

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, April 19, 2023, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://wa-clallamcounty.civicplus.com/669/Live-Archived-Meetings-Online>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** March 15, 2023
- F. ANNOUNCEMENTS:** Sign Ordinance update
- G. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** None.
- I. PUBLIC HEARING:** None.
- J. WORK SESSION ITEMS:** Summary of changes to Draft Landscaping Ordinance and discussion.

Review of Draft Vacation Rental and B&B Inn Ordinance
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. GOOD OF THE ORDER**
- M. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
Robert Miller; N. Bonnie Booth; Jeff Carter; Thomas Butler; Kenneth Reandeau; Jane Hielman
Vacancy District 2

Department of Community Development Staff:

Donella Clark, Principal Planner; Greg Ballard, Senior Planner, Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of March 15, 2023, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:03 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Steve Gale, Ken Reandeau, Thomas Butler, Robert Miller, Jane Hielman, and Bonnie Booth. Donella Clark, Principal Planner, Greg Ballard, Senior Planner, and Bruce Emery, Director, represented staff from the Department of Community Development.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: February 15, 2023 and March 1, 2023
- F. ANNOUNCEMENTS: County does have a Facebook page but there is currently no department who maintains the information, so it is not well utilized. Next meeting the Commission is welcome to sit at the dias.
- G. PUBLIC COMMENT PERIOD: none
- H. UNFINISHED BUSINESS: Staff presented the 2017 Draft Vacation Rental code that had been approved and forwarded by the Planning Commission to the Board of County Commissioners, but was not approved by the Board. Staff asked if they should clean up the draft code and bring it back to the Planning Commission for review.
- I. PUBLIC HEARING ITEM: none
- J. WORK SESSION ITEMS: Staff reviewed and discussed the changes made to the Landscaping Ordinance. Staff requested that Commissioners send comments, which will then be incorporated and brought back for further review.
- K. PUBLIC COMMENT PERIOD: none
- L. GOOD OF THE ORDER: Thomas Butler would like to see a sound and lighting ordinance. Staff informed the group that the Prosecuting Attorney's Office (PAO) has been working on a Nuisance Ordinance, modeled after Spokane County, that would address sound and lighting. Commissioners are supposed to be hearing an update from the PAO April 3rd.
- M. ADJOURNMENT: The meeting adjourned at ___7:35___ p.m.

Ordinance

Amending Title 33, Zoning, Chapter 33.53, Landscape and Lighting Requirements, of the Clallam County Code, to repeal all section of Chapter 33.53, Landscape Requirements and replace

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 33.53.010, Purpose, is created to read as follows:

The landscaping and lighting requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance and character of the county. These regulations are intended to increase the compatibility of adjacent land uses due to development by minimizing the potential for noise, light, odor, visual, and stormwater impacts created from such uses. In addition, landscaping and lighting requirements assist with mitigating impacts of climate change. Plants sequester carbon out of the atmosphere and prevent against the heat-island effect by providing shade. Promoting efficient lighting can lower energy usage, and the use of lighting mitigation (fixtures, shields, timers, etc.) can help preserve the dark sky of the community.

Section 2. Section 33.53.020, Applicability, is created to read as follows:

The standards set forth in this chapter shall apply to the following:

- (1) Urban Density Subdivisions in Urban Growth Areas and Limited Areas of More Intensive Rural Development (LAMIRD) per Sections 33.22.300(2)&(3) CCC;
- (2) Multi Family development, RV Parks, and Mobile Home Parks
- (3) Public Institutions or Recreational Uses
- (4) Above Ground Utility Buildings or Facilities
- (5) Commercial and Light Industrial Development within fully enclosed structures
- (6) Commercial Uses (not within enclosed structures), Industrial Developments defined in 33.03.010(47) CCC, or including outdoor activities that generate substantial noise, odors, vibration, etc.
- (7) Expansion of existing building footprints or uses greater than 50% for above listed development.
- (8) Uses requiring landscaping as a condition of conditional use permits under Chapter 33.27 of this Title, and
- (9) Uses requiring landscaping in other sections of this Title.

Table 33.53.020 below provides the standard buffer requirements between existing and proposed uses (see attached).

Section 3. Section 33.53.030, Landscape Plans, is created to read as follows:

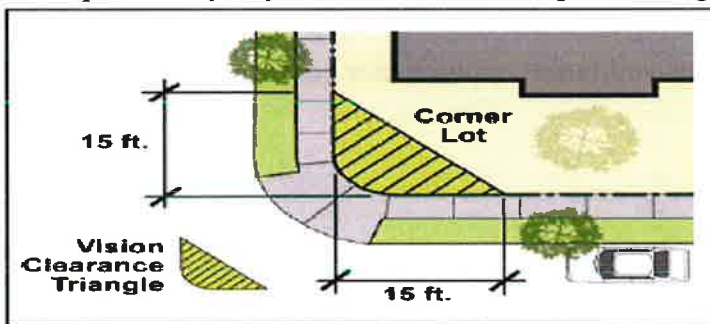
Landscape plans shall consist of a scaled drawing and narrative that contain the following information:

- (1) Proposed retention of existing vegetation and plant types.
- (2) The location of existing and proposed plants.
- (3) Spacing between individual plants.
- (4) Location, quantity, size and name, both botanical and common names, of all proposed plants.
- (5) Location of impervious surfaces and hardscape features.
- (6) Location and dimensions of all existing or proposed structures, property lines, easements, parking lots and driveways, roadways and rights-of-way, sidewalks, monument/freestanding signs, refuse dumpsters, fences, walls, freestanding electrical equipment, and stormwater facilities.
- (7) Location and specification of outdoor and security lighting and mitigation measures consistent with Section 33.53.090.
- (8) Proposed location of fencing, decorative block wall, berms, and/or hedges.
- (9) Location of a vision clearance triangle on corner lots.
- (10) Assurance that required landscaping/lighting is installed as designed and is successful throughout the lifetime of the proposal, as required under Section 33.53.110.

Section 4. Section 33.53.040, Landscape Requirements, is created to read as follows:

(1) General Requirements

- a. Except for invasive or noxious weeds (Himalayan Berry, Scotch Brume, etc.), the retention of existing vegetation in place of new plants is encouraged and allowed.
- b. Vegetation shall not obscure line of sight at intersections of public roads or state highway.
- c. Corner lots shall maintain a vision clearance triangle consisting of an area in which no visual obstruction, such as a structure, signage, fence, tree or shrub higher than 24 inches above grade shall be permitted. Such triangular area shall have one angle formed by the front lot line and the side lot line separating the lot from the side street, extending 15 feet along both street frontages. The third side of the triangle shall be a straight line connecting the two lot lines at the 15-foot point on each (Section 33.20.050(4) CCC). No trees, ~~shrubs~~shrubs, or other visual obstructions over 24 inches in height shall be permitted along the street within the vision clearance triangle. Larger vision triangles may be required, based on the road classifications, as specified by city, state or federal transportation agencies or departments.



- d. Planting patterns throughout the landscaped area should promote tree and shrub spacing and clustering versus a linear planting approach.
- e. The Administrator or Hearing Examiner may consider limiting landscape visual screens and buffers to be located around the perimeter of the development site (as opposed to the perimeter of the entire lot) where only a small part of the lot and/or street frontage are developed. For example, requiring landscaping immediately around a small public utility building and related improvements with a small footprint on a lot that is vacant or containing development not otherwise requiring landscaping subject to this chapter.

Table 33.53.020 Perimeter Landscaping Between Existing and Proposed Uses¹
Existing Uses ->

	Rural Residential	Urban/LAMIRD ⁴ Subdivisions	Multi-family, RV & MH Parks	Public & Recreational Use	Utility Building & Facilities	Commercial & Light Industrial ²	Com, Ind, & outdoor processing ³
Rural Residential		[L] LS(10) or Bar+LB(5)	[M] LS(15) or Bar+LB(10)	[L] LS(10) or Bar+LB(5)	[L] LS(10) or Bar+LB(5)	[M] LS(15) or Bar+LB(5)	[H] LS(25) or Bar+LS(10)
Urban/LAMIRD ⁴ Subdivisions	[L] LS(10) or Bar+LB(5)		[M] LS(15) or Bar+LB(5)	[M] LS(15) or Bar+LB(5)	[L] LS(10) or Bar+LB(10)	[M] LS(15) or Bar+LB(5)	[H] LS(25) or Bar+LS(15)
Multi family, RV & MH Parks	[H] LS(20) or Bar+LS(10)	[M] LS(15) or Bar+LB(10)		[M] LS(15) or Bar+LB(5)	[M] LS(15) or Bar+LB(10)	[M] LS(15) or Bar+LB(5)	[H] LS(25) or Bar+LS(15)
Public & Recreational Use	[M] LS(15) or Bar+LB(10)	[L] LS(10) or Bar+LB(5)	[M] LS(15) or Bar+LB(10)		[L] LS(10) or Bar+LB(5)	[L] LS(10) or Bar+LB(5)	[M] LS(15) or Bar+LB(10)
Utility Buildings & Facilities	[L] LS(10) or Bar+LB(5)	[L] LS(10) or Bar+LB(5)	[M] LS(15) or Bar+LB(10)	[L] LS(10) or Bar+LB(5)		[L] LS(10) or Bar+LB(5)	[L] LS(10) or Bar+LB(5)
Commercial & Light Industrial ²	[H] LS(20) or Bar+LS(15)	[M] LS(15) or Bar+LB(10)	[M] LS(15) or Bar+LB(10)	[L] LS(10) or Bar+LB(5)	[L] LS(10) or Bar+LB(5)		[M] LS(15) or Bar+LB(5)
Com, Ind, & outdoor processing ³	[H] LS(25) or Bar+LS(15)	[H] LS(25) or Bar+LS(15)	[H] LS(25) or Bar+LS(15)	[H] LS(20) or Bar+LS(10)	[L] LS(10) or Bar+LB(5)	[M] LS(15) or Bar+LB(5)	

Potential Nuisance potential between uses

None [X] (same)

Low [L]

Moderate [M]

High [H]

Standard Width (number of feet) and type landscaping

LB= Landscaping Buffer

LS= Landscape Screen

Bar= fence, wall, berm, or hedge

(#)=Required Standard Landscaping Width in Feet

Footnotes

1. Landscaping Requirement for Zoning CUP based on most similar use and determined by the Hearing Examiner

2 Commercial Use within a fully enclosed structures, and Light Industrial Use defined in Section 33.03.010(50)CCC

3 Commercial Use (not within fully enclosed building), Industrial Use defined in Section 33.03.010(47) CCC, and outdoor processing activities that generates substantial noise, odors, vibrations etc.

