

**City of Fircrest
City Council Special Meeting
Study Session
Agenda**

**Monday, April 17, 2017
6:00 P.M.**

**Council Chambers
Fircrest City Hall, 115 Ramsdell Street**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Agenda Modifications**
- 5. Discussion and direction on Air Bed & Breakfasts, business licenses for those renting properties, inspections, residents' complaints, home occupations and parking of vehicles/boats and campers in front yards**
- 6. Year-end Financial Review**
- 7. Discussion on feasibility of hiring an additional Police Officer**
- 8. Executive Session**
Potential Litigation (Not subject to Open Meetings Act)
- 9. Adjournment**

Item 5

**Discussion and direction on Air Bed & Breakfasts,
business licenses for those renting properties,
inspections, residents' complaints, home
occupations and parking of vehicles/boats and
campers in front yards**

April 17, 2017



115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

FIRCREST PLANNING/BUILDING DEPARTMENT MEMORANDUM

Date: April 17, 2017 Study Session
To: City Council
From: Staff

Definition of Family and enforcement

- FMC 22.98.267, definition of family, allowed up to six individuals who are unrelated.
 - Cities must be very careful when regulating housing based on the definition of "family." Citing the Fair Housing Act, both the State Supreme Court and U.S. Supreme Court have limited land use restrictions based solely on this definition, and instead uphold regulations that apply to all residents equitably.
- Under the International Building Code, for a 2000 sf home, 10 occupants would be allowed based on Section 1004 Occupant Load.

Enforcement is difficult as we do not have the authority to enter without permission from the property owner or a court order. Associated complaints for illegal parking, debris, nuisance, and noise are easier to address and often solve the majority of the concerns.

Short-term rentals (See attachment 1)

- Short-term rentals are usually defined as rental of rooms or an entire house for less than 30 days. (Air B&B, VRBO)
- FMC 22.58.011 regulates bed and breakfast establishments, which in most zones would require a conditional use permit.
- Cities of Tacoma and Seattle have recently adopted short-term rental regulations.
- City of Tacoma allows the rental of 1-2 guest rooms or the entire house in residential districts without special permits or licensing. Restrictions apply for additional rooms.
- Staff has not received any complaints related to short-term rentals.

FMC 22.58.011 Bed and breakfast establishments could be amended to include all short-term rentals of 3+ guest rooms, but staff would recommend exemption for rentals of 1-2 guest rooms or whole houses.

Business Licenses for Rentals (See attachment 2)

- Cities of Tacoma, DuPont, Lakewood, and Auburn require owners of residential properties to obtain a rental housing business license.
- Fees range from \$25 - \$300 depending on City and gross rental income
- City of Tacoma requires an annual rental license and a submission of a Certificate of Compliance for all rental properties.
 - In 2012, the City of Tacoma added a Provisional Rental License process for those properties that were in violation of the minimum building standards based on their Substandard Housing Initiative.
 - Exterior building inspections occur after a complaint.
 - Only used for building that exceed a minimum threshold for health/safety concerns.
- Fircrest has few cases of substandard rentals.
 - RCW 59.18 Residential landlord-tenant act provides a process for tenants to address substandard rental situations.
 - Process has worked for the few cases within Fircrest.
- Identifying rental properties and enforcing rental licensing could be a challenge.

FMC 5.04 Business Licenses could be amended to include rental of real estate, but that would not give us the authority to enter a residence.

Home Occupations

- FMC 22.58.013 regulates home occupations, focused mainly on activities such as teaching classes, hair styling, and minor sales.
- A home occupation fee is a one-time fee of \$90. With the annual business license of \$94, that means an expense of \$184 to start. Staff has received numerous concerns from individuals wishing to start up a home based business that this is cost prohibitive.
- Current code does not reflect changes in technology and employment patterns which have seen an increase of online businesses, independent contractors (i.e. Uber), and other business ventures which have little to no impact on the surrounding neighborhoods.
- Other amendments have been discussed to address or clarify other concerns: businesses started by minors, telecommuting, multiple home occupations, etc.

The fee could be reduced for all home occupations or FMC 22.58.013 could be amended to create a third tier for those businesses that would have little to no impact on the neighborhoods (no customers or deliveries onsite). As staff would anticipate those businesses would need less time to process and are less likely to need enforcement, they could be assessed at a lower fee. (\$25?)

