




SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

REPORT DATE: July 11, 2017

TO: San Juan County Planning Commission

FROM: Erika Shook, AICP, Director 
Linda Kuller, AICP Planning Manager/Deputy Director

SUBJECT: Public Hearing on the Planning Commission's Recommended
Vacation Rental Code Amendments

FOR MEETING OF: July 21, 2017

I. Background

The 2016 Department of Community Development work program included a project to amend the vacation rental requirements to require annual inspections by the Fire Marshal, make the vacation rental permits renewable, and better address nuisance issues such as traffic, garbage, water use and parking. The Community Development Department drafted an initial draft of proposed amendments for Planning Commission review in March 2017.

The Planning Commission was briefed on the initial draft in March 2017. The public hearing on that draft was held on April 21, 2017. On May 17, 2017, the Planning Commission deliberated and provided direction to staff to draft a Planning Commission public hearing draft and scheduled a public hearing for their draft proposal on July 21, 2017.

The following information is attached:

- Attachment A - Planning Commission public hearing draft of the Vacation Rental code amendment ordinance.
- Attachment B - Proposed changes to SJCC 18.40.270 in strikethrough/underline format.
- Attachment C - Summary of Planning Commission draft vs. initial March 17, 2017 draft.
- Attachment D - Draft of the annual certificate of compliance form.

II. Summary of the Planning Commission hearing draft for the July 21st public hearing

The following is a summary of all proposed changes to the current requirements found in SJCC 18.40.270 (all references to page and line numbers are to Attachment A of this staff report):

- Page 4, lines 7-8: The introduction is amended to reference the definition of vacation rental of a single-family residence or accessory dwelling unit found in SJCC 18.20.220, and to make clear that other sections of the code regulate the location of vacation rentals.
- Page 4, lines 9-11: These requirements replace subsections G, K and L of SJCC 18.40.270. This language makes the existing requirements easier to understand, but does not change their effect or meaning.
- Page 4, lines 12-14: The occupancy of vacation rentals changed from three persons per bedroom to two persons per bedroom, plus two guests. A guest is defined as a person over the age of 2. The number of bedrooms is clarified to mean the bedrooms per approved building permit for the structure. This change is intended to address conflicts between sewage disposal requirements and land use regulations.
- Page 4, lines 15-21: The changes to the requirements make clear what is considered an “unreasonable disturbance to area residents” to include trespassing, noise, speeding and off-site parking issues. Current adopted code is difficult to enforce because “unreasonable disturbance to area residents” is not defined. The proposed amendments will make the requirements clearer, predictable and enforceable.
- Page 4, lines 22-24: Requires solid waste to be removed from the vacation rental to an approved facility on a weekly basis, and requires the use of secured garbage receptacles outdoors or indoor storage. This is a new requirement.
- Page 4, lines 25-26: Requires owners of vacation rentals to make their guests aware of the importance of water conservation and to include best practices to conserve water in their rules of conduct. This is a new requirement.
- Page 4, lines 27-28: Changes the on-site parking requirement to be one per bedroom. Currently a vacation rental located outside of an activity center or urban growth area is required to have two on-site parking spaces regardless of the number of bedrooms in the vacation rental or the number of guests.
- Page 4, line 29: Clarifies the existing requirement. The code as currently written and implemented defines a vacation rental that provides food service as a “Bed and Breakfast Establishment” and not as a vacation rental. The amended text makes clear that a vacation rental permit holder cannot provide food service and still be considered a vacation rental.
- Page 4, lines 30-31: Allows a small sign with the name of the business. The sign size is the same as allowed for Bed and Breakfast Establishments. This change will help reduce trespass as the vacation rental will be identified. Current code does not allow any signage.
- Page 4, lines 32-34: Additional examples of required licenses and taxes have been added.
- Page 5, lines 1-4: This is a new provision that applies to vacation rental permits vested or approved after the effective date of the ordinance. Under this provision, a vacation rental would expire five years after the date of approval if a current certificate of compliance is not kept on file with the administrator. This provision does not apply to permits vested or approved prior to the effective date of the ordinance.