4 Limited Areas of More Intensive Rural Development (LAMIRD) are required to meet most similar use outline in Table 33.53.020

- f. Required landscape visual screens and buffers may include sidewalks and stormwater management features that are integrated with the landscaping design, provided the minimum dimensional requirements of this Chapter are met.
- g. Vegetation along state or county right-of-way shall not obstruct or otherwise impact any roadway or sidewalk.
- h. The planting of trees within 20 feet of sidewalks or parking areas may require root barriers (minimum 18 inches in depth) to prevent root heaving.
- i. Soil amendments and mulch are required to help maintain a healthy landscape.
- j. Drought tolerant and native vegetation is encouraged as a means of reducing water use.
- k. Noxious weed species are required to be removed annually (or as specified by the Clallam County Noxious Weed Department) from all landscaped areas. Invasive species are required to be removed if they impact the achievement of the purpose of this Chapter.
- l. Trees, shrubs, and ground cover shall have a survivability of 100% after the first year, 75% after the second year, and 66% after the third year. The landowner shall replace any dead trees, shrubs, and groundcover within 30 days of notification by the Administrator and to comply with these thresholds.
- m. All landscaping shall be maintained in a healthy growing condition for the life of the development.

(2) A landscape visual screen is required for the developed area of commercial, industrial public/industrial uses, above ground utilities/facilities, and zoning conditional uses along any property line adjacent to residentially zoned areas. New subdivisions and binding site plans located within an urban growth area or LAMIRD require a landscape visual screen along any property line adjacent to non-urban growth area lands to ensure compatibility with existing and potential land uses.

- a. The width of the standard visual screen planting shall be as specified in Table 33.53.020.
- b. The visual screen shall be comprised of a minimum 75% evergreen tree species.
- c. Understory trees, shrubs (no more than 25% deciduous) and groundcover shall be interspersed between the larger trees and along the edges of landscaped areas to form a contiguous screen and to promote visually appealing landscaping.
- d. The standard visual screen shall include a large tree planted 20 foot on center with 1 understory tree and two shrubs planted on 6 foot on center between the large trees.
- e. As an alternative to the standard visual screen spacing outlined above, the trees and shrubs selected shall not exceed 75% of the projected width as specified in Table 33.53.070(A) CCC. Evergreen shrubs are required to be located within the projected width of deciduous trees to provide ~~year-round~~year-round screening.
- f. The Administrator or the Hearing Examiner may allow the buffer width to be modified (minimum ~~5-foot~~5-foot width) provided that comparable landscaping is provided within the modified landscaped area to achieve a more visually appealing effect.

(3) A landscape buffer is required along road frontages for all uses set forth in Section 33.53.020 CCC. A landscape buffer is intended to provide for the aesthetic character and visual enhancement of the development site.

- a. The standard landscape buffer shall be at least 10 feet in width and include an assortment of evergreen and deciduous trees planted 25 feet on center (no more than 75% deciduous), shrubs and groundcover.
 - b. ~~The visual screen shall be comprised of a minimum of 50% evergreen species, with the remaining areas being comprised of deciduous or slowing growing trees.~~
 - ~~c.~~b. A minimum of two understory trees or ~~and~~ shrubs (no more than 50% deciduous) and groundcover shall be interspersed between the larger trees.
 - ~~d.~~c. As an ~~alternate~~alternative to the standard landscape buffer spacing outlined above, the spacing of the trees and shrubs selected should provide twice the projected width as specified in Table 33.53.070(A) CCC.
 - ~~e.~~d. The Administrator or the Hearing Examiner may allow the buffer width ~~as specified in Table 33.53.020, or for the buffer width to be modified~~varied (minimum ~~53~~ foot width) provided that ~~a comparable landscaped area is provided along within the required modified landscaped area to achieve a more visually appealing landscaped area effect or to allow larger trees that meet the purpose and intent of this Chapter.~~
- (4) A Barrier comprised of solid fencing, block wall, berm, or hedge, may be allowed by the Administrator to reduce the required width of a landscape Visual Screen as specified in Table 33.53.020 CCC. For High, Moderate and Low potential impacts per Table 33.53.020 the barrier shall be as follows: High: ~~seven foot high~~seven-foot-high barrier; Modcratc: ~~five foot high~~five-foot-high barrier; Low: three foot high barrier.

Section 5. Section 33.53.050, Parking Lot Landscape, is created to read as follows:

A minimum ~~5 foot wide~~5-foot-wide landscape buffer shall be required along the perimeter of any parking lot subject to Section 33.53.020 with 10 or more parking spaces to ensure compatibility with adjacent land uses, minimize the view from county or private roads (serving more than 4 parcels), and to foster aesthetically pleasing development.

- (1) The landscape buffer shall incorporate tree, ~~shrub~~shrub, and groundcover plantings consistent with CCC 33.53.040(30, above).
- (2) Surface parking lots, with more than 20 parking spaces shall provide landscaping islands at the end of every parking row with a maximum spacing of at least one island for every 12 parking spaces. Each island shall cover an area equivalent to one parking space and shall contain at least 1 tree, ~~shrub~~shrubs, and groundcover.
- (3) If the parking lot is located behind the building and is not adjacent to a residential zone or road frontage, landscaping islands are not required but are ~~encourage~~encouraged.

Section 6. Section 33.53.060, Screening of Refuse Disposal Dumpsters, is created to read as follows:

All refuse disposal dumpsters shall be screened on all sides by a solid wood fence, decorative block wall or an equivalent opaque material.

Section 7. Section 33.53.070, Plant Standards, is created to read as follows:

Type of Vegetation	Minimum plant/plant container size specification
Groundcover	1 Quart
Shrubs	2 Gallon
Trees	1.5" dbh*

*dbh – Diameter at breast height

- (1) Ground cover (evergreen or deciduous plantings) shall be planted at 3-foot spacing in all directions.
- (2) Shrubs (evergreen or deciduous plantings) should be planted ~~at 7-foot spacings and~~ in a staggered pattern throughout the landscape area to avoid a linear appearance. The Administrator may modify the spacing for shrub plantings based on expected height and width of species at maturity.
- (3) Native trees and shrubs are encouraged as they tend to utilize less water, ~~provides~~provide habitat functions, and require less maintenance compared to non-native plants. To encourage their use, younger and smaller native trees and shrubs are allowed. The specification for native trees is 1-inch at breast height; the specification for native shrubs is #1 (gallon); and the specification for native groundcover is 4-inch containers.
- (4) The Administrator may allow the use of smaller sized trees, shrubs, and ground cover upon a demonstration that adequate stock of the sought-after species, or suitable substitute, are not reasonably available in the required specification size; and the plan is modified to increase the planting density of the type of vegetation commensurate to the reduction in plant size.
- (5) List of approved street trees and shrubs with expected height, width (insert when finished), ...

Section 8. Section 33.53.080, Alternative Landscape Plan, is created to read as follows:

Alternative landscape designs may be allowed if, upon review by the Administrator (for Type I & II Permits) or Hearing Examiner (for Type III Permits); the alternative design is consistent with the following:

- (1) Existing significant site constraints due to unusual lot size or shape, topography, soil conditions, existing development (buildings, utilities, power lines, irrigation lines, sidewalks, etc....), existing easement restrictions, or other unique circumstance are such that full compliance with these standards is impractical for such development or use;
- ~~(2) Alternative visual screen landscaping designs and widths may be considered by DCD or the Hearing Examiner that provide for an effective, natural screen of the development site that is appropriate based on the existing conditions, zoning and existing and potential land uses to prevent nuisances and is aesthetically pleasing.~~
- ~~(3) Alternative landscape buffer designs and widths may be considered by DCD or Hearing Examiner that promotes effective visual buffering of the development site.~~
- (4)(2) DCD The Administrator or the Hearing Examiner shall attach conditions to any alternative landscape plan or modification from the standards of this Chapter necessary to protect the public health, safety or welfare, or to assure that the spirit and intent of this chapter is maintained.

Section 9. Section 33.53.090, Outdoor and Security Lighting, is created to read as follows:

New outdoor, security, or other light source emitting from land uses shall be directed downward and shielded to prevent glare and light trespass onto neighboring properties and roads.

When outdoor lighting has the potential to significantly impact adjacent uses or roadways, the Administrator shall require a lighting plan as part of the review of new development proposals. The lighting plan shall note the location, type, and intensity of lighting. The lighting plan shall demonstrate how location, type, and other mitigation measures (i.e. Shielding, downlighting, timers, motion sensors, etc.) will prevent glare and light trespass. Energy efficient outdoor lighting should be utilized

unless it is demonstrated to be infeasible to meet the intended objective. For large or complex commercial, industrial, subdivision, multi-family, Shoreline, Zoning Conditional Use, or other projects requiring a public hearing, the Administrator may require the lighting plan to be prepared by a qualified professional. The approved plan shall be implemented as a condition of approval of required development permits. Any significant changes to the number of lighting fixtures, location, and intensity of exterior lighting will require an updated lighting plan to be approved by DCD.

Section 10. Section 33.53.100, Enforcement, is created to read as follows:

(1) The Administrator is authorized to carry out inspections for the life of the project to ensure compliance with these landscaping standards.

(2) If required landscaping per the issued development permit has is dead, altered, or not successfully implemented, then required landscaping shall be replaced within 30 days of notification by the Administrator. Alternatively, the Administrator may require a revised landscaping plan to rectify the unsuccessful landscaping.

(3) Any person who fails to comply with the standards contained within this Chapter and/or any person who fails to comply with a final written order may be subject to enforcement as outline in Title 20 of Clallam County Codes.