Parking of vehicles and/or boats in front yard setbacks (See attachment 3)

- FMC 22.58.024 permits the outdoor storage of two boats and/or nonmotorized vehicles per parcel. It also allows additional storage, if the boats and/or nonmotorized vehicles are screened by a solid fence or approved landscaping.
- Storage of inoperable vehicles is limited to 14-days unless screened. Aside from missing tires or expired tabs, determining if a vehicle is inoperable can be difficult.
- No regulations on number of operable vehicles or where those vehicles may be parked.
- University Place prohibits parking other than on designated driveways in front setback areas.
- The City of Bellevue, Puyallup, and Redmond prioritize storage of recreational vehicles and boats to the rear and side yards. They do allow storage of one vehicle and/or boat in the front setback, with conditions, if the rear and side yards are inaccessible.
- The City of Sequim prohibits recreational vehicle and/or boat parking in the front of a residence except in a driveway for a period not to exceed 24 hours. Side and rear yard parking is allowed with conditions.
- Several of the jurisdictions also regulate if and how long someone may occupy on a temporary basis a recreational vehicle. For example, this would allow friends/family traveling by RV to visit for a limited time. Bellevue allows 5 days without a permit, 30 days with a permit.
- Staff has received a few complaints (maybe 1-2 a year) related to storage of vehicles.

FMC 22.58.024 could be amended to further regulate storage of vehicles.

Drones

- No other local jurisdictions regulate drones.
- Staff has not received any complaints related to drones.

Short Term Rentals

WHAT IS A SHORT TERM RENTAL?

Short term rentals are most commonly dwellings occupied by the property owner, in which the owner rents individual guest rooms. The owner must reside at dwelling if renting individual rooms. An owner may also rent the entire dwelling to a family or 6 or fewer friends. If renting the entire dwelling, the owner does not need to be present. Short Term Rentals must limit rental period to less than 30 days. Examples of short term rentals typically include bed and breakfast, AirBNB, and VRBO.



HOW MANY ROOMS CAN I RENT?

- You may rent **1-2 guest rooms** in all Residential Districts, including single-family districts.
- You may rent **3-9 guest rooms**, after receiving an *approved Conditional Use Permit (CUP)*, in the R-3, R-4L, R-4, R-5, RCX, and NRX Districts (generally residential districts that allow duplex, triplex, and multiple family dwellings).
- You may rent **1-9 guest rooms** in all Commercial Districts; Mixed-Use Districts (except RCX and NRX that require a Conditional Use Permit – see above); and Downtown Districts
- You may rent the **entire dwelling** in all Residential, Commercial, Mixed-Use, and Downtown Districts.

BEFORE YOU RENT

Before you operate a Short Term Rental:

- Obtain a City of Tacoma Business License if renting 3 or more rooms.
- Make sure you have a safety sign in each room that shows location of fire extinguishers, gas shut-off valves, fire exits, and/or pull fire alarm.
- Make sure you have operating smoke detectors and carbon monoxide detectors.

RESOURCES

- TMC 13.06.150.C.7 – Short Term Rental in an Accessory Dwelling Unit
- TMC 13.06.575 – Short Term Rentals
- TMC 6B.140 – Transient Accommodations

FOR MORE INFORMATION

Questions? Email us at planning@cityoftacoma.org or call (253) 591-5030.



Note: This Tip Sheet does not substitute for codes and regulations.

The applicant is responsible for compliance with all codes and regulations, whether or not described in this document.

More information: City of Tacoma, Planning and Development Services | www.tacomapermits.org (253) 591-5030

To request this information in an alternative format or a reasonable accommodation, please call 253-591-5030 (voice).

TTY or STS users please dial 711 to connect to Washington Relay Services.

📍 Short Term Rental Regulations Summary

Primary goal

Balance the economic opportunity created by short term rentals with the need to maintain supply of long-term rental housing stock available at a range of prices.

Secondary goals

A) Ensure a level playing field for individuals and companies in the short term rental market and B) Protect the rights and safety of owners, guests and neighbors of these units.

