

**Herron Island Task Force on Vacation Rentals
Report and Recommendations to the
HMC Board of Directors**

January 28, 2019

Introduction

The purpose of this report is to share with the HMC Board and Island community the information gathered and discussions had by the Vacation Rentals Task Force. Additionally, the Task Force is proposing several recommendations for the Board to consider.

Background

Locally, nationally and internationally the short-term vacation rental industry has seen tremendous growth in recent years. Industry experts anticipate this growth will continue. Like many local communities, Herron Island has experienced this growth too.

As a result, cities, governments, homeowner associations, and neighbors are meeting to discuss the impact of vacation rentals on their communities. It is timely, appropriate, and beneficial for Herron Island members to have this discussion.

Process & Participants

The Vacation Rentals Task Force is comprised of 20 participating HMC members. The group represents those who are using their properties as rentals, those who are not and others who consider becoming rental hosts in the future. The Task Force met three times from November thru January. Considerable research was done outside of the meeting times. A wide range of topics was discussed. Although group discussion was lively, consideration and respect for one another's opinions was maintained. Although the Task Force did not always agree, as the following report illustrates, the group reached consensus on several topics.

Participating Task Force members are: Sam Argo, Donn Bennett, Eric Bergson, Shelly Carreiro, Steve Chapin, Colleen Chapin, Jim Davies, Chris Doles, Lyle Herman, Ben Hull, Kate Hull, Chris Hyde, Frank Lee, Carol Miller, Dale Miller, Diane Rohrback, Laura Shelton, Sharon Stone, Laurie West and Reed West.

Findings

1) Legality of Vacation Rentals

Short-term vacation rentals are legal to operate on Herron Island. The task force learned that some HMC members may not understand this. While our bylaws prohibit commercial businesses on Herron Island, vacation rentals are treated differently and therefore are allowed. There is ample legal precedent at the state, county, and Herron Island level to support a member's right to use their property for a short-term vacation rental.

2) Number of Vacation Rentals currently operating on Herron Island

It is difficult to determine the exact number of vacation rentals operating on the Island. Rentals are advertised on several websites: Airbnb, Homeaway/VRBO, Glampinghub and Craigslist. There may be rentals that are not listed on any of these sites. Our research indicates that there are currently 13 rentals listed on various websites. In addition, there appear to be 3 that operate without internet support. We conclude a minimum estimate of 16 vacation rentals are currently operating on Herron Island. (see attached list) Based on comments from Task Force members we anticipate additional properties will be used as vacation rentals in the future.

3) Pierce County Rules & Ordinance

The Task Force learned that Pierce County has a specific ordinance that details rules that apply to the operation of short-term vacation rentals. Ordinance number 18A.37.040 applies to rentals operating on Herron Island. The ordinance has been updated as recently as October 2018.

The ordinance requires rental operators to follow specific rules including: filing an affidavit with the County, limiting the number of guests – (based on County approved number of bedrooms), designating parking and communicating with immediate neighbors. (Additional rules apply, see attached documents).

4) Compliance with Pierce County

A few Herron Island vacation rental operators have complied with Pierce County rules for several years. Other operators have recently been made aware of the ordinance and are now in compliance.

Currently there are vacation rental operators who are not complying with the Pierce County ordinance and rules.

5) State of Washington Requirements and Compliance

Operators of short term vacation rentals are required to obtain a Washington State business license from the Department of Licensing and register with the Department of Revenue. They are required to pay taxes – sales tax, B & O (business and occupation) and lodging taxes (if applicable).

The Task Force did not research which rental hosts are compliant with Washington State DOL and DOR requirements.

6) Impact on Ferry Usage

It is apparent to the Task Force that ferry usage has increased significantly in recent years. This has extended wait times to get on and off Herron Island.

This situation is caused by a variety of factors: 1) There are more full-time residents living on the Island making regular trips on and off. 2) There has been a significant number of property sales. New owners tend to use their properties more and bring guests and contractors. 3) Vacation rentals are bringing more guests to the Island.

