

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON**

**ORDINANCE NO. 184B**

**AN ORDINANCE AMENDING ORDINANCE NO. 184 LAND USE/ZONING  
REGULATIONS AND ADOPTING AMENDED  
SECTION 21.N SHORT TERM VACATION RENTALS**

**WHEREAS**, the Board of Pacific County Commissioners (Board) conducted a special meeting on December 16, 2019, establishing a moratorium on the receipt and/or processing of development permit applications subject to Section 21.N Short Term Vacation Rentals contained within Pacific County Ordinance No. 184 which implements land use/zoning regulations countywide; and

**WHEREAS**, further analysis and public review will foster enhanced public participation and forward efforts to ensure that local land use regulations comply with the goals and policies of the Growth Management Act, Chapter 36.70A RCW; and

**WHEREAS**, there has been a recent significant increase in the number of new short-term vacation rental permit applications, and the existing process for special use permits has enabled short-term vacation rental permits to be issued with conditions that may be difficult or impossible to enforce, which impose unanticipated costs based on use of public right of ways and public services, and which threaten the character and peaceful living conditions of residential zones within Pacific County, which constitutes an emergency; and

**WHEREAS**, the ability to review and approve such uses during the time period in which additional analysis and public review is completed would frustrate the goals and policies of Chapter 36.70A RCW; and

**WHEREAS**, WAC 197-11-880 and Pacific County Ordinance No. 166 categorically exempt emergency actions from review under the State Environmental Policy Act (SEPA).

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS THAT IN ACCORDANCE WITH RCW 36.70.795 AND RCW 36.70A.390, THAT ORDINANCE NO. 184A IS ADOPTED AS FOLLOWS:**

- N.     **SHORT TERM VACATION RENTALS.** Vacation Rentals are permitted as specified for each of the different Land Use Districts, subject to the following regulations:
1.   Density. Within the R-1, R-2, and R-R zoning districts, vacation rentals must have a radius of, greater than or equal to, three hundred feet (300'), as measured from all property lines. Special conditions or circumstances cannot be applied to allow relief from the (300') setback standard through a variance process.
  2.   On any residentially zoned properties containing both a residential dwelling and an accessory residential dwelling, only one (1) residential structure may be licensed as a vacation rental, but not both;
  3.   Occupancy Limits. No more than two (2) overnight occupants per bedroom, plus two (2) additional overnight occupants, shall be accommodated at any one time, e.g., a one (1) bedroom cabin would be allowed four (4) overnight occupants while a two (2) bedroom cabin would be allowed six (6) total overnight occupants. The total number of occupants temporarily residing in a vacation rental shall not exceed ten (10) at any one time and

includes all occupants over the age of two (2). The maximum number of occupants cannot be advertised to exceed the permitted occupancy. Occupancy limits cannot be increased by mitigation through a Special Use or Conditional Use process;

4. Parking. The vacation rental shall have one (1) off-street parking space per each bedroom unit with a minimum of two (2) off-street parking spaces required;
5. Public Notice. In addition to the public notice requirements set forth in Ordinance No. 177, Section 5.5.b.i, or any amendments to, a notice of application will be distributed as follows:  
(a) The Director or his/her designee will post a 2' x 2' (4 sq. ft.) notice of public hearing sign on three (3) locations on the perimeter of the subject property and nearest public road, (b) The Director or his/her designee shall provide written notice to all property owners within a radius of three hundred (300') feet of all property lines;
6. Operation & Maintenance (O&M) Inspection. Satisfactory completion of an O&M inspection of any existing on-site sewage disposal system (septic) prior to the submittal of the initial vacation rental application, and every three (3) years thereafter, or more frequently as determined by the Pacific County Health Officer. On-site sewage systems deemed sub-optimal or failed will require the submittal of a complete on-site sewage repair application prior to submitting the initial vacation rental application. The approved vacation rental permit/license will be issued after the completion of the approved final inspection of the on-site sewage repair permit;
7. Property Management Plan. A property management plan demonstrating how the vacation rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting & licensing process. The property management plan shall also include:
  - a. Property manager's name and phone number;
  - b. Local point of contact who is responsible for responding immediately to complaints, i.e., clean up garbage, manage unruly tenants, etc.;
  - c. Statement regarding how garbage removal is to be conducted;
  - d. The "land line" phone number to the vacation rental;
  - e. Statement identifying emergency procedures the occupants are to follow in case of an emergency; and;
  - f. Identification and location of parking spaces available; and how the parking standards are to be met.