Section 11. Section 33.53.110, Assurance of Landscaping, is created to read as follows:

The Administrator or the Hearing Examiner may require, as a condition of the granting of a development permit requiring an approved Landscaping Plan, that the applicant furnish security in the form of a bond, cash escrow account, an irrevocable letter of credit or other security acceptable to the County in its sole discretion, in an amount determined to be sufficient to complete the restoration and replanting of the property in accordance with the terms of the approved Landscaping Plan. The security shall be in an amount equal to 110 percent of the fair market value (i.e. bids or invoices) of the implementation of the approved landscaping plan, including material and labor costs.

The creation of a security account of the required landscaping may be required through a public hearing, or when DCD or the Hearing Examiner determines that the success of the landscaping is needed to ensure compatibility with the existing and/or potential adjacent land uses. The account shall be held by, or in the name of, the Clallam County Treasurer for a minimum of three years. and the Administrator may use the funds in the account to have the required landscaping installed as designed if the landscaping installed by the applicant is unsuccessful, or if the applicant does not replace dead trees and shrubs within 30 days of notification by the Administrator.

Alternatively, the Administrator may allow the landowner to sign a maintenance contract with a landscape company for up to 3 years to ensure that the landscaping installed is maintained, and that dead trees and shrubs are replaced within 30 days of notification by the Administrator. DCD may also require documentation with photos for up to 3 years to ensure that the landscaping in successful.

Section 12. Section 33.53.120, Effectiveness/No Retroactivity, is created to read as follows:

(1) This Chapter shall become effective on [__, 2023]

(2) This Chapter shall be prospective in operation only.

(3) The provisions of this Chapter shall not apply to existing required landscaping or approved landscaping plans for which all previously required permits were obtained and successfully implemented prior to the effective date.

(4) The provisions of this Chapter shall not apply to a project or development not yet constructed provided that an appropriate residential or commercial building permit has been obtained and the permit bears a date prior to the effective date of this Chapter.

ADOPTED this _____ day of _____ 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Mike French



MEMORANDUM

Clallam County Department of Community Development

Date: April 12, 2023
To: Clallam County Planning Commission
From: Donella Clark, Principal Planner
Re: Vacation Rental and B&B Inn Ordinance

Discussion

The Planning Commission advised staff to relook at the draft Vacation Rental and B&B Inn Ordinance that was reviewed in 2016-2017 by the Planning Commission that was not adopted by the Board of County Commissioners.

Upon review of the draft staff has made the following changes and offers the following suggestion:

No revision to Section 1.

Section 2 revisions:

Retain the max size of 10,000 square feet and the requirement for a Conditional Use Permit for vacation rentals over 4000 square feet.

Moved the height limitation to be included in the paragraph with the size standards rather than stand alone.

Added that an RV may not be placed on a property with a vacation rental in order to limit the commercialization of a property. DCD does not want a property already rented to be allowed a secondary rental.

Removed maximum number of bedrooms, but added occupancy for the rental of 2 people per bedroom plus 2 additional people (standard in Bend, Oregon code) in order increase safety for guests and reduce the conversion of unsafe areas within a home to be used for sleeping.

Added that the result of the fire, life, safety or approved 3rd party be submitted to DCD so we can have a list of vacation rentals and to ensure compliance with this standard.

Section 3 revisions:

Added notice that a change of use is required prior to operation of a Bed and Breakfast. This is required through the building code, but was never specifically noted in the draft code.

Moved height restriction to be included in the section with the size standards rather than stand alone.

Retained size limitation and need for a CUP if over 4,000 square feet.

Also retained the five bedroom limitation due to building code limitations of five bedrooms for bed and breakfast inns.

Removed the restrictive architectural requirements since the building division does not want to have to calculate and determine compliance. Board of Commissioners had requested removal at the time of their review also.

Retained parking requirement, meal service notation, water requirement, sewage disposal, and transient accommodation permit requirement.

Removed requirement for inspection since a "Change of Use" permit is required.

Section 4 was added regarding park models. This section is intended to identify appropriate use as transient accommodations and provide standards for appropriate placement of park models. Labor &

Industries defines the use of park models, and clearly states they are not meant to be used for transient use, but are designed for temporary, recreational, camping, or seasonal use (Labor & Industries A119.5). Placement in an approved park would allow additional arrangements to review fire protection and safety to visitors utilizing the park models placed within the park, and ensure connection to water and sewage disposal. These park models would also need to meet transient accommodation standards adopted by the Department of Health.

Violation section consolidated to the bottom rather than in each section.

Next Steps

DCD would like to bring forward an ordinance in the Building and Construction section of the County Code that will require a placement permit for Park Models, similar to the permit required to place a mobile home on property. The placement permit would also identify allowed uses on private land related to the definition and use allowed by L&I, with the possibility of some exceptions deemed appropriate through the Planning Commission process.

Ordinance _____

Amending Title 33, Zoning, Chapter 33.51, Vacation Rentals, of the Clallam County Code to amend vacation rental standards, to add new standards for bed and breakfast inns, and to rename the Chapter Transient Accommodations

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 33.51.010, Purpose, is amended to read as follows:

Clallam County is a destination for thousands of visitors annually attracted to the area's scenic beauty and variety of cultural and outdoor recreational opportunities, and these visitors are in need of local accommodations. ~~Short-term rental of residences referred to hereafter as "vacation rentals" have become an established use throughout Clallam County. It is the purpose of this chapter for vacation rentals to be operated in a way that will avoid unreasonable disturbances to neighbors and area residents and for renters to know they are safe and can enjoy their stay. Other types of transient accommodations are not regulated by this chapter. The purpose of this chapter is to:~~

(1) Allow for continued opportunities of short-term rental of residences as vacation rentals and bed and breakfast inns that are an established use in Clallam County.

(2) Provide visitors an experience and accommodations related to vacation rentals and bed and breakfast inns as an alternative to other types of lodging options.

(3) Retain the character of residential neighborhoods that vacation rentals and bed and breakfast inns are located.

(4) Provide for vacation rentals and bed and breakfast inns to be operated in a way that will avoid unreasonable disturbances to neighbors and area residents and for guests to know they are safe and can enjoy their stay.

(5) Establish a permitting process and appropriate restrictions and standards for commercial vacation rentals and commercial bed and breakfast inns within single-family dwellings.

Section 2. Section 33.51.020, Vacation rental standards is amended to read as follows:

The dwelling and vacation rental use must comply with all County and State regulations and requirements as well as the following standards:

(1) Vacation rentals greater than 10,000 square feet of gross floor area are prohibited. Building height shall not exceed 35 feet. This requirement does not apply to vacation rentals allowed within a commercial zone subject to Chapter 33.15.

(2) A conditional use permit pursuant to Chapter 33.27 of this Title is required when the single-family dwelling has a gross floor area of 4,000 square feet or greater.

(3) No recreational vehicle, travel trailer, park model, or tent shall be used in conjunction with the vacation rental.

(4) The maximum occupancy of the Vacation Rental shall be two people per bedroom plus two additional people. Therefore, a three-bedroom rental would have a maximum occupancy of eight.

(15) The owner is responsible for obtaining an inspection by the Clallam County Department of Community Development, or by a qualified organization or person approved by the Administrator with results of the inspection submitted to DCD prior to operation of the vacation rental, to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the Building Code.

(26) Connection to a Public Sanitary Sewer or an On-Site Septic System That Complies with Chapter 41.20 CCC, On-Site Sewage Systems. If connected to an on-site septic system, the owner is responsible to ensure that the vacation rental occupancy is consistent with the design capacity of the on-site septic system and type of wastewater discharges allowed, and in compliance with on-site septic systems periodic inspection, maintenance, and reporting requirements under CCC 41.20.170.

(37) On-site parking adequate to accommodate vacation rental guests shall be provided.

(48) All outdoor storage of refuse and recyclables must be secured in covered containers. The owner is responsible to notify renters in writing that refuse and recyclables must be kept in secured containers provided for that purpose. Recycling and refuse shall not create a nuisance of odor or attract animals, and shall remain in compliance with Chapter 41.10 CCC, Solid Waste Regulations.

(59) The owner is responsible to provide written notice to renters of:

- (a) County sound and noise regulations pursuant to Chapter 15.30 CCC, Public Disturbance.
- (b) Rules of conduct, local laws, burn bans, and renter responsibility not to trespass on private property or to create disturbances (e.g., noise). If there is an easement that provides renters legal access to off-site areas such as a beach access, this shall be indicated on a map and the easement shall be clearly marked.
- (c) The location of the breaker box, water shut-off, gas shut-off, instructions regarding the septic system, emergency numbers, and the name and number of a local contact person(s) for the vacation rental.

(610) The owner is responsible for complying with State transient accommodation requirements under Chapter 246-360 WAC; and the Washington State Department of Revenue requirements for short-term rentals of residences, including those pertaining to business licenses and any sale and lodging taxes.

Compliance shall be addressed through Chapter 33.59 CCC, Enforcement, and CCC Title 20, Code Compliance.

Section 3. Section 33.51.030, Bed and Breakfast Inn standards, is created to read as follows:

Bed and breakfast inns must obtain a change of use permit through the Department of Community Development Building Division prior to occupying a dwelling as a Bed and Breakfast Inn. The building must comply with the standards of the zone they are located within as set forth in this Title and shall comply with all other County and State regulations, and the following standards:

- (1) Maximum Size: Bed and Breakfast Inns within a single-family dwelling that is greater than 10,000 square feet of gross floor area are prohibited. Building height shall not exceed 35 feet. This requirement does not apply to bed and breakfast inns allowed within a zone subject to Chapter 33.15, Commercial Zones.
- (2) A conditional use permit pursuant to Chapter 33.27 of this Title is required when the single-family dwelling has a gross floor area of 4,000 square feet or greater. This requirement does not apply to bed and breakfast inns located within a zone subject to Chapter 33.15, Commercial Zones.
- (3) Maximum Number of Bedroom Units. No more than 5 bedroom units shall be available for bed and breakfast inn guests.
- (4) One (1) on-site parking space shall be provided per bedroom, in addition to parking necessary for the single-family dwelling.
- (5) Meal service, if provided, shall be limited to overnight guests of the establishment.
- (6) Water Supply and Food Service. A bed and breakfast inn is subject to the applicable water and food service sanitation requirements established by the Washington State Board of Health and Clallam County Environmental Health.
- (7) Connection to a public sanitary sewer or an on-site septic system that complies with Chapter 41.20 CCC, On-Site Sewage Systems. If connected to an on-site septic system, the owner is responsible to ensure that the bed and breakfast is consistent with the design capacity of the on-site septic system and type of wastewater discharges allowed, and in compliance with on-site septic systems periodic inspection, maintenance, and reporting requirements under CCC 41.20.170.
- (8) The owner is responsible for complying with State transient accommodation requirements under Chapter 246-360 WAC; and the Washington State Department of Revenue requirements, including those pertaining to business licenses and any sale and lodging taxes.