Input from rental owners indicates their renters use the ferry most frequently in coming on to the Island Friday afternoons and Saturday mornings and leaving the Island late morning on Sunday, primarily during the summer months.

It is not possible to calculate the exact impact of vacation rentals on ferry usage, since this data is currently not being collected. We recommend this information be collected.

7) Behavioral Problems and Rules Violations

Vacation rental guests sometimes break the rules and cause problems for their neighbors. Task Force members shared experiencing the following problems – fire arms violations, public nudity, improper garbage disposal, foul language, noise after quiet hours, parking on private property, trespassing on property and beaches, shell fish stolen from beaches, illegal beach fires and unauthorized use of kayaks.

Of course, members and their families and guests sometimes break the rules, too.

A representative of the Island Rules Committee indicated that no rules violations by vacation rental guests have been reported to the Rules Committee in the past 3 years. HMC members are not reporting rules violations to the rules committee.

8) Vacation Rental Owners Group

A Vacation Rentals Owners' Group has formed. They have been discussing "best practices" for hosts. They recognize opportunity for continuous improvement. For example, most VR owners "meet and greet" their renters upon arrival to the Island and have found this goes a long way to clarifying questions and averting problems.

VR owners want to do a good job for their guests and their neighbors. The group supports compliance with government requirements and Herron Island rules. They are also talking about developing a Facebook Page to continue ongoing conversation. The VR Owners Group encourages all rental owners to have on-Island property management, either the owner themselves or a designated property manager.

VACATION RENTAL TASK FORCE RECOMMENDATIONS

Vacation Rentals are Legal

RECOMMENATION:

The HMC Board remind the HI community that VR's are legal on Herron Island.

Education Regarding Pierce County Ordinance on Short Term Vacation Rentals

Short term vacation rentals are a new and trending phenomenon. In our task force discussions, we found that there were several members, including a few current and prospective VR hosts, who were not familiar with the current Pierce County ordinance regarding short term rentals. The ordinance was updated in October of 2018.

RECOMMENDATION:

Educate our membership about the Pierce County ordinance pertaining to short term rentals.

Compliance with the Pierce County Ordinance

The task force is unclear as to how this enforcement should be implemented. This is a specific discussion between the HMC Board, Island Manager and Island attorney.

RECOMMENDATION:

HMC require compliance with the Pierce County ordinance.

Complaints

The VR Task Force learned that the Rules Committee has not received any complaints about vacation rentals. While many people are reluctant to submit their complaints, we do have a rules committee to help with complaints. Unless complaints are documented, the extent of the problems cannot be measured.

RECOMMENDATION:

Anyone with a complaint about a vacation rental consider the following;

- 1. Talk with the VR owner first, just like we encourage one another to talk to our neighbors first.**
- 2. File a complaint with the HI Rules committee.**
- 3. Call the sheriff if a crime is being committed.**
- 4. File a Code Violation complaint with Pierce County**

Optimize Ferry Efficiency

Optimizing ferry operations is a shared community goal. Knowing who is using the ferry and when will aid in planning ferry operations. All owners and their guests share interest in efficiently accessing Herron Island. Ferry access on summer weekends and holidays is a particular concern for everyone. Peak demand includes summertime Fridays, Saturday mornings, Sunday afternoons, and Holiday Monday afternoons.

RECOMMENDATION: HMC consider all options to maximize efficient ferry access to and from the island.

HMC currently tracks who is using the ferry by the following categories: Owners, Guest Adults over 12 years old, Child passengers 0-4 years old, Child passengers 5-11 years old, Contractors, Vendors, and Real Estate Agents, and Long-Term Renters.

RECOMMENDATION: Add Short Term Renters to the categories of ferry users and share ferry usage data with the HI membership.

The Task Force learned that there may be possibility of adding runs during crew break times by using stand-by and part-time captains and crew.