The approved property management plan shall be mailed to all adjoining property owners within three hundred feet (300') as a condition of license approval and shall be prominently and permanently displayed inside the unit near the front entrance of the vacation rental, along with the vacation rental license. Revisions to the approved property management plan and/or local point of contact will require review and approval. Once approved, the property owner shall mail the approved revised property management plan to all adjoining property owners within three hundred (300) feet. The revised license will be issued after receipt of the completed affidavit of mailing;



8. Fire & Life Safety Inspection. Satisfactory completion of a life/safety inspection, performed by the Pacific County Building Division, prior to the issuance of the initial vacation rental permit; and shall be required every two (2) years after to ensure fire and life safety requirements are maintained;
9. Floor Plans. Accurate to scale floor plans are required for all new and existing vacation rentals to ensure fire and life safety requirements are maintained;
  - a. Floor plans will be required to be submitted at time of initial application submittal and approved prior to the initial permit issuance.
  - b. The approved floor plan must be posted in a visible location within the vacation rental.
  - c. Changes to the approved floor plan will require resubmittal and approval and may require a Fire & Life Safety inspection, at the discretion of the building department.
  - d. Existing vacation rentals (prior to 01/01/2020) will be required to submit an accurate to scale floor plan for review and approval, prior to receiving a 2021 vacation rental license.
10. Appearance. The exterior of the building(s) shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road. No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas;
11. Garbage. Provisions shall be made for garbage removal during rental periods and said provisions shall be documented in the property management plan. Proof of said service shall be provided on request by Pacific County. Any complaints regarding littering or garbage shall be resolved immediately;
12. Pets. Pets shall be secured at all times while on the property. Nuisance barking by pets is prohibited. Horses are allowed to be kept on rural residential (R-R) zoned properties;
13. Phone Service. The vacation rental shall have a "land line" with local phone service. The phone number servicing the vacation rental shall be included in the property management plan;
14. Signage. One (1) sign either attached to the dwelling or placed in front of the dwelling and containing no more than four (4) square feet, is permitted. No off-premise signage or advertising is permitted;
15. Access. The road access to the vacation rental shall be constructed to meet minimum Pacific County Road Standards. Vacation rentals on private lanes and driveways shall meet the minimum twenty-foot (20') side to side clearance (horizontal) between obstructions as referenced in the Uniform Fire Code Standards. The access shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic;
16. The vacation rental 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;