Section 4. Section 33.51.040, Transient Park Model standards, is created to read as follows:

Park models for transient use must be located in an approved binding site plan on property zoned for mobile home parks, RV parks, and/or Hotel/Motels. Park Models shall comply with the standards of the Zoning Code and other County and State regulations, and the following standards:

- (1) Spacing of each park model shall meet fire protection standards. If the park model contains a kitchen it shall be sprinkled.
- (2) One (1) on-site parking space shall be provided per bedroom within the Park Model.

(3) Water Supply shall meet requirements established by the Washington State Board of Health and Clallam County Environmental Health for transient accommodations.

(4) Park Models shall be connected to a public sanitary sewer or an on-site septic system that complies with Chapter 41.20 CCC, On-Site Sewage Systems. If connected to an on-site septic system, the owner is responsible to ensure that the park model is consistent with the design capacity of the on-site septic system and type of wastewater discharges allowed, and in compliance with on-site septic systems periodic inspection, maintenance, and reporting requirements under CCC 41.20.170.

(5) The owner is responsible for complying with State transient accommodation requirements under Chapter 246-360 WAC; and the Washington State Department of Revenue requirements, including those pertaining to business licenses and any sale and lodging taxes. Proof of transient accommodation license shall be submitted to the County yearly.

Section 5. Section 33.51.050, Other transient and lodging accommodations, is created to read as follows:

(Reserved)

Compliance with this Title shall be addressed through Chapter 33.59 CCC, Enforcement, and CCC Title 20, Code Compliance.

ADOPTED this _____ day of _____ 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Mike French



Factory Assembled Structures Program

Park Model Recreational Vehicles – Plan Review Guidelines and Submittal Process for Licensed Professional Plan Approvals

Plan reviews from approved Licensed Professionals (LP) can serve as the required plans that factories must have to obtain FAS insignia on Park Model Recreational Vehicles for Washington State. This document provides general guidance for licensed professionals and manufacturers about the typical drawings and other information that must be submitted in professionally approved plans for Park Model RVs (PMRVs).

Each PMRV model design plan must include the drawings and information necessary to evaluate conformance with the applicable codes and standards. Use the following checklist to be sure your plans submitted for LP review are complete. Plan reviewers, including approved licensed professionals are not involved in designing or assisting the manufacturer in completing their design plans and forms.

Plans must indicate compliance with the current edition of ANSI A119.5 (WAC 296-150P-0330(2)). Plan drawings must be neat, legible, and drawn to a recognized architectural "scale". Each page of the drawing set needs to have a drawing name, for example; "floor plan", "details", "plumbing", etc., a drawing number and the date prepared or last revision.

PMRV's must be designed, and the plans reviewed to the following requirements (WAC 296-150P-0330):

- ANSI A119.5; Park Model Recreational Vehicles Standard (current edition) – including all applicable referenced publications referenced in 1-1.2/ Appendix C of this standard. Primarily:
 - NFPA 70; National Electrical Code Chapter 552 Park Model Recreational Vehicles
- Washington State Motor Vehicle Laws Title 46 RCW
 - A special transportation permit is required for all "park model" units – RCW 46.44.170
 - 16 foot maximum height (from the road surface to highest point) – RCW 46.44.090
 - 14 foot maximum width - RCW 46.44.092. For units wider than 14 feet include a reference in the plans to the specific RCW that allows the additional width.
 - Park models are limited to a floor area of 400 square feet in the set up mode. RCW 46.04.622
- Federal regulations:
 - Manufacturers must notify all consumers that Park Model RVs built to ANSI A119.5 are not for use as a primary residence or for permanent occupancy in accordance with Title 24 CFR 3282.15(c). A temporary notice must be displayed in the kitchen of all PMRV units. Park Models that do not display this notice must meet the federal standard for manufactured homes (Title 24 CFR 3280).
- FAS program limitations and clarifications:

- Park model RVs must be designed as a “single-quarters” for temporary recreational, camping, or seasonal use (see A119.5 definition of PMRV). PMRVs are not approved to be duplex/multi-family units, hotels, motels, camp stores, bath/shower facilities, medical units, transient housing, accessory dwelling units, tiny houses, or similar. Please contact FAS for properly classifying these other types of units.
- All lofted spaces or areas, with a ceiling height of 5’0” or greater must be included in the gross trailer floor area (A119.5, def.)
- PMRV units utilizing “Alternate materials, Equipment and Procedures” (A119.5 1-2.3) must have the alternate materials, designs or methods approved in writing from FAS in accordance with WAC 296-150P-0140. NOTE – this limitation does not apply to loft areas – see the next item.
- Loft areas, and any designs using “Alternative Engineering Systems” (A119.5 definition) must include stamped structural analysis, designs, and details, (stamped by the licensed design engineer, or architect) for those components, connections, vertical load paths, and similar, that are not specifically provided for in Chapter 5 of the A119.5 standard.
- Exterior porches are limited to the specific provisions of ANSI A119.5, including 5-11.4.8. Typically, this limits the porch to the end of the unit. Any alternate design must meet all requirements of the A119.5 standard and be approved by FAS in accordance with WAC 296-150P-0140.

Checklist for PMRV model plans:

At the front of your PMRV model package, include the following:

- A copy of the authorization letter from us for each licensed professional.
- A completed “plan approval request” form. Completed form F622-006-000 - see instructions.
- A copy of this checklist marked to show what items were reviewed.

Next, include each of these:

- Engineering calculations. Calculations are required for all non-prescriptive structural designs (units exceeding 8’-6” in width per section 5 of ANSI A119.5). A Washington State registered professional engineer (PE) or a Washington State registered Architect must stamp the engineering calculations in accordance with WAC 196-23.
- Truss drawings. If the design utilizes trusses, include a drawing for each type of roof or floor truss. Truss drawings must be stamped by a Washington registered PE.
- Cover drawing with:
 - Information identifying the person or company submitting the plans with mailing address, phone and email contact information. Also, include the factory address. This information can be combined with the floor plan drawing.
 - List any prescriptive structural provisions used to design the PMRV unit. This would be specific code sections and table numbers from chapter 5 of the ANSI A119.5 standard and could include such items as floor joists, wall studs, wall headers, roof joists. This information can be combined with the structural plan drawing.

- Floor Plan of the PMRV, and plan of any other floor levels in the PMRV such as lofts. The plan needs to show:
 - The locations of the exterior and interior walls.
 - The overall dimensions of the PMRV and the dimensions of any window bays, box-outs or other similar construction.
 - Interior dimensions for rooms and width of hallways.
 - Label each room showing its use (e.g. bedroom, living room etc...).
 - Locations and sizes of doors, windows and skylights. Identify which windows are for emergency escape (you can add "esc" to the window size callout).
 - Location of any safety glazing.
 - Cabinets, equipment, appliances and fixture locations.
 - Interior stairs, location, orientation and run.
 - Exterior porches, decks, stairs, awnings.
 - Locations of handrails and guardrails at stairs, porches, lofts etc...
- Outside Elevations showing:
 - Siding and roofing materials (call out types or products)
 - Window and door configurations and swings
 - Roof eaves and overhangs.
 - Exterior porches, decks, awnings, and guardrails.
- Cross Section(s) – a major transverse section through the unit showing:
 - The main material components of the floor, wall and roof assemblies including: framing materials, sheathing type exterior coverings, type of insulation in each assembly, location/type of vapor retarder, interior finish, etc.
 - Vertical and horizontal dimensions showing overall width and height from road surface to highest point of roof and the finished floor to ceiling dimensions for all areas. Multiple sections may be required if there are areas of varying ceiling height, etc.
 - Roof eave and overhangs.
 - Locations of roof vents, baffles, etc.
 - Show the complete structural load paths from the roof through the supporting structure and into the chassis support locations under the floor of the PMRV.
 - Cross sections should be drawn at 1/2" scale or larger.
- Structural Plans and Framing Plans (required for all units exceeding 8'-6" in width).
 - Wall headers, beam sizes, locations, column sizes, locations, and section/detail reference tags.
 - Structural framing drawings for floors and roof where the spacing and layout of the structural members is not obvious from the structural floor plan and cross section. If you are using multiple types of trusses in a roof or floor, then provide a truss plan showing the location of each type of truss in the assembly. These may be part of the engineered truss drawings from the truss manufacturer.
- Construction/Section Details (required for all units exceeding 8'-6" in width).
 - Relevant structural details including connections of trusses/ rafters to the ridge-beam and sidewalls.
 - General fastening schedule or code section references.
 - Truss bracing details.