Definitions

- "Short Term Rental" is a booked stay of 29 consecutive nights or fewer
- "Long Term Rental" is a booked stay of 30 consecutive nights or more (these stays are excluded from an operator's cumulative Short Term Rental nights total)
- "Operator" is the rental host
- "Platform" is the online company that facilitates the rental (Airbnb, VRBO, etc.)

Basic Regulatory Framework:

	Primary Residence Short term rental operator resides on-site	Not Primary Residence Short term rental operator resides off-site
Rented 90 cumulative nights or fewer for short term rentals in 12 month period	Status Quo (includes having a business license and paying applicable taxes)	Status Quo (includes having a business license and paying applicable taxes)
Rented 91 cumulative nights or more for short term rentals in 12 month period	Requires a new Short Term Rental Operator's license in addition to business license.	Prohibited

Requirements of a Short Term Rental Operator license

- proof that the unit being rented is your primary residence,
- proof of liability insurance that covers the short term rental use,
- a local contact number for guests,
- a signed declaration that the unit is up to code, and
- basic safety information posted for guests in the unit.

Requirements of a Short Term Rental Platform license

- to provide information about Seattle's regulations to operators using the platform and
- to share basic data with the City on a quarterly basis, including
 - names and addresses of operators, and
 - the number of nights each operator has rented on the platform for the last 12 months (excluding stays of 30 consecutive nights or longer).



Application for Registration and Rental Business Licensing

For faster service apply on line at www.filelocal-wa.gov. Online applications are typically processed within 10 business days it may take up to four weeks if you file by mail. Online user fees apply.

SECTION 1: Type of Ownership *(Please select one)*

SOLE OWNER

Full Name _____ Date of Birth _____ SSN _____
(Owner)

Full Name _____ Date of Birth _____ SSN _____
(Spouse only)

OR: CORPORATION LLC LP/LLP TRUST

Name of Corporation, LLC, LP/LLP or TRUST _____ State UBI# _____

Partners, officers, registered agent

Full Name _____ Date of Birth _____ SSN _____

Full Name _____ Date of Birth _____ SSN _____

SECTION 2: Rental Owner Information

Start Date of Rental Activity in Tacoma: _____

Name of Business (if any) _____

Home or Business Address _____
(Not Rental Property Address or PO Box) (City) (State) (Zip code)

Mailing Address _____
(City) (State) (Zip code)

Phone Number _____ Cellular Number _____

E-mail address _____

SECTION 3: Property Management Information

Is your property managed by a property management company YES NO IF NO, SKIP TO SECTION 4

Do you want all correspondence, including annual license renewals, from the Tax & License Division, sent to your property management company for processing? YES NO

Name of Property Management Company _____

Address _____

Mailing Address _____

Phone Number _____

Email Address _____

Please Note: The property owner/landlord is responsible for updating the Tax & License office of any changes of mailing address.

Please list rental property(s) below.

SECTION 4: Rental Address (within city limits)

Address _____		Parcel # _____
Dwelling Type: Commercial <input type="checkbox"/> Single Family <input type="checkbox"/> Multi Family <input type="checkbox"/>		Monthly Rent: _____
Local Agent (if any): _____		# of units _____
If Multi-Family, On Site Manager: Yes <input type="checkbox"/> No <input type="checkbox"/>		Phone No. () - _____
		Phone No. () - _____

Rental Address (within city limits)

Address		Parcel #
Dwelling Type: Commercial <input type="checkbox"/> Single Family <input type="checkbox"/> Multi Family <input type="checkbox"/>		Monthly Rent:
Local Agent (if any):		# of units
If Multi-Family, On Site Manager: Yes <input type="checkbox"/> No <input type="checkbox"/>		Phone No. () -
		Phone No. () -

If more than 2 properties in the City of Tacoma please attach list.

SECTION 5: Rental Licensing Fees and Penalties

The Rental business license fee is based on annual gross rental income received in Tacoma, including rent from Section 8. Please refer to the chart below to determine the current year's license fee.

