



# CITY OF SNOHOMISH

Founded 1859, Incorporated 1890

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February 24, 2017

## CITY PLANNER DEVELOPMENT CODE INTERPRETATION REGARDING VACATION RENTALS

### Issues

- What constitutes a vacation rental?
- Are vacation rentals an allowed use in the Single Family Residential Land Use Designation Area?
- Are vacation rentals the same as a “Bed and breakfast” use as defined in SMC 14.100.020?

### Applicable Snohomish Municipal Code (SMC) provisions

#### **SMC 14.05.050 Administration and interpretation**

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict, 1) specific provisions shall prevail over general provisions, 2) text shall prevail over headings, captions, illustrations, and citation references, and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The word “shall” is mandatory and the word “may” is discretionary. The word “should” is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development Code as set forth in SMC 14.05.020.

#### **SMC 14.100.020 Definitions**

**Bed and breakfast** means a single family residence within which up to four bedrooms are available for short term lodging for paying guests.

**Dwelling unit** means one or more rooms with internal accessibility, designed for one family to live or sleep in, containing kitchen facilities and a bathroom. The term includes individual apartment units and manufactured homes.

**Family** means one or more persons related by blood, adoption, or marriage, or a group of not more than five person not related by blood, adoption, or marriage, living together as a single housekeeping unit in a dwelling unit. For the purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons. Adult family homes and foster homes, as defined herein, shall be included within this definition of family. Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of “family”.

**Residence or residential** refers to a building or part thereof containing dwelling units or rooming units, including houses, multi-family dwellings, boarding houses, and rooming houses. The term excludes hotels, motels, and correctional, medical, and convalescent facilities.

**Roomer/boarder** means a resident of a single-family dwelling or approved accessory dwelling unit who is not a member of the family occupying the single-family dwelling. Compensation may or may not be provided.

**SMC 14.207.060 Interpretation of the Land Use Tables.**

- A. If a proposed land use is not specifically listed in a land use table, the City Planner shall determine whether the land use will be allowed in a land use designation. The City Planner shall make that determination based on consistency with the purposes of Title 14 SMC and the Comprehensive Plan, considering the following factors:
  - 1. The physical characteristics of the use and its supporting structures, including scope, traffic, hours of operation, and other impacts.
  - 2. Whether the use is compatible with other uses permitted in the land use designation.
- B. The City Planner shall issue a written interpretation formalizing the determination, in order to make a record of the decision and establish a clear precedent for similar future occurrences. The issuance of an interpretation by the City Planner may be appealed in accordance with the provisions of SMC 14.75.010.

**SMC 14.207.070 Residential Land Use Table**

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
<b>Accessory Uses</b>														
Roomers/boarders				P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>			P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>		P <sup>8</sup>

**SMC 14.207.075 Residential Land Use: Regulations.**

8. Up to three roomers or boarders may reside in an owner-occupied, single family home, or accessory dwelling unit associated with the owner-occupied, single family home, irrespective of the definition of family in Chapter 14.100 SMC, provide that, with the exception of an approved accessory dwelling unit, the property contains only one dwelling unit, and provided that any nonfamily members occupying the accessory dwelling unit shall be counted against the limit of three roomers or boarders.

**Interpretation**

**Discussion:**

Snohomish Municipal Code does not define:

- Vacation Rental
- Short-term Rental
- Rooming house
- Boarding house

In none of the Land Use Tables found in SMC 14.207 is there a use called “Vacation Rental” or “Short-term Rental” nor are there uses that would be considered to be similar or equivalent to “Vacation Rental” or “Short-term Rental”.

While there is no use called “rooming house” or “boarding house” in the land use tables there is an accessory use called “Roomers/boarders”. This code interpretation assumes “Roomers/boarders” means the same as “rooming house” and “boarding house”.

In order to address whether Vacation Rentals are a permitted use in the Single Family Residential Land Use Designation Area, and whether a Vacation Rental is a Bed and Breakfast, this interpretation must first define the undefined terms.

After the terms are defined, then the interpretation can address whether those uses are allowed, and if they are allowed, in which Land Use Designation Areas are they allowed.