- Ridge beam fabrications details.
- Section details are normally drawn at ¾" scale or larger.
- Chassis (required for all units exceeding 8'-6" in width)
 - All frame components such as steel beams, axles, cross-members, outriggers headboard and towing hitch.
 - Welding callouts showing how each of the chassis components is welded together. The welding callouts need to show the location, type and length of each weld.
 - A detail or details showing the connection of the PMRV floor to the chassis.
 - A detail or details showing how the chassis is connected to the foundation system.
- Blocking Plan and Details
 - Pier and blocking locations with spacing dimensions.
 - Point load locations corresponding with the framing plans
 - Hold down/strap connection points (if applicable) corresponding to framing plans.
 - Tie-down or special connection locations.
 - Details of footings and pier construction
- Electrical Plan Drawing or layout of the park model unit showing the locations of:
 - Appliances.
 - Electrical equipment such as the electrical panel(s)
 - Required working space width and depth per NEC 110.26A - Working space depth and width shall be identified with dash lines and in inches or feet.
 - Rooms and spaces properly identified
 - HVAC equipment and water heaters.
 - Disconnects for equipment such as HVAC, water heaters, (Indicate if fused or non-fused)
 - Receptacles, lights and switches.
 - Ground fault circuit interrupter receptacles/devices shall be identified "GFCI" – GFCI protection shall be installed in a readily accessible location. A GFCI receptacle located behind an appliance such as a refrigerator is not considered readily accessible. GFCI protection located in panel board is considered readily accessible.
 - Identify all devices/equipment with a circuit number(s) consistent with a circuit(s) on the panel schedule drawing.
 - Smoke alarms.
 - Carbon monoxide detectors.
 - The electrical plan shall indicate the "wiring methods" utilized (interior and exterior). Chapter 3 of the National Electrical Code describes wiring methods. Examples: NM-B cable, EMT, RMC, LFMC, FMC – do not use words such as "Romex"
 - Contain symbol legend or shall be provided on an additional electrical plan drawing.
 - Electrical drawing shall indicate the currently adopted NEC year
- Electrical Panel Schedules indicating:
 - Panel Identification
 - System Voltage, Phase, Bus Rating, bus AIC rating
 - Main CB Amp rating/setting and Main CB AIC rating, or Main Lug Only,
 - Each branch circuit number (shall be shown as actual installation (odd numbers on left and even numbers on the right)
 - Each branch circuit breaker rating/setting
 - Circuit identification/description (Clear, evident, specific purpose)

- Connected VA or KVA on each circuit phase
- Total connected KVA
- Size of each branch circuit conductor
- Circuit breakers that are lockable per NEC 110.25
- Identify each circuit breaker that is a GFCI, AFCI, or a combination AFCI/GFCI circuit breaker. (If GFCI protection is provided via a GFCI circuit breaker, it should not be identified on floor plan drawing as a GFCI receptacle) Only the method of protection used shall be identified.)
- A "One-line Feeder" Diagram indicating:
 - Distribution equipment identification
 - System Voltage and phase (single phase or three phase)
 - Feeder overcurrent protective device sizes/ratings
 - Bus ratings and AIC ratings of main electrical distribution equipment
 - Feeder conductor sizes, type of conductor, and counts (including grounding electrode conductors (GEC) and/or equipment grounding conductors (EGC)). Example (3) 3/0 XHHW-CU, (1) #4 XHHW-CU (EGC)
 - Feeder raceway sizes, types, and counts. (Examples of types: RMC, EMT, schedule 80 PVC)
- Electrical load calculation(s) for the PMRV showing:
 - A total electrical load calculation in accordance with NEC 552
- Potable water line drawing in plan or isometric view. Indicate:
 - The type of piping material.
 - All fixture locations.
 - Pipe size and locations along with changes in direction.
 - Indicate where the water service and the water heater connect along with shut off valves required in these locations.
 - Indicate the size, and type, of the water heater
 - Note seismic strapping for tank-type water heaters.
 - The pressure relief valve (PRV) with the overflow pipe discharging to the exterior of the unit.
- Drain/waste/vent (DWV) piping system shown in isometric view. Indicate:
 - Type of pipe material.
 - The sewer connection location
 - All fixture locations.
 - All pipe runs with the pipe size, changes in direction.
 - Locations of clean-outs, traps and vents through the roof.
- Gas System (if applicable) in plan or isometric view. Indicate:
 - List the type (propane or natural gas), and pressure of the gas piping system.
 - The type of pipe material.
 - Locations, length and size of each part of the gas piping system along with changes in direction.
 - Label the points where gas appliances connect to the system.
 - List the BTU input rating of each appliance connected to the system.
 - Indicate where the gas service connects to the system.

- Indicate where all shut off valves are located where required at the service and at each appliance.
- **Mechanical drawing** showing
 - The location of all equipment such as furnaces, heaters, heat pumps, mini-split HVAC system components. List the make, model and size of equipment.
 - Locations of controls such as thermostats and timers.
 - Locations, type and size of ductwork and registers that are part of a forced air heating system.
 - The exterior termination locations of all exhausts and condensate drains.

Submitting approved plans to FAS:

The manufacturer or their agent sends plans approved by the licensed professional to the FAS program electronically. The submittal for each PMRV model must be a complete package with all of the necessary drawings, forms and other documents in a single PDF. Files with multiple models, partial submittals or submittals from multiple sources are not accepted.

Use the following instructions to send your approved LP reviewed plans to FAS:

- 1.) Plans from approved Licensed Professionals must bear their review approval stamp and be a single flattened PDF file for each PMRV model that contains the drawings, forms and other documents required by the plan checklist above.
- 2.) Email FAS1@lni.wa.gov to inform us that you would like to submit a plan(s) reviewed by a licensed professional. The email must include:
 - a) The manufacturer name and manufacturer number (the same one you use for plan approval requests/insignia requests)
 - b) Email addresses for any factory contact that will be submitting plans to your account.
- 3.) You will receive an email from the BOX.com cloud system linking you to a document folder for plan uploads. If you do not have a BOX.com account, you will be prompted to create a free one for current and future submittals (see attachment). You will also be able to access approved plans through this box.
- 4.) Upload your documents to the BOX.com account. The upload should contain a flattened PDF of the LP approved plan for each PMRV model. The file name for each plan must include the manufacturer name and the model name/number you have used on the "plan approval request" form. For example, PMRVManufacturer_BestUnit.pdf, or similar.
- 5.) Once you upload plans, we will send you a unique permit number (FP number) and a link to pay your plan review fees online by credit card. When the fees are received the plan(s) will move to "in line" status for acceptance processing.

6.) Once your plans are accepted and an FAS plan approval number has been added you will be emailed a BOX link to access the plans. You will need to print/retain the copies of the approved plan at each factory that is producing units to those plans.

7.) You can use this plan number to request audits and inspections (unless you have an approved QC manual and passed an initial factory audit) and to order insignia.

Chapter 5.67

NIGHTLY RENTAL LICENSES

Sections:

- 5.67.010 Definitions.**
- 5.67.020 Licenses--Required.**
- 5.67.025 License fee.**
- 5.67.030 Application.**
- 5.67.040 Renewal--Term.**
- 5.67.050 Grounds for denial.**
- 5.67.060 Appeal of denial.**
- 5.67.065 Assignment prohibited, application upon transfer.**
- 5.67.070 License revocation, grounds.**
- 5.67.080 Revocation procedure, right to cure.**
- 5.67.090 Penalties.**
- 5.67.100 General operating standards.**

5.67.010 Definitions.

For purposes of this chapter:

- A. "Agent" means any legally authorized entity acting on behalf of a property owner, including but not limited to a property manager, a property management company, an executor of the owner's estate, or other legal fiduciary.
- B. "Nightly rental," also called "short-term rental," means:
 - 1. The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof, constructed for single household or multi-household occupancy, or of any other residential property, or residential property within a commercial building, for a term of thirty consecutive days or less.
 - 2. The commercial use, by any person, of residential property, or residential property within a commercial building, for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses, where the term of occupancy, possession or tenancy of the property is for a term of thirty consecutive days or less.
 - 3. For the purposes of this section, "remuneration" means compensation, money, rent, or other bargained-for consideration given in return for occupancy, possession or use of real property.
 - 4. For purposes of this section, "nightly rentals" shall include bed and breakfasts. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.020 Licenses--Required.

- A. No person shall operate or engage in any nightly rental activity within the City of Moab without first obtaining and maintaining a valid nightly rental business license as required by Chapter 5.04.
- B. Each owner of property within the City of Moab that is being used as a nightly rental must obtain a nightly rental license. An owner may allow his or her agent to apply for and obtain the nightly rental license; however, the license shall be in the property owner's name, and filed under the property owner's name in the City license records.
- C. An individual owner who owns multiple nightly rental properties must obtain a separate license for each nightly rental property, and may list up to four nightly rental property locations on one license application. A nightly rental business license fee will be assessed for each property location. Sales tax for each location must be reported and remitted to the Utah State Tax Commission as per current state regulations and requirements. Property managers and property management companies may not include multiple nightly rental properties in one license.
- D. If an owner of a nightly rental is using a D.B.A., that D.B.A. must be registered with the Utah Department of Commerce.
- E. The owner shall be the licensee, but the property manager or local representative, if applicable, shall be deemed the responsible party for purposes of operating standards and management standards. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.025 License fee.

From time to time, the City Council may establish license fees for nightly rentals operating within the City limits. Fees shall be based on the total number of bedrooms in each nightly rental. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.030 Application.

- A. The application for a nightly rental license shall include all of the items outlined in Section 5.04.030. Sales tax registration, reporting and remittance for each location must be in accordance with current Utah State Tax Commission regulations and requirements.
- B. The applicant must show that the facility meets minimum performance standards as specified below in general operating standards.
- C. An inspection by the Building Inspector, Fire Chief and Health Department shall be required prior to issuance of a license and as often as necessary for enforcement of this chapter. The plans and the property itself must be approved by the Building Inspector, Fire Chief and Health Department prior to issuance of a license. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.040 Renewal--Term.

The license for a nightly rental property shall be renewed annually on July 1st, if all the conditions required at the time of the initial approval remain unchanged. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.050 Grounds for denial.

An application for a nightly rental license may be denied for any of the grounds listed in Section 5.04.040, or for a failure to fulfill any of the application requirements. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.060 Appeal of denial.

An appeal of a denial of a nightly rental business license shall follow the appeals procedure specified in Section 5.04.050. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.065 Assignment prohibited, application upon transfer.

A. No license issued under this chapter may be assigned or transferred to any person or entity not named therein; nor shall any license be assigned or transferred to another nightly rental property, whether owned by the named licensee or by another person or business entity.

B. Upon the sale, conveyance, or transfer of a nightly rental property, the new owner or transferee shall, within ten business days of completion of the conveyance or sale, apply for a new nightly rental license, if he/she intends to operate a nightly rental on the premises. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.070 License revocation, grounds.