Gross Rental Income greater than \$250,000	Fee	Gross Rental Income between \$12,000-\$250,000	Fee	Gross Rental Income less than \$12,000	Fee
Annual Rental Business License	\$250	Annual Rental Business License	\$110	Annual Rental Business License	\$25
Pro-Rate Rental Business License Rental start date July 1-Dec 31	\$125	Pro-Rate Rental Business License Rental start date July 1-Dec 31	\$55		

Rental Business License Fee-Not subject to Gross Income	Fee
Annual Rental Business – 501(c)3 Copy of 501(c) status must be submitted	\$25

Late Filing Penalties

Due when license fee is not paid timely. Rental business license fees for \$25 are not subject to late fees

Paid within one month from start date	No Penalty
Paid within two months from start date	20% of the license fee or \$25, whichever is greater
Paid after two months or more from start date	50% of the license fee or \$50, whichever is greater

Licenses renew annually, renewal notices are mailed to the mailing address on record in December are due by January 31 of each year.

CERTIFICATE OF COMPLIANCE

By my signature, I certify that I have inspected my rental properties located in the City of Tacoma and that the dwellings on such properties comply with the standards set forth in the State Landlord Tenant Act, Title 59, Section 59.18.060 and do not present conditions that endanger or impair the health or safety of the tenants.

The Guide to Residential Rental Inspection attached provides a list of the areas that should be inspected to comply with the standards set forth in RCW 59.18.060.

I understand that if my rental properties are found to be in non-compliance with the health and safety requirements outlined in RCW 59.180.060, that per Tacoma Municipal Code 6B.165, a Provisional Rental Property License may be required.

For more information regarding the Provisional Rental Property License visit www.cityoftacoma.org/businesslicense or call Tax & License at 253-591-5252.

Signature of Owner/Owner Representative

Print Name

Date

OFFICE USE ONLY TYPE OF I.D. WDL WID MIL MAIL OTHER _____ I.D. # _____
 NAICS 531110-R 531120-C

To request information in an alternative format, contact Tax & License at 253-591-5252, TTY-711.



Rental Housing Business License Application
DuPont Municipal Code
5.04.170
For Calendar Year 2017

1700 Civic Drive
DuPont, WA 98327
www.dupontwa.gov

Phone (253) 912-5217
Fax (253) 964-3554

City of DuPont Municipal Code (DMC) 5.04.170 requires the **owners** of any residential property located in DuPont and which is leased or rented to residential tenants to obtain a City of DuPont Rental Housing Business License. The license fee is due January 1st of each year and is current if paid by January 31st. The license fee is determined by the number of rental units you own in DuPont, per the following schedule:

- 1 Unit \$75.00 per year (no additional per unit charge)
- 2 to 4 Units \$75.00 for first unit plus \$5.00 for each additional unit per year
- 5 to 24 Units \$150.00 for first unit plus \$5.00 for each additional unit per year
- 25 or more Units \$300.00 for first unit plus \$5.00 for each additional unit per year

Please provide below the owner information, address and number of residential units for each property you own in DuPont which is used as residential rentals for any portion of the year. Failure to provide any requested information may result in additional penalties as provided for in DuPont Municipal Code (DMC) Chapter 5.04. **Please make your check payable to the City of DuPont** and remit it with this application to the address listed above. **To avoid late fees, the application and applicable fees must be received by the City on or before January 31st.**

Applicant – Please complete all areas that apply in a clear, readable format. If your contact information changes during the license year, please notify us by the telephone, fax number or website listed on this form.

Owner/Taxpayer Name(s) as listed through Pierce County Assessor's Office:

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's Telephone Number: _____ Email Address: _____

Contact Name (if different than Owner/Taxpayer as listed above): _____

Business Name of Property Management Company (if applicable): _____

Property Manager's Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Rental Property Address #1: _____

Number of Rental Units at this location: _____

Rental Property Address #2: _____

Number of Rental Units at this location: _____

Rental Property Address #3: _____

Number of Rental Units at this location: _____

Rental Property Address #4: _____

Number of Rental Units at this location: _____

Rental Property Address #5: _____

Number of Rental Units at this location: _____

Rental Property Address #6: _____

Number of Rental Units at this location: _____

Rental Property Address #7: _____

Number of Rental Units at this location: _____

Rental Property Address #8: _____

Number of Rental Units at this location: _____

Please list any additional Rental Properties you own in the City of DuPont on a separate sheet of paper.