**Analysis:**

Since SMC 14.100.020 does not specifically define Vacation Rental, Short-term Rental, rooming house, or boarding house, the City Planner (Planning Director) pursuant to SMC 14.05.050(A) has the authority to define them so the Development Code can be applied consistently.

While SMC 14.100.020 defines “rooamer/boarder” it doesn’t define “rooming house” or “boarding house”. However, it is a straightforward process to blend the common definition of house with the SMC definition for rooamer/boarder to arrive at a logical definition for rooming house and boarding house. Since the SMC considers rooamer and boarder to mean the same thing, so too will this interpretation define rooming house and boarding house to mean the same thing.

To define Vacation Rental and Short-term Rental the Planning Director has reviewed other Washington municipal codes to see how they define those terms and found consistencies between them which were used to define them here. In all cases a Short-term Rental was considered to be one of less than 30 days. In the codes reviewed “Vacation Rental” was used in the same way as “Short-term Rental” although most codes only used one of those terms.

SMC 14.207.075(4) establishes conditions for Bed and Breakfast establishments located in the Single Family Residential Land Use Area. Because it is expected the vast majority of vacation rentals will be in the Single Family Residential Land Use Area, it is important to differentiate

between a Bed and Breakfast and a Vacation Rental, primarily so Vacation Rentals will not require issuance of a Conditional Use Permit (CUP). A Bed and Breakfast may rent up to four rooms and must provide one off-street parking space per room rented. One reason a CUP is required for a Bed and Breakfast is because of the negative impacts it may have on the neighborhood, such as increased parking. To avoid requiring a CUP for a Vacation Rental the number of rooms that can be rented must be minimized in order to avoid negative impacts.

In determining the maximum number of people who can occupy a vacation rental this interpretation relies on the definition of “Family” in SMC 14.100.020. That definition allows a maximum of five unrelated people to live in a single housekeeping unit in a dwelling unit.

### **Conclusion**

“Rooming House” means an owner-occupied detached single family residence where rooms are occupied by non-family members in exchange for compensation on a monthly or annual basis for periods of 30 days or longer. A Rooming House shall have a maximum of three Roomers/Boarders occupying the residence at one time. “Boarding House” means the same as “Rooming House”. Rooming Houses must be operated in a manner consistent with SMC 14.207.075(8).

“Rooming/Boarding Houses” must be operated in a manner consistent with SMC 14.207.075(8) and are a permitted use as shown for “Roomers/boarders” in SMC 14.207.070.

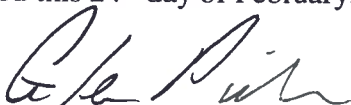
“Vacation Rental” means a furnished dwelling unit, or room within a dwelling, or an Accessory Dwelling Unit, that is rented out on a daily or weekly basis for periods of less than 30 days. When the entire dwelling unit is rented it shall be occupied by no more than five (5) people who are travelling together as a group. When a portion of the dwelling unit is rented, only one room may be rented at one time and that room may be occupied by no more than three (3) people. Vacation Rentals may be managed by vacation rental agencies or management companies. No services shall be provided at a Vacation Rental. Prohibited services include, but are not limited to, housekeeping, meals, entertainment, and concierge service. “Short-term Rental” means the same as “Vacation Rental”. “Vacation Rental” and “Bed and Breakfast” do not mean the same thing. A “Vacation Rental” differs from “Rooming/Boarding House” in that roomers/boarders occupy rooms on a monthly or annual basis for 30 days or longer.

“Vacation Rental” is a permitted use in the following land use designation areas:

- Single Family Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Pilchuck District\*
- Business Park\*
- Mixed Use\*
- Historic Business\*

\* Only in existing dwelling units; not allowed in commercial spaces

Dated this 24<sup>th</sup> day of February, 2017



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Glen Pickus, AICP  
Planning Director

**NOTE:**

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.05.050. Any aggrieved party to the Planning Director's Decision and administrative determination may appeal the decision to the Hearing Examiner following the procedures contained in Chapter 14.75 SMC. If no timely appeal is filed, then the Planning Director's Decision shall be final. Appeals must be filed with City Clerk within 14 days from the date of this decision. Appeals must include a filing fee of \$500 (five hundred dollars).