RECOMMENDATION: Continue communication with the ferry team to consider solutions to maximize efficiency. Add runs during peak times using stand-by and part-time captains and crew.

Cross training crew could add to the pool of captains who could make additional ferry runs during peak demand and still comply with US Coast Guard regulations regarding maximum hours crew can work. Having deck hands trained to handle the ferry in case of emergencies should be promoted for the safety of all passengers.

RECOMMENDATION: Cross train deck hands to become stand-by and part-time captains. Cross-train deck hands to be able to handle the ferry in case of emergency.

The ferry crew reported to the task force that taking cash from members significantly slows down the loading process. Using ticket coupons speeds up the process. Many members have stopped using coupons because the discount is minimal.

RECOMMENDATION: Promote the use of ferry ticket coupons over cash. For example, increase the member ferry fee to \$10 and keep the price of 10 coupons at \$72 or keep the cash price at \$8.00 and discount the price of 10 coupons to \$64.

RECOMMENDATION: Continue use of second purser on all peak times.

The ferry crew reports that vacation renters usually have their guest passes pre-completed by their hosts. General members' guests more often arrive without guest passes completed and this slows down the loading process and contributes to increased wait times.

RECOMMENDATION: Continue to encourage all owners to assure their guests have completed guest passes.

The Vacation Rental Owners Group.

Sharing of information including County ordinances, Island rules and contact information is beneficial to all parties. The VR Owners Group would like to ask for a presence on the HMC website. Namely, a button, tab or link on the HMC Website.

RECOMMENDATION:
HMC be supportive of the VR Owners Group and permit a button or link on the HMC Website.

HMC Website Update

The HMC Herron Island webpage has a button for Island Rules but no "go to" button or page for guests. A visitors' button and page on the website could include rules and resources that visitors need to know. While there may be duplication of information already available on the website, a "GUEST" button would allow a more direct interface with guests.

The GUEST page could include:

1. Welcoming statement to visitors
2. Introducing the most important expectations of visitors similar to what is supplied to visitors arriving in the ferry line
3. Restating that owners are held responsible for all guests complying with HI rules
4. Redirects to any other documents as needed

RECOMMENDATION:
HMC review the HMC website and consider adding a button for "GUESTS".

Pierce County Ordinances Regarding B&B and Short-Term Vacation Rentals

<https://www.codepublishing.com/WA/PierceCounty/html/PierceCounty18A/PierceCounty18A37.html#18A.37.040>

18A.37.040 Bed and Breakfast (B&B) and Short-Term Vacation Rentals (VR). Revised 9/16 Revised 3/18

A. A Bed and Breakfast shall be allowed, on a parcel upon which the bed and breakfast proprietor resides, within a legally established single-family dwelling or accessory structure when the following criteria are met:

1. Not more than five guest rooms are provided;
2. Not more than ten travelers are lodged at any time;
3. Lodging for each guest does not exceed two weeks;
4. Compensation of any kind is paid for the lodging; and
5. The B&B owner files an affidavit with Pierce County Planning and Public Works which indicates the location of the property and that the property will be used as a bed and breakfast.

B. A Vacation Rental (VR) is a short-term rental accommodation within a legally established single-family or accessory dwelling. Longer term rentals exceeding 30 days are not regulated under this Chapter. Vacation rentals shall be allowed when the following criteria are met:

1. A total of five guest rooms may be provided.
2. Two guests per bedroom, not to exceed a total of ten guests may be lodged at any time.
3. Compensation of any kind is paid for the lodging.
4. The VR owner or representative shall provide guests with information indicating the location of guest parking spaces.
5. The VR owner or representative shall provide notification of the presence of the vacation rental business to all neighboring property owners directly adjacent to the vacation rental property.
6. The property owner shall file a Vacation Rental Affidavit with the Pierce County Planning and Public Works Department which indicates the following:
 - a. The property owner's intent to use their residence as a Vacation Rental.
 - b. Contact information for either the owner, representative, or property management company including phone number and e-mail.
 - c. Listing of the internet site(s) where the Vacation Rental property is advertised.
 - d. The required neighborhood notification has been provided.
7. A Good Neighbor brochure for short-term rentals is provided to each renter describing the appropriate etiquette of residing in a Vacation Rental.