I hereby certify that the statements furnished by me on this application are true and correct to the best of my knowledge and belief.

Authorizing Signature: _____ Date: _____

Authorizing Name: _____

Please Print

City of DuPont use only Approved by: _____

Date: _____ Receipt # _____ Issued License #: _____

Attachment 3 - Parking of Vehicles

University Place

19.60.110 Parking prohibited in R1 and R2 residential front setback areas.

In R1 and R2 residential zoning districts, parking other than on designated driveways is not permitted in front setback areas. Parking shall be permitted in and upon designated driveways as provided in this section. The designated driveway is defined as the paved, graveled or similar roadway leading from the street to a garage or covered parking area or as otherwise determined by the Director where there is no garage or carport.

City of Bellevue

20.20.720 Recreational vehicles, watercraft, and utility trailers.*

A. Parking or storage of recreational vehicles, watercraft (whether mounted on trailers or unmounted), or utility trailers, except for loading and unloading activities completed within a three-day period within any given two-week period, is not permitted within a Residential Land Use District (R-1 – R-30), unless there is compliance with the following:

1. The recreational vehicle, watercraft (except for kayaks and canoes which need not be sight-screened), or utility trailer is housed within a vented garage or within a carport which is sight-screened from abutting properties by solid board fencing or sight-obscuring landscaping at least six feet in height.
2. The recreational vehicle, watercraft (except for kayaks and canoes which need not be sight-screened), or utility trailer may be located within a side or rear yard if in compliance with setback requirements applicable to accessory structures and sight-screened from abutting properties by solid board fencing or sight-obscuring landscaping at least six feet in height.
3. If there is no reasonable access to a rear or side yard, either one recreational vehicle, watercraft or utility trailer not exceeding 28 feet in length may be located in the front yard as follows:
 - a. In the driveway perpendicular to the right-of-way, provided setback requirements applicable to the primary structure are met and the vehicle or watercraft is sight-screened from the closest abutting property by solid board fencing or sight-obscuring landscaping at least six feet in height; or
 - b. Within the required front setback area, provided the vehicle or watercraft is completely sight-screened from the right-of-way and from the closest abutting property. The sight screening must consist of plant material; however, a gate is permissible if necessary to maneuver the vehicle or watercraft;
 - c. A vehicle or watercraft stored under this subsection A.3 must be licensed and operable.
4. For purposes of this section, all sides of a property which abut a right-of-way constitute a front yard.

Puyallup

Recreational Vehicles. Where a rear yard is reasonably accessible or a side yard is of sufficient size to accommodate the recreational vehicle, said recreational vehicle shall not be stored in the front yard of a lot. In no instance shall a recreational vehicle be stored such that any portion of the vehicle encroaches upon a sight distance area established by subsection (10) of this section; nor shall a recreational vehicle be stored on or overhang a public right-of-way. If located within a required front or street side yard, the storage area for a recreational vehicle shall be improved with a paved or gravel surface.

Redmond

Permitted Parking Locations. A vehicle may be located in the following areas listed in order of priority, provided the general requirements of subsection (3)(a) of this section are met:

- (i) Within a vented garage or carport;
- (ii) In a side or rear yard;
- (iii) Within a front yard on a driveway only, parked perpendicular to the right-of-way.
- (iv) In other locations if determined by the Code Administrator to be less obtrusive than the above locations. Screening the recreational vehicle with landscaping, fencing or a combination of the two may be required to meet this standard;
- (v) If none of the above locations are feasible, the recreational/utility vehicle must be stored off-site.

Sequim

For single-family detached houses, duplexes and triplexes, off-street parking is allowed so long as they do not block pedestrian traffic on the sidewalks and only as set forth in this subsection.

1. Front yard: No such vehicle shall be parked in the front of a residence except in a driveway for a period not to exceed 24 hours.
2. Side yard: No such vehicle shall be parked on the side yard except on a driveway or pad, provided the recreational vehicle is not extended beyond the front of the house.
3. Rear yard: A vehicle may be parked or stored in the rear yard; provided, that it be placed on a pad and placed so as not to obstruct the sight distance in alleyways and not in the alley right-of-way.

Items 6 and 7

No Written Material Attached

April 17, 2017