



## Chelan County Planning Commission

Chair: Ryan Kelso

Vice Chair: Carl Blum

Commissioners District 1: Vicki Malloy, Ryan Kelso, Will Wiggs

Commissioners District 2: Jim Newberry, Randy Baldwin, Jordan McDevitt

Commissioners District 3: Carl Blum, Pat Hammersmith, Greg Becker

### Meeting Agenda

Wednesday, June 24 at 7:00 P.M.

Public Meeting

Chelan County Community Development

*In response to the [Governor's Proclamation 20-28](#), the Planning Commission will hold all their meetings via Zoom Video Conference until further notice. Click the link below to join the meeting beginning at 7:00 pm on June 24, 2020.*

*To Join Zoom Meeting go to:*

<https://us02web.zoom.us/j/83434633914>

#### Call Meeting to Order

##### **I. Administrative**

A. Review/Approval of Minutes from June 3, 2020

B. Review/Approval of Minutes from June 17, 2020

##### **II. Public Comment Period**

Comment for any matters not identified on the agenda (limit 2 minutes per person)

##### **III. Old Business**

Deliberation and Decision for the Code Development of Short Term Vacation Rentals

*Public comment period closed as of June 19, 2020 at 5:00 PM.*

##### **IV. New Business**

##### **V. Discussion, at the Chair's discretion**

##### **VI. Adjournment**

**Materials available on the Community Development website**

**Next Meeting Date: July 22, 2020 at 7:00 PM**



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission  
Chelan County Administration Building, Room 1  
400 Douglas Street  
Wenatchee, WA 98801

Date: June 3, 2020  
Called to Order: 7:00 PM

## CALL TO ORDER

Meeting was called to order at 7:00 pm.

## COMMISSIONER PRESENT/ABSENT

Greg Becker	Present	Carl Blum	Present
Randy Baldwin	Present	Vicki Malloy	Present
Ryan Kelso	Present	Jim Newberry	Present
Jordan McDevitt	Present	Pat Hammersmith	Present
James Wiggs	Present		

## STAFF PRESENT

Jim Brown, Director  
Lynn Machado, Administrative Supervisor  
RJ Lott, Long Range Planner

## PUBLIC PRESENT

ZOOM MEETING

## APPROVAL OF MAY 27, 2020 MINUTES

Corrections made, by Ryan Kelso, to the May 27, 2020 minutes included – minutes were not approved for the previous meeting, need to be removed; under Old Business, replace the name Ryan Walker with Ryan Kelso; and mark Jim Newberry as present during the meeting.

## PUBLIC COMMENT PERIOD

Comment made from AnnaGala, on when the date for the STR approval? Ryan Kelso stated that the goal is the end of summer.

## **OLD BUSINESS:**

### **Continued Hearing for Short Term Rental (STR) Code Development Code**

Director Jim Brown stated that Lynn Machado, Administrative Supervisor, created a website that directs the public to a section on Short Term Rentals rather than going through the Planning Commission page.

The content consisted of a large volume of comments and questions. Some of the comments did not make it to the Planning Commission, so an internal process was started that sends them all out at once. This creates a timeline where some of the comments would not make it to the Planning Commission in time for their review. Comments received outside of the timeframe would be sent the following week. There is no intention of withholding comments from the Planning Commissioners, so a safety net was created.

Some instruction was given on the operation of Zoom, so communication would be more effective.

Commissioner Carl Blum would like a deadline posted, for the public hearing, to submit comments. It was agreed that the public would be informed of such a deadline.

Lisa Grueter, BERKE Consultants, continued with her presentation and was asked to share her screen. She briefed the Planning Commission on the schedule and timeline for the STR Development Code. It will be posted on the website.

A flow chart described the progress so far. Step one, short term rental permitted or CUP in the use tables, a consideration for existing units. Developed the tiered system with owner-occupied as well as the zones that are designed for vacation homes. These would not be subject to the cap numbers. Standards were described for permitting. There was a further explanation of the chart. Commissioner Vicki Malloy commented on the percentage caps, 1% vs. 5%. Lisa Grueter explained that 1% was a starting point for new ones and 5% is for the rentals that could be located.

Lisa Grueter, BERKE Consultants, explained defining tiered permits on the PowerPoint. Tier one was modeled after Bend and Walla Walla. Commissioner Jordan McDevitt prefers option two. Chairman Ryan Kelso asked for other preferences. Commissioner Carl Blum likes option one as option two would require more Code Enforcement work. Tier two would require approval. Commissioner Vicki Malloy likes the second option. Chairman Ryan Kelso made clarifications and read the slide aloud. Chairman Ryan Kelso asked Commissioner Carl Blum if he meant he liked option two. Commissioner Carl Blum clarified that he did. Commissioner Greg Becker also likes option two. Commissioner Randy Baldwin likes option two but would limit days to 30-90 days with no more than 90 days allowed. Commissioner Pat Hammersmith added to the conversation. Consensus was made on option two for thirty days.

Lisa Grueter continued with density limits and caps as well as locations restrictions. She clarified the UGA within the County. There was a discussion about the pros and cons on the matter. The Planning Commission found consensus on 15 days for this area.

Lisa Grueter, BERKE Consultants, continued with the highlights. Basic criteria discussed as well as non-conforming units. The steps for establishing an existing unit were discussed. Manson UGA was highlighted by Commissioner Carl Blum's comments about requirements and non-conforming STR units. Lisa Grueter answered that some units may meet the criteria and can't expand and have only two years. Jordan McDevitt asked about a

chart to illustrate the matter. Commissioner Carl Blum said he was uncomfortable with having all existing rentals in the Manson UGA to be allowed.

Discussed next was operation standards. Parking would be the same as B&B. Response time was highlighted. Commissioner Vicki Malloy commented on the response person and what happens if they don't show up. She states that sixty minutes is a long time. Chairman Ryan Kelso also commented on the hour time range. Commissioner Jordan McDevitt commented that an hour is reasonable. Lisa