- Page 5, lines 5-6: Requires the holders of vacation rental permits approved prior to the effective date of the ordinance to comply with the operational requirements of section (L) by December 31, 2018.
- Page 5, lines 9-11: Requires the owners of all vacation rental permits to keep an up-to-date property management plan on file with the Community Development Department and with neighboring properties within 300 feet. This is a current requirement, but the text has been clarified.
- Page 5, line 12: Requires the property management plan to have a copy of the approved rules of conduct in it. This is a new requirement, although the rules of conduct are not a new requirement.
- Page 5, lines 13-14: Requires the property management plan to include the UBI number in addition to the names and addresses of owners and agents for the vacation rental. The requirement for a UBI number is new.
- Page 5, lines 15-16: Requires the property management plan for each vacation rental to have a local property representative designated who lives on the island where the vacation rental is located. The local property representative is required to respond to emergencies and complaints. This is a new requirement.
- Page 5, lines 17-18: Requires the property management plan to include a valid telephone number where the local property representative can be reached 24 hours per day. The requirement for a 24-hour telephone number is not new, the requirement that there be a local property representative is new.
- Page 5, lines 19-22: Requires the rules of conduct and map of the property boundaries be posted. This is a new requirement. Currently a map is required only if there is access to the shoreline.
- Page 5, lines 23-24: Requires that the San Juan County permit number for the vacation rental be included in all advertisements. This is a new requirement.
- Page 5, lines 25-28: Requires that permit holders annually certify compliance with their permit conditions and the fire and life safety requirements of the (IFC) and post the certification on-site. This is a new requirement.
- Page 5, lines 29-31: Requires that a certification of compliance with permit conditions be submitted within 90 days of sale or transfer of the property. This is a new requirement.
- Page 5, lines 31-34 through page 43: Ordinance Sections 2 - 7 amend various code sections to replace the term “transient rental” with the term “vacation rental”; and eliminate an obsolete provision that allows a provisional use permit instead of a conditional use permit to vacation rent a guest house that was used for transient rental prior to 1997. This provision is obsolete because any guest house subject to this provision should have already applied for and received a vacation rental permit.
- Pages 44 through 46: Ordinance Section 8 adds a new section to Chapter 18.100 SJCC to require a new monetary penalty of \$1,000 for the first notice of violation and \$100 per day of operation thereafter for operation of an unpermitted vacation rental and defines evidence of operation of an unpermitted rental to include advertising. This provision is intended to reduce or eliminate unpermitted vacation rentals. Ordinance Section 9 amends SJCC 18.100.090 so that the existing

schedule of penalties for notice of violation does not apply to unpermitted vacation rentals because they are subject to a new and different penalty established by Section 8.

III. Code Enforcement Provisions

The proposed amendments to code enforcement provisions in SJCC Chapter 18.100 are included in the draft ordinance for discussion purposes. It is likely that Prosecuting Attorney's office will recommend that this be a separate ordinance that is re-drafted and re-reviewed by the Planning Commission. This would include amendments to other sections of Chapter 18.100 SJCC. The draft is included for public information and for the Planning Commission to provide direction to County Council and staff as to the intended code enforcement proposal.

IV. Updated Public Review Schedule:

- July 21, 2017 - Planning Commission public hearing on the Planning Commission's recommended draft of Vacation Rental code amendments and recommendation to County Council.
- August – September – County Council review

V. Proposed Action:

Take public testimony on second draft of the proposed Vacation Rental code amendments, deliberate and make a recommendation to County Council.

Attachments:

- A - Planning Commission Hearing Draft - Vacation Rental code amendment ordinance
- B - Strikethrough/Underline version of SJCC 18.40.270 showing changes
- C - Summary of Planning Commission draft vs. initial March 17, 2017 draft
- D - Example of Annual Certificate of Compliance