A nightly rental license may be revoked for any of the grounds listed in Section 5.04.080, or for a violation of any of the operating standards or management standards set forth below. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.080 Revocation procedure, right to cure.

The revocation procedure and appeal process shall follow the procedures outlined in Section 5.04.090. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.090 Penalties.

- A. Any owner and/or property manager of a dwelling within the City of Moab who allows or permits occupation of said dwelling as a nightly rental, as defined herein, without having first obtained a business license in accordance with the provisions of this chapter shall be guilty of a Class A misdemeanor. The fine for a Class A misdemeanor shall be imposed for each day that the violation continued or continues to be committed.
- B. Any other violation of this chapter may be punishable, at the election of the City, as a Class A misdemeanor, as defined under the Utah Code, or by civil action to enjoin or abate the violation. The fine for a Class A misdemeanor shall be imposed for each day that the violation continued or continues to be committed. Proof of a violation of this section shall be sufficient to obtain an injunction. In the event of civil enforcement, the City may recover its reasonable attorney fees and court costs against the violator. (Ord. 19-11 § 1 (part), 2019; Ord. 19-08 § 1 (part), 2019; Ord. 18-15 § 2, 2018)

5.67.100 General operating standards.

Nightly rentals may be allowed where the applicant can show evidence of compliance with the standards and procedures outlined below, and where there is minimal impact on adjacent properties and neighborhoods.

- A. No license shall be granted for a nightly rental operation unless allowed as a land use in the underlying zoning district(s) in which it operates.
- B. The nightly rental must meet all applicable building, health and fire codes for the intended use.
- C. A maximum stay at a nightly rental by an individual or particular group shall not exceed thirty consecutive days.
- D. Maximum occupancy of any nightly rental shall be ten persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Moab Fire Chief, and the owner obtains written approval from the Fire Chief, a greater maximum occupancy may be approved by the City Treasurer.
- E. Each sleeping room must be equipped with smoke and CO (carbon monoxide) detectors.
- F. All nightly rental owners or property managers must collect and pay the applicable State transient room tax, State sales tax, City resort communities sales tax, City municipal transient rooms tax, and pay the City business license fee.
- G. Water and sewer impact fees for nightly rentals shall be calculated pursuant to Chapter 13.25.
- H. Water and sewer rates for nightly rentals shall be calculated according to the rate formulas contained in Chapter 13.24.
- I. The owner or property manager shall provide information on current or past occupants to police, emergency, or City personnel as requested. The owner or property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely

manner may result in a violation and possible fines to the owner and/or property manager, or revocation of the nightly rental license. (Ord. 19-11 § 1 (part), 2019: Ord. 19-08 § 1 (part), 2019: Ord. 18-15 § 2, 2018)

The Moab Municipal Code is current through Ordinance 22-16, passed November 8, 2022.

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: moabcity.org

City Telephone: (435) 259-5121

Code Publishing Company

17.09.700 Residential short-term rentals prohibited.

Except for bed and breakfast facilities and guest apartments that comply with Chapters 17.70 and 17.71 of the Moab Municipal Code, the short-term rental of dwellings is prohibited in the following zones: A-2, C-1, C-5, FW, I-1, O-1, R&D-1, R-1, R-2, R-3, R-4, RA-1, and all other zones where short-term rentals are not listed as a permitted use.

A. For the purposes of this section, "short-term rental" shall be defined as:

1. The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multihousehold occupancy or of any other residential property for an effective term of thirty consecutive calendar days or less;
2. The commercial use, by any person, of residential property for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy for a term of thirty consecutive days or less.

B. For the purposes of this section, "remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property. (Ord. 19-13 § 21 (part), 2019; Ord. 07-09, 2007)

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A Practical Guide

**To Effectively Regulating Short-term
Rentals on the Local Government Level**

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Introduction: The meteoric rise of “home-sharing” and short-term rentals

Sharing our homes has been commonplace for as long as there have been spare rooms and comfortable couches. Whether through word of mouth, ads in newspapers or flyers on community bulletin boards, renters and homeowners alike have always managed to rent out or share rooms in their living spaces. Traditionally these transactions were decidedly analog, local and limited in nature, but with advance of the internet and websites such as Airbnb.com and HomeAway.com it has suddenly become possible for people to advertise and rent out their homes and spare bedrooms to complete strangers from far-away with a few mouse-clicks or taps on a smartphone screen. As a result, the number of homes listed for short-term rent has grown to about 4 million, a 10 fold increase over the last 5 years. With this rapid growth, many communities across the country are for the first time experiencing the many positive and negative consequences of an increased volume of “strangers” in residential communities. While some of these consequences are arguably positive (increased business for local merchants catering to the tourists etc.) there are also many potential issues and negative side-effects that local government leaders may want to try to mitigate by adopting sensible and enforceable regulation.

How to effectively regulate home-sharing and short-term rentals has therefore suddenly become one of the hottest topics among local government leaders across the country. In fact, at the recent National League of Cities conference in Nashville, TN, there were more presentations and work sessions dedicated to this topic than to any other topic. Yet, despite more than 32,000 news articles written on the topic in recent years¹, surprisingly little has been written on how to implement simple, sensible and enforceable local policies that appropriately balances the rights of homeowners with the interests of neighbors and other community members who may only experience the negative side-effects associated with people renting out their homes on a shortterm basis. This guide seeks to address this knowledge gap and offer practical advice and concrete examples of short-term rental regulation that actually works.

Why regulate home-sharing and short-term rentals in the first place?

There are many good reasons why local government leaders are focused on finding ways to manage the rapid growth of home-sharing and short-term rental properties in their communities. To name a few:

1. Increased tourist traffic from short-term renters has the potential to slowly transform peaceful residential communities into “communities of transients” where people are less interested in investing in one another’s lives, be it in the form of informal friend groups or church, school and other community based organizations.
2. Short-term renters may not always know (or follow) local rules, resulting in public safety risks, noise issues, trash and parking problems for nearby residents.
3. So-called “party houses” i.e. homes that are continuously rented to larger groups of people with the intent to party can severely impact neighbors and drive down nearby home values.
4. Conversion of residential units into short-term rentals can result in less availability of affordable housing options and higher rents for long-term renters in the community.
5. Local service jobs can be jeopardized as unfair competition from unregulated and untaxed short-term rentals reduces demand for local bed & breakfasts, hotels and motels.
6. Towns often lose out on tax revenue (most often referred to as Transient Occupancy Tax / Hotel Tax / Bed Tax or Transaction Privilege Tax) as most short-term landlords fail to remit those taxes even if it is required by law.
7. Lack of proper regulation or limited enforcement of existing ordinances may cause tension or hostility between short-term landlords and their neighbors.

8. The existence of “pseudo hotels” in residential neighborhoods (often in violation of local zoning ordinances etc.) may lead to disillusionment with local government officials who may be perceived as ineffective in protecting the interests of local tax-paying citizens.

In short, while it may be very lucrative for private citizens to become part-time innkeepers, most of the negative externalities are borne by the neighbors and surrounding community who may not be getting much in return. The big question is therefore not whether it makes sense to regulate short-term rentals, but how to do it to preserve as many of the benefits as possible without turning neighbors and other local community members into “innocent bystanders”. In the next sections we will explore how to actually do this in practice.

Effective short-term rentals regulation starts with explicit policy objectives and a clear understanding of what regulatory requirements can be enforced

As with most regulation enacted on the local level, there is no “one size fits all” regulatory approach that will work for all communities. Instead local regulation should be adapted to fit the local circumstances and policy objectives while explicitly factoring in that any regulation is only worth the paper it is written on if it can be enforced in a practical and cost-effective manner.

Start with explicit policy objectives!

As famously stated in Alice in Wonderland: “If you don't know where you are going, any road will get you there.” The same can be said about short-term rental regulation, and unfortunately many town and city councils end up regulating the practice without first thinking through the community’s larger strategic objectives and exactly which of the potential negative side effects

As an example, the Town of Tiburon in California recently passed a total ban of short-term rentals without thinking through the severely negative impact of such regulation on its stated strategic policy objective of revitalizing its downtown. Likewise the City of Mill Valley, California recently adopted an ordinance requiring short-term landlords to register with the city, while failing to put in place an effective mechanism to shut-down “party-houses” although there had been several complaints about such properties in the past. Such oversight was clearly unintentional but highlights the fact that the topic of regulating short-term rentals is extremely complicated and it is easy to miss the forest for the trees when it comes time to actually writing the local code. To avoid this pitfall, local government leaders should therefore first agree on a specific list of goals that the new short-term rental regulation should accomplish before discussing any of the technical details of how to write and implement the new regulation. Any draft regulation should be evaluated against these specific goals and only code requirements that are specifically designed to address any of those concrete goals should be included in the final ordinance. Below are a few concrete examples of what such lists of concrete policy objective could look like for various types of communities:

Example A: List of short-term rental policy objectives for an affluent residential community in attractive location

- Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents
- Ensure any regulation of short-term rentals does not negatively affect property values (and property tax revenue)
- Ensure that homes are not turned into pseudo hotels or “party houses”
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above mentioned policy objectives are met

Example B: List of short-term rental policy objectives for an urban community with a shortage of affordable housing

- Maximize the availability of affordable housing options by ensuring that no long-term rental properties are converted into short-term rentals
- Ensure that short-term rentals are taxed in the same way as traditional lodging providers to ensure a level playing field and maintain local service jobs
- Ensure that the city does not lose out on hotel tax revenue that could be invested in much needed services for permanent residents
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Give citizens the option to utilize their properties to generate extra income from shortterm rentals as long as all of the above mentioned policy objectives are met

Example C: List of short-term rental policy objectives for a workingclass suburban community with ample housing availability and a struggling downtown

- Give property owners the option to utilize their properties as short-term rentals to help them make ends meet
- Encourage additional tourism to drive more business to downtown stores and restaurants
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Ensure that the city does not lose out on tax revenue that could be invested in much needed services for permanent residents

Example D: List of short-term rental policy objectives for beach town with a large stock of traditional vacation rentals

- Ensure any regulation of short-term rentals does not negatively affect the value of second homes (and thereby property tax revenue)
- Encourage increased visitation to local stores and restaurants to increase the overall availability of services and maximize sales tax collections
- Minimize public safety risks and the noise, trash and parking problems associated with existing short-term rentals without creating additional work for the local police department

Once clear and concrete policy objectives have been formulated the next step is to understand what information can be used for code enforcement purposes, so that the adopted short-term rental regulation can be enforced in a cost-effective manner.

