CITY OF FIRCREST
ORDINANCE NO. 1604

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,
AMENDING ORDINANCE 1246 SECTION 15 AND FMC 22.58.011
BED AND BREAKFAST ESTABLISHMENTS INCORPORATING
SHORT-TERM RENTALS.

WHEREAS, the City has identified code amendments based on concerns discussed at
the April 17, 2017 City Council study session; and

WHEREAS, the Planning Commission held study sessions on June 6, 2017 and July
10, 2017; and

WHEREAS, the City submitted a Notice of Intent to Adopt to the Washington State
Department of Commerce on July 18, 2017, which was issued to state agencies for a 60-
day comment period as required pursuant to RCW 36A.70 RCW, and no adverse
comments were received; and

WHEREAS, the City issued a Determination of Nonsignificance on July 20, 2017 with
a 14-day comment period ending August 3, 2017, and no adverse comments were
received; and

WHEREAS, the Planning Commission conducted a public hearing on August 15, 2017
to accept public testimony and comment on the proposed amendments; and

WHEREAS, the Planning Commission adopted the following findings in support of
approval of the proposed amendments, in consideration of the criteria listed in Section
22.78.004 FMC, prior to final action:

(a) The proposed amendment is consistent with the goals, objectives and policies of
the comprehensive plan, in particular:

Policy H1.1 Effectively implement zoning regulations, including design
standards and guidelines, to help support the stability of established residential
neighborhood.

Policy LU5.6 The character of existing single-family residential neighborhoods
should be preserved and enhanced.

Policy LU5.9 To expand local economic opportunities for Fircrest's residents,
home occupations that are compatible with the surrounding residential area shall
be encouraged.

WHEREAS, the City Council conducted a public hearings on October 10 and October
24, 2017 to accept public testimony and comment on the proposed amendments. Now,
Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS
FOLLOWS:

Section 1. Ordinance 1246 §15 and FMC 22.58.011 are hereby amended to read as
follows:
22.58.011 Short-term rental establishments.

(a) Purpose and Intent. Purpose of this section is to:
(1) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.
(2) Protect neighborhood character and stability.
(3) Establish criteria and standards for the use of residential structures as short-term rentals.

(b) Permit Requirements. A short-term rental establishment may be carried on upon the issuance of a business license pursuant to Chapter 5.04 FMC and the issuance of a short-term rental permit by the director.

(c) Submittal Requirements. Application for a short-term rental permit shall be made upon forms provided by the director, accompanied by a filing fee in accordance with the planning services fee schedule established by council resolution. The application shall be signed by the owner of the property on which the short-term rental activity will occur. The application shall also be signed by the business operator if that person is different from the property owner. The director may require the submittal of a site plan of the premises, floor plans of the residence or accessory building in which the use or activity will take place, and other documentation deemed necessary to process the application. The plans shall clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(d) Short-term Rental Types Defined. The following definitions apply to the short-term rental types allowed through the provisions of this section:
(1) “Room Rental Establishment” means a lodging use, where individual rooms within a single dwelling unit are provided for less than 30 consecutive days for a fee by pre-arrangement. This shall include bed and breakfast establishments.
(2) “Dwelling Unit Rental” means a dwelling unit, typically rented in its entirety, for less than 30 consecutive days for a fee by pre-arrangement.

(e) Processing Requirements.
(1) The director shall approve a proposed short-term rental establishment, which complies with all the performance standards set forth in this section, except as provided in (e)(2). The director may impose conditions of approval to ensure that the activity is conducted in a manner consistent with the standards and purpose and intent of this section.
(2) A proposed room rental establishment providing more than two bedrooms available for rent is subject to conditional use permit approval in accordance with Chapter 22.68 FMC.

(f) Room Rental Establishment Standards.
(1) Room rentals shall be an incidental or secondary use to the primary use, which is considered to be the principal residential dwelling unit.
(2) The owner/lessee of the structure shall operate the establishment and reside on-site.
(3) Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of breakfast or light snacks for registered guests.
(4) A maximum of four bedrooms or suites may be made available for rent. There shall be no expansion in the number of guest rooms beyond the number approved.
(5) No separate or additional kitchens for guests are permitted. Limited cooking facilities shall be allowed inside guestrooms, or inside other rooms that are used solely by guests, such as small microwaves, and refrigerators.
(6) Receptions, private parties or similar activities, for which a fee is paid or which are allowable as a condition of room rental, may be permitted upon a determination by
the planning commission that such activities will not significantly impact the adjoining neighborhood.

(7) One off-street parking space shall be provided on-site for each rental bedroom. The number of required off-street spaces may be reduced by the number of spaces available on the street frontage adjoining the parcel upon which the room rental is to be established, if the decision-maker determines that sufficient on-street parking will exist to satisfy parking demand in the neighborhood once the room rental has been established. Any additional off-street parking provided in conjunction with the room rental shall, to the extent possible, be located to the side or rear of the structure housing the room rental in order to minimize visual impacts on the streetscape. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing. The parking surface and additional driveway surface required to provide access to the parking area shall be constructed of permeable, porous or pervious pavers to achieve Low Impact Development objectives and a superior appearance when compared with conventional asphalt or concrete pavement. For additional off-street parking standards, see Chapter 22.60 FMC. (Ord. 1246 § 15, 2000).

(8) Certification by the building official that the residence complies with fire and life safety aspects is required. Inspection fee may apply.

(g) Dwelling Unit Rental.

(1) The number of persons per sleeping area shall comply with the International Building Code.

(2) Two off-street parking spaces shall be provided on-site.

(h) Other Regulations.

(1) Proof of ownership or approval of property owner is required.

(2) The room rental shall be exempt from the home occupation requirements of FMC 22.58.013.

(3) The exterior appearance of the structure shall maintain its original character.

(4) Signage shall comply with Chapter 22.26 FMC, Sign Regulations.

(5) Permits shall lapse and become void if the establishment ceases operation for twelve consecutive months, applicant named on the permit moves from or sells the site, or the applicant fails to maintain a valid business license.

**Section 2.** Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

**Section 3.** Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.
PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 14th day of November, 2017.

APPROVED:

[Signature]

Hunter T. George, Mayor

ATTEST:

[Signature]

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

[Signature]

Michael B. Smith, City Attorney

DATE OF PUBLICATION:

EFFECTIVE DATE: