for the STVR.
 - iv. 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.
 - v. Inspection Access. A statement allowing the County reasonable access to the property for the purpose of verifying compliance with this section should the County receive complaints about the STVR.
 - vi. Self-certification. A statement that the STVR complies with the development standards and operational requirements in SCC 21.70.190(B).
 - 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. 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. Application and renewal fees shall be determined by the intensity of the STVR operation as set by the following tiers:

- i. Tier 1. Any single-family dwelling or accessory dwelling unit that operates as a STVR full-time or is not occupied by its owner for at least four months per year; or any parcel that contains more than one STVR.
 - ii. Tier 2. All other STVRs.
 - 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. 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

1. Only one ADU may be established per legal lot of record and only if a lot contains one principal dwelling unit and no other dwellings. ~~The property owner must occupy either the principal unit or the ADU as their permanent residence for at least six months out of each year. To meet this requirement, a property owner may include any spouse, child, sibling, parent, grandchild, grandparent, aunt, uncle, niece, or nephew of the property owner on title.~~

...

8. Either the ADU or the principal unit, but not both units, may be rented as a short-term vacation rental. ~~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