C. If the standards described in either PCC 18A.37.040 A. or B. above are exceeded or otherwise cannot be met, the proposed use shall require a Conditional Use Permit.

The Pierce County Code is current through 2018-59, passed September 18, 2018. Disclaimer: The Pierce County Council has the official version of the Pierce County Code. Users should contact the Code Reviser for ordinances passed subsequent to the ordinance cited above. County Website: <http://www.co.pierce.wa.us/> County Telephone: (253) 798-7777 [Code Publishing Company](#)

After recording return to (Applicant):

**Pierce County
SHORT-TERM VACATION RENTAL AFFIDAVIT**

I/We, _____, being the legal owner(s) of property located at:

Parcel Number: _____
Site Address: _____

I declare my intent to use this property as a Short-Term Vacation Rental pursuant to **Pierce County Title PCC 18A.37.040 B**. I provide the following contact information for this property:

Owner Contact (*required*)

Address: _____

Phone: _____
Email: _____

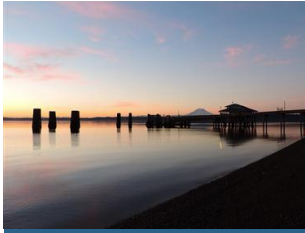
Representative Contact (*if applicable*)

Name: _____
Phone: _____
Email: _____

Property Management Contact (*if applicable*)

Name: _____
Phone: _____
Email: _____

My intent to operate a short-term vacation rental was provided to all neighboring property owners directly adjacent to the vacation rental property noted above.



Keep in Mind

Renters please keep in mind that you may be cited, fined, or evicted for creating a noise disturbance or violating any of the provisions for Bed and Breakfasts (B&B) and Short-Term Vacation Rentals (VR) under PCC 18A.37.040.

Neighbors are provided contact numbers and should an occasion arise they are encouraged to report disturbances. Your permanent neighbors have a right to peace and repose and this must be respected at all times of the day but especially into the evening hours. For information regarding Pierce County ordinance codes please go to PierceCountyWA.org, click the Government tab and then County Code to find 18A.37.040.



Welcome to Pierce County

Local Resources

Emergencies: 911
Sheriff: 253-798-7530
Animal Services: (253)798-PETS (7387)
Local Weather and Road Conditions:
<http://www.wsdot.gov>

Residents: Call the Local Contact

For Vacation Rental at:

Owner or Representative:

Phone: _____

Property Management Company:

Phone: _____

Other Contact (Specify):

Phone: _____



Pierce County
Washington



Short Term Vacation Rentals on Herron Island

Tax Parcel No.	Address	Number of Bedrooms on Pierce County Records
4450000491	22115 Maple Dr NW	3BR, 2.5BA
4450200281	606 W. Herron Blvd NW	3 BR, 1.75 BA
4450200710	620 W. Yew	1BR,0.75BA
4450300480	1302 W. Herron Blvd NW	2BR, 1BA, detached garage Bathroom "n/a"
4450301150	1217 W. Herron Blvd NW	1BR, 1BA
4450500251	414 W. Madrona Blvd NW	3BR, 1.75BA
4450500460	319 W. Herron Blvd.	2BR, 1BA
4450600250	318 Herron Lane	2 BR, 1.75 BA
4450600260	316 Herron Lane	2 BR, 1 BA
4450600360	104 Herron Lane NW	whole house is 2BR,1.75BA
4450600570	515 E. Herron Blvd	3BR,1BA
4450602000	306 Fir Lane NW	1 BR, 0.75 BA
4450602040	124 E. Herron Blvd NW	2BR, 1BA
unverified	unverified	
unverified	unverified	
unverified	unverified	