Only adopt policy requirements that can and will be enforced!

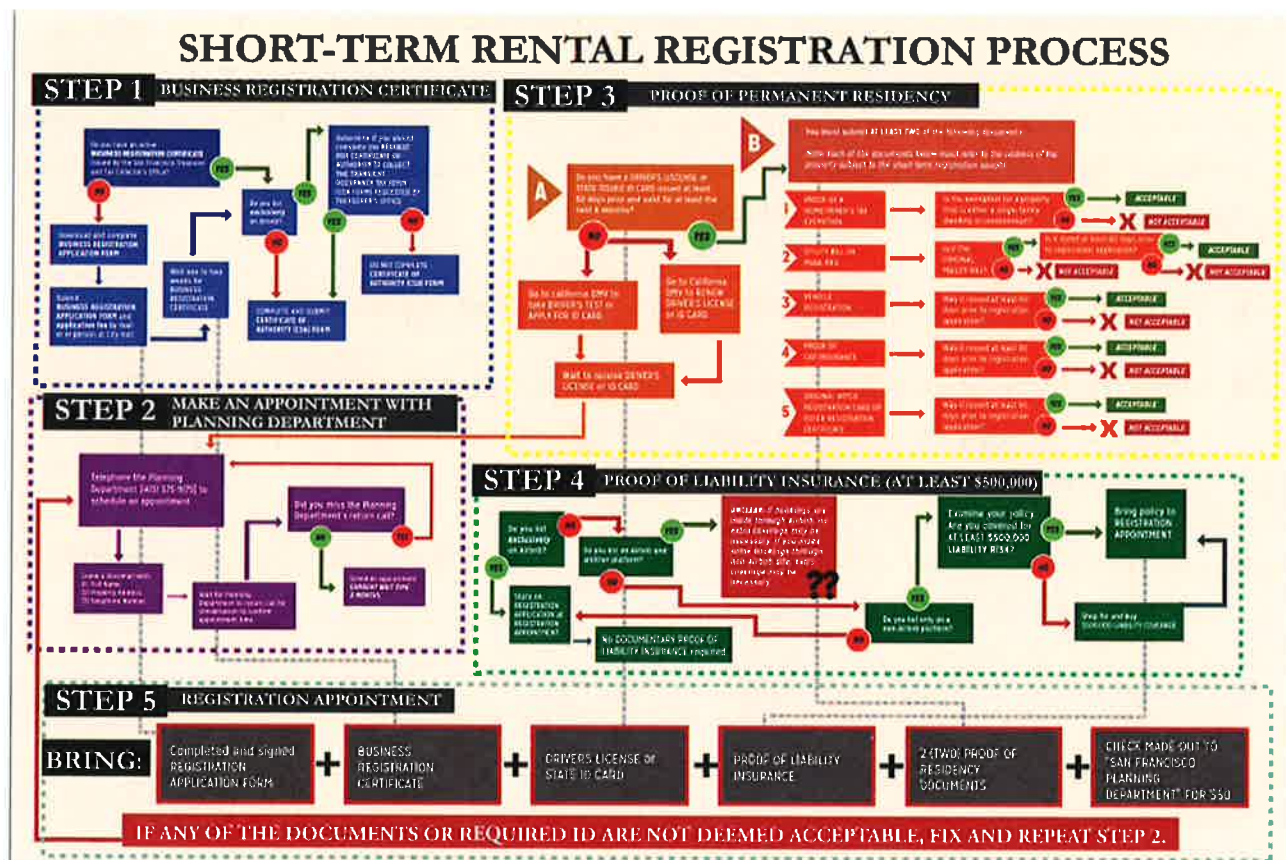
While it may seem obvious that *only enforceable legislation should be adopted*, it is mindboggling how often this simple principle is ignored. To give a few examples, the two California towns previously mentioned not only failed to adopt regulation consistent with their overall strategic policy objectives, but also ended up adopting completely unenforceable rules. In the case of Tiburon, the town council instituted a complete ban of all short-term rentals within its jurisdiction, but not only failed to allocate any budget to enforce it, but also failed put in place fines large enough to deter any violation of the ban. As a result, the number of properties listed for rent has remained virtually unchanged before and after the ban.

In the case of Mill Valley, the town's registration requirement turned out to be completely unenforceable as the town's personnel had neither the technical expertise, time nor budget to track down short-term landlords that failed to register. As a result, the town has had to rely exclusively on self-reporting, and unsurprisingly the compliance rate has been less than 5%.

As for local governments that require short-term rental property owners to pay tax to the local jurisdiction without allocating budget to enforcing such rules, they have found themselves in similar situations, with compliance rates in the 5% range.

Keep it simple!

Another common mistake is for cities to adopt complicated rules that are hard for citizens to understand and follow and that require large investments in enforcement. As an example, despite setting up a dedicated department to enforce its short-term rental regulation, the City of San Francisco has only achieve a 10-15% compliance rate as its regulation is so complicated and its registration process so agonizing that most people give up before even trying to follow the rules. Below is flow-chart that illustrates San Francisco's cumbersome short-term rental registration process.



While hindsight is 20/20, it is worth noting that the registration requirements were probably wellintended and made logical sense to the council members and staff that adopted them. The problem was therefore not ill-will but a lack of understanding of the practical details as to how the various short-term rental websites actual work. As an example, San Francisco's short-term rental regulation require that property owner's display their permit number on any advertising (including online listings) whereas Airbnb's website has built-in functionality that specifically prevents short-term landlords from doing so and automatically deletes all "permit sounding" information from the listings in most locations. Likewise, San Francisco's legislation bans anyone for renting their homes for more than 90 days per calendar year, while none of the home-sharing websites give code enforcement officers the ability to collect the data necessary to enforce that rule. To make matters worse, the listing websites have refused to share any property specific data with the local authorities and have even gone as far as suing the cities that have been asking for such detailed data. Local government officials should therefore not assume that the listing websites will be collaborative when it comes to sharing data that will make it possible for local code enforcement officers to monitor compliance with complicated short-term rental regulation on the property level. Instead, local government leaders should seek to carefully understand the data limitations before adopting regulation that cannot be practically enforced. To get a quick overview of what information that can be relied on for short-term rental compliance monitoring and enforcement purposes, please see the diagram below that shows which:

1. Data is publicly available on the various home-sharing websites
2. Information that can be uncovered through the deployment of sophisticated "big data technology and trained experts (or time-consuming and therefore costly detective work conducted by a town's own staff)
3. property specific details that are practically impossible to obtain despite significant investment of time and money

So where does that leave local government leaders who want to put in place enforceable shortterm rental regulation? In the next section we will explore, describe, and assess the viable regulatory tools available for local government leaders to effectively address the key issues related to taxation, regulation, social equity and economic development.

Viable regulatory approaches to managing short-term rentals

As mentioned earlier, the first step to creating effective short-term rental regulation is to document and get agreement on a set of clear and concrete policy objectives. Once this has been accomplished, putting together the actual regulatory requirements can be simplified by referring to the “cheat sheet” below, which lists the regulatory levers that can be pulled to accomplish those goals in a practical and cost-effective manner while factoring in the data limitations highlighted in the previous section.

Short-term Rental Policy Objectives and the Associated Viable Regulatory Approaches		
Policy Objective	Viable Regulatory Approach(es)	Unviable Regulatory Approach(es)
Give <i>law abiding and respectful</i> citizens the option to utilize their homes as short-term rentals	Adopt a formal annual permitting requirement and a process for revoking permits from “trouble properties”. As an example a local government can adopt a “3 strikes rule” whereby a permit is automatically revoked for a number of years in the event the local government receives 3 (substantiated) complaints about a property within a certain time frame (i.e. a 24 month period). Alternatively, a local government can adopt a rule by which a permit is	Failing to clearly specify what rules law abiding and respectful shortterm landlords and their renters must comply with. Adopting regulation that does not clearly define the criteria and process for revoking a short-term rental permit.

	automatically revoked in the event the town receives conclusive evidence (police report, video evidence etc.) that a city ordinance has been violated.	
Ensure that speculators do not buy up homes to turn them into pseudo hotels while still giving permanent residents the option to utilize their homes to generate extra income from short-term rentals.	Adopt a formal permit requirement and make it a condition that the permit holder verifies residency on an annual basis by submitting the same documentation as is required to verify residency for public school attendance purposes.	Adopting a permitting process that does not formally require shortterm rental permit holders to verify that they are permanent residents of the permitted property.
Ensure that homes are only occasionally used as shortterm rentals (and not continuously rented out to new people on a short term basis).	It is unfortunately not practically possible to enforce any formal limits on the number of times or number of days that a particular property is rented on an annual/quarterly/monthly basis, but adopting a permanent residency requirement for shortterm rental permit holders (see above) can ensure that there is a practical upper limit to how often most properties are rented out each year (most people can only take a few weeks of vacation each year and they are therefore practically restricted to rent out their homes for those few weeks). There is unfortunately no easy way to deal with the tiny minority of homes where the "permanent resident" owners have the ability to take extended vacations and rent out their home continuously. That said, if the above mentioned "permanent residency requirement" is combined with rules to	A formal limit on the number of times or number of days each property can be rented on an annual/quarterly/monthly basis is not enforceable as occupancy data is simply not available without doing a formal audit of each and every property.

	mitigate noise, parking and trash related issues, the potential problems associated with these few homes should be manageable. Adopting a “permanent residency requirement” also comes with the additional side benefit that most people don’t want to rent out their primary residence to people who may trash it or be a nuisance to the neighbors. The “permanent residency requirement” can therefore also help minimize noise, parking and trash related issues.	
Ensure homes are <u>not</u> turned into “party houses”.	Adopt a formal permit requirement and put in place a specific limit on the number of people that are allowed to stay on the property at any given time. The “people limit” can be the same for all permitted properties (i.e. a max of 10 people) or be correlated with the number of bedrooms. In addition, the regulation should formally specify that any advertisement of the property (offline or online) and all rental contracts must contain language that specifies the allowed “people limit” to make it clear to (potential) renters that the home cannot be used for large gatherings. While not bullet-proof, adopting these requirements will deter most abuse. In addition it is possible to proactively enforce this rule as all listing websites require (or allow) hosts to indicate their property’s maximum occupancy on the listings.	Adopting any regulation that does not clearly define what types of uses are disallowed will be ineffective and likely result in misinterpretation and/or abuse.

