

YAKIMA COUNTY PUBLIC SERVICES DEPARTMENT
Planning Division, Long Range Planning Section

TO: Yakima County Planning Commission
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DATE: April 12, 2023
ISSUE: 19.18.420 Short-Term Rentals, Level of Review

INTRODUCTION / SUMMARY

Yakima County Code 19.18.420 is being reviewed to address the type of review for land use applications for Short-Term Rentals. A Short-Term Rental is a residential dwelling unit or portions thereof, that is rented to overnight guests for fewer than 30 consecutive days. Short-Term Rentals are commonly known as vacation rentals, Airbnb, and VRBOs. The proposed amendments to YCC 19.18.420 will address the type of review an application will be considered.

BACKGROUND / PROBLEMS

Currently, Short-Term Rental conditional use applications are considered under the Type 2 review. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner. During this review, any member of the public may speak in support of or against the application. The current fees associated with a Type 2 application are \$1,925.00 (YCC 20.01.070-2). Staff was asked to evaluate the type of review for Short-term Rentals and to determine if the application fee may be unreasonably high for those uses. Options available would be to reduce the type of review to a Type 1 review, which has a fee of \$485. Type 1 review is the lowest level of review because the use is Type 1 uses are typically considered allowable in those zones. No public hearing is required for Type 1 reviews.

SOLUTION TO PROBLEM

In order to address this, staff is presenting the modified Land Use Table with the level of review changed from 2 to 1. Attached is the Allowable Land Use Table, 19.14-1 reflecting the changes.

CONCLUSION

Type 2 reviews may be too high of a review for a Short-Term Rental, creating more obstacles for the applicant and a much higher application fee. The Yakima County Planning Division recommends **APPROVAL** of the ***Development Regulation*** text amendment, changing the level 2 review to a level 1 for Short-Term Rentals in the AG, FW, R/ELDP, R-10/5, RT, RS, SR, R-1, R-2, R-3, B-1, B-2, SCC, LCC, and GC zones, subject to consideration of testimony from neighbors and interested parties.

Chapter 19.18

SPECIAL USES AND STANDARDS

Sections:

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- 19.18.405 Separation Requirements for Certain Uses.**
- 19.18.410 Service Stations, Automotive.**
- 19.18.420 Short-Term Rentals.**
- 19.18.430 Social Card Rooms.**
- 19.18.440 Solid Waste Handling and Disposal Sites.**

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19.18.420 Short-Term Rentals

- (1) Intent. It is the intent of this chapter to:
 - (a) Define Short-Term Rentals as a residential dwelling unit, or portions thereof, that are rented to overnight guests for fewer than 30 consecutive days.
 - (b) Establish appropriate regulations that mitigate the impacts that short-term rentals may have on a neighborhood.
 - (c) Recognize the desire of some property owners to rent their dwellings, or portions thereof, on a short-term basis.
- (2) Permitted zones. Short-term rental use is a permitted use in all zoning districts that allow residential dwellings as a permitted use.
- (3) Eligible dwellings and limitations. The residential unit must be a legally established residence as defined by the building and planning departments. No more than five short-term rental units shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: residential unit, private room, or ADU; no more than five units shall be eligible to function as a short-term rental.
- (4) A conditional use permit for short-term rental approval. A conditional use permit for the short-term rental use of an eligible dwelling unit must be completed and submitted to the County for review. If compliance with the provisions of this chapter is demonstrated, approval for a short-term rental use will be issued.
- (5) Criteria for approval. The following criteria shall be met for approval of a property to be authorized by the County as a short-term rental.
 - (a) Occupancy. Maximum occupancy of the short-term rental shall be based on the International Building Code standards. The property owner shall be responsible for ensuring that the short-term rental is in conformance with its maximum occupancy.
 - (b) Parking. One off-street parking space per guest unit shall be provided, meeting the design standards of 19.22.
 - (c) Signage. Signs must comply with the signs chapter, YCC 19.20.

(6) Business license required. Short-term rentals shall meet all state and federal regulations, including those pertaining to business licenses and taxes.

(7) Severability. If any term or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.

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Chapter 19.14 ALLOWABLE LAND USE TABLE

Sections:

19.14.010 Allowable Land Use Table.

(1) The following Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-1, reference to the individual zoning districts and, where indicated, the notes following the table and definitions of 19.01.070, is necessary in order to determine if any specific requirements apply to the listed use.

(2) Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning districts defined in this title. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

- “Type 1” Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.
- “Type 2” Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.
- “Type 3” Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).
- “Type 4” Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC 16B Subsection 16B.03.030(1)(d).
- “Blank” Uses specifically prohibited.

A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

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Table 19.14-1 Allowable Land Uses