17. Prior to the issuance of the initial vacation rental permit, the owner of record shall demonstrate that the vacation rental is registered as a business with the State of Washington and that a State Business License and Unified Business Identifier (UBI) number have been issued for the vacation rental per WAC 458-20-101. The owner shall also certify that all applicable lodging taxes will be paid and shall provide proof of general liability insurance for use of the residential structure as a vacation rental;
18. The vacation rental shall meet all applicable State and local health, safety and building codes;
19. License Requirement. In addition to the underlying Land Use District permitting and process requirements, an owner shall obtain a revocable vacation rental annual license from Pacific County whenever a dwelling unit is to be used for vacation rental purposes and shall comply with the following:
  - a. A vacation rental license shall be obtained from Pacific County prior to using the dwelling unit as a short-term vacation rental;
  - b. The vacation rental license shall be renewed annually;
  - c. The vacation rental license is non-transferable. If the property is sold, the new owner will need to re-apply for both the vacation rental license and the underlying vacation rental permit. A prospective buyer may apply for a vacation rental permit/license with the permission of the current legal owner of the property, and a vacation rental permit issued to the prospective buyer will be conditioned on the subject property being purchased by the applicant/buyer. The vacation rental license will be held until the property is transferred into the buyer's name.
  - d. The Pacific County vacation rental license shall be prominently and permanently displayed inside the unit near the front entrance of the vacation rental and shall list the following:
    1. The name, address and phone numbers of the property owner and/or the designated property manager;
    2. The name and phone number of the local point of contact who must reside within one (1) hour (travel time) from the site address of the vacation rental;
    3. The maximum occupancy;
    4. Number of required parking spaces;
    5. The service provided to handle garbage;
    6. A statement that occupants are to respect adjoining property owners by adhering to quiet hours from 10 p.m. to 8 a.m., and refrain from trespassing, littering or parking on adjoining properties;
    7. A statement that occupants, owners, and managers of this vacation rental are subject to civil penalties for violating this Ordinance; and;
    8. A statement that the license to operate this vacation rental may be revoked for violations of these rules.



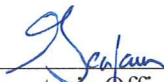
20. The Administrator may impose other conditions, such as additional parking, improved access, fencing, landscaping, or minimum screening to ensure the proposed use is compatible with the surrounding residential character;
21. If the terms of the vacation rental license are not met, the license may be revoked and the property owner may be subject to penalties per Pacific County Ordinance No. 165, or any amendments thereto;
22. Complaints. All complaints shall proceed as follows:
  - a. The complaining party shall first attempt to communicate with the local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;
  - b. The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance with the Section; and;
  - c. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the Pacific County Community Development Director, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the County. The Director of Community Development shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within ten (10) days. A copy of the complaint will be filed with the vacation rental license file.
23. Compliance and Revocation.
  - a. Owners of vacation rentals shall obey all applicable Laws and Ordinances of the County and shall be subject to permit revocation procedures and appeals processes outlined in this Section and in Pacific County Ordinance 177, or any amendments thereto;
  - b. If there have been three (3) or more authenticated violations of this Ordinance related to the same vacation rental within one (1) calendar year, or if there have been three (3) or more authenticated violations of other County Ordinances related to the same vacation rental within one (1) calendar year, the Administrator shall revoke the vacation rental license and underlying vacation rental permit, and the property owner shall be prohibited from obtaining a new vacation rental permit & license for at least one (1) year from the revocation;
  - c. The property owner may appeal the revocation of the vacation rental license & permit pursuant to the appeals procedures outlined in Pacific County Ordinance No. 177, or any amendment thereto; and
  - d. Nothing in this subsection precludes Pacific County from proceeding with formal enforcement action against a property owner and/or occupant for violations of this Ordinance as authorized under Pacific County Ordinance No. 165, or any amendments thereto, or for violations to Board of Health Ordinance No. 2 (Solid Waste/Littering), or any amendments thereto, or Board of Health Ordinance No. 4 (Nuisance), or any amendments thereto.


24. All existing and permitted vacation rentals shall meet the modified licensing/permitting standards contained within Section 21.N or future amendments no later than December 31, 2020.

**PASSED** by the Board of Pacific County Commissioners meeting in special session at South Bend, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage the 30<sup>th</sup> day of July, 2020:

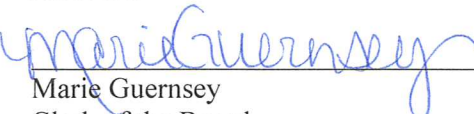
3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

APPROVED AS TO FORM

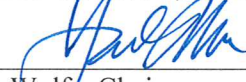
  
Prosecutor's Office

  
WSBA #36669

ATTEST

  
Marie Guernsey  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

  
Frank Wolfe, Chairman

  
Lisa Olsen, Commissioner

  
Mike Runyon, Commissioner