Minimize potential parking problems for the neighbors of short-term rental properties.	Adopt a formal permit requirement and put in place a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property. The “motor vehicle limit” can be the same for all permitted properties (i.e. a max of 2) or be dependent on the number of permanent parking spots available on the property. In addition, the regulation should formally specify that any advertisement of the property (offline or online) and any rental contract must contain language that specifies the allowed “motor vehicle limit” to make it clear to (potential) renters that bringing more cars is disallowed. As with the “people limit” rule mentioned above, adopting these parking disclosure requirements will deter most abuse. In addition it is easy to proactively enforce this rule as most listing websites require or allow their hosts to describe their property’s parking situation on the listing.	Adopting any regulation that does not clearly define a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property.
Minimize public safety risks and possible noise and trash problems without creating additional work for the local police department and code enforcement personnel.	1. Require that all short-term rental contracts include a copy of the local sound/trash/parking ordinances and/or a “Good Neighbor Brochure” that summarizes the local sound/trash/parking ordinances and what is expected of the renter.	Adopting any regulation and enforcement processes that do not explicitly specify how non-emergency problems should be reported and addressed.

Minimize potential parking problems for the neighbors of short-term rental properties.	2. Require that short-term rental permit holders list a "local contact" that can be reached 24/7 and immediately take corrective action in the event any nonemergency issues are reported (i.e. deal with suspected noise, trash or parking problems). 3. Establish a 24/7 hotline to allow neighbors and other citizens to easily report nonemergency issues without involving local law/code enforcement officers. Once notified of a potential ordinance violation, the hotline personnel will contact the affected property's "local contact", and only involve the local law and/or code enforcement personnel in the event that the "local contact" is unsuccessful in remedying the situation within a reasonable amount of time (i.e. 20-30 minutes).	Adopting any regulation that does not clearly define a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property.
Ensure that no long-term rental properties are converted to short-term rentals to the detriment of long-term renters in the community.	Adopt a permanent residency requirement for short-term rental permit holders (see above) to prevent absentee landlords from converting long-term rental properties into short-term rentals.	Adopting a permitting process that does not formally require short-term rental permit holders to verify that they are permanent residents of the permitted property will be ineffective in preventing absentee landlords from converting their longterm rental properties into short-term rentals.

Ensure that residential neighborhoods are not inadvertently turned into tourist areas to the detriment of permanent residents.	Implement one or both of the following regulatory approaches: 1. Adopt a formal permit requirement and set specific quotas on the number of short-term rental permits allowed in any given neighborhood, and/or 2. Adopt the “permanent residency requirement” for short-term rental permit holders (mentioned above) to ensure that there is a practical upper limit to how often any property is rented out each year.	Adopting a complete ban on short-term rentals, unless such a ban is heavily enforced.
Ensure any regulation of short-term rentals does not negatively affect property values or create other unexpected negative longterm side-effects.	Adopt regulation that automatically expires after a certain amount of time (i.e. 2-5 years) to ensure that the rules and processes that are adopted now are evaluated as the market and technology evolves over time.	Adopt regulation that does not contain a catalyst for evaluating its effectiveness and sideeffects down the line.
Ensure the physical safety of short-term renters.	Adopt a physical safety inspection requirement as part of the permit approval process. The inspection can be conducted by the municipality’s own staff or the local fire/police force and can cover various amounts of potential safety hazards. As minimum such inspection should ensure that all rentals provide a minimum level of protection to the renters who are sleeping in unfamiliar surroundings and therefore may be disadvantaged if forced to evacuate the structure in the event of an emergency.	Adopting a selfcertification process that does not involve an objective 3rd party.

In addition to the above targeted regulatory measures, local governments should adopt requirements for short-term rental permit holders to maintain books and records for a minimum of 3 years so that it is possible to obtain the information necessary to conduct inspections or audits as required. Finally, it is imperative that local governments adopt fine structures that adequately incentivizes short-term landlords to comply with the adopted regulation. Ideally the fines should be proportionate to the economic gains that potential violators can realize from breaking the rules, and fines should be ratcheted up for repeat violators. Below is an example of a fine schedule that will work for most jurisdictions:

	1st Violation	2nd Violation	3rd Violation	4th Violation
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements.	\$200 per day	\$400 per day	\$650 per day	Upon the fourth or subsequent violation in any twenty-four month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed.
Fine for violating any other requirements of the local government's short term rental regulation.	\$250 per day	\$500 per day	\$750 per day	

Notes:

(A) Any person found to be in violation of this regulation in a civil case brought by a law enforcement agency shall be ordered to reimburse the local government and other participating law enforcement agencies their full investigative costs, pay all back-owed taxes, and remit all illegally obtained short-term rental revenue proceeds to the local government.

(B) Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the local government until the date of payment.

(C) The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.

Best Practices for Enforcing Short-term Rental Regulation

To implement any type of effective short-term rental regulation, be it a total ban, a permitting requirement, and/or a tax, local governments must expect to invest some level of staff time and/or other resources in compliance monitoring and enforcement. That said, most local governments are neither technically equipped nor large enough to build the true expertise and sophisticated software needed to do this cost-effectively. There are several reasons why this is the case:

1. Rental property listings are spread across dozens (or hundreds) of different home sharing websites, with new sites popping up all the time (Airbnb and HomeAway are only a small portion of the total market).
2. Manually monitoring 100s or 1,000s of short-term rental properties within a specific jurisdiction is practically impossible without sophisticated databases as property listings are constantly added, changed or removed.
3. Address data is hidden from property listings making it time-consuming or impossible to identify the exact properties and owners based just on the information available on the home-sharing websites.
4. The listing websites most often disallow property owners from including permit data on their listings, making it impossible to quickly identify unpermitted properties.
5. There is no manual way to find out how often individual properties are rented and for how much, and it is therefore very difficult to precisely calculate the amount of taxes owed by an individual property owner.

Luckily, it is possible to cost-effectively outsource most this work to new innovative companies such as Host Compliance that specialize in this area and have developed sophisticated big data technology and deep domain expertise to bring down the compliance monitoring and code enforcement costs to a minimum. In many situations, these companies can even take on all the work associated with managing the enforcement of the short-term rental regulation in return for a percentage of the incremental permitting fees, tax revenue and fine revenue that they help their local government partners collect.

Adopting short-term rental regulation and outsourcing the administration and enforcement can therefore be net-revenue positive for the local government, while adding no or little additional work to the plates of internal staff. What's more, getting started generally requires no up-front investment, long-term commitment or complicated IT integration.

That said, while it is good to know that adopting and enforcing short-term regulation can be net revenue positive if done in partnership with an expert firm, it is important to note that the economic benefits are only a small part of the equation and that local government leaders should also factor in the many non-economic benefits associated with managing and monitoring the rapidly growing short-term rental industry in their local communities. These non-economic benefits are often much more important to the local citizens than the incremental tax revenue, so even if the incremental revenue numbers may not seem material in the context of a local government's overall budget, the problems that unregulated and/or unmonitored short-term rentals can cause for the neighbors and other "innocent bystanders" can be quite material and should therefore not be ignored. Or as Jessica C. Neufeld from Austin, TX who suddenly found herself and her family living next to a "party house" reminds us: "We did not buy our house to be living next to a hotel. Would you buy a home if you knew a hotel like this was operating next door, if you wanted to set your life up and raise a family?"².

Conclusion

It is the responsibility of local government leaders to ensure that as few people as possible find themselves in the same unfortunate situation as Jessica and her family. In this white-paper we have outlined how to make it happen – in a revenue positive way. To find out more about how we can help your community implement simple, sensible and enforceable short-term rental regulation, feel free to **visit us on www.hostcompliance.com or call us for a free consultation on (415) 715-9280**. We would also be more than happy to provide you with a complimentary analysis of the short-term rental landscape in your local government's jurisdiction and put together an estimate of the revenue potential associated with adopting (or more actively enforcing) short-term rental regulation in your community.



About the Author

Ulrik Binzer founded Host Compliance LLC (now Granicus), the industry leader in short-term rental compliance monitoring and enforcement solutions for local governments. Ulrik got the idea to found Host Compliance when he was serving on a committee appointed by his local town council to study possible ways to regulate short-term rentals in the local community. In preparation for his work on the committee, Ulrik spent countless hours researching how other municipalities had approached the regulation of short-term rentals, and it became evident that enforcing the regulations and collecting the appropriate taxes without the support of sophisticated technology was virtually impossible. As a result, Ulrik set out to build those tools and make them available to municipalities of all sizes at a fraction of the cost of what it would cost them to build and run such technology internally.

Prior to founding Host Compliance, Ulrik served as Chief Operating Officer of Work4 Labs – an 80 person Venture Capital backed technology company with offices in Silicon Valley and Europe, and Soligent Distribution LLC – the largest distributor of solar equipment to local governments and businesses in the Americas.

Before assuming executive management roles in technology companies, Ulrik served as Vice President of the private equity firm Golden Gate Capital, as a strategy consultant at McKinsey & Company and as an Officer in the Danish Army where he commanded a 42-person Platoon and graduated first in his class from the Danish Army's Lieutenant School.

Ulrik received his M.B.A. from Harvard Business School where he was as a Baker Scholar (top 5% of his class) and earned his Bachelor of Science degree in International Business from Copenhagen Business School and New York University.

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¹ Google News accessed on 1/5/2016

² New York Times article: "New Worry for Home Buyers: A Party House Next Door", October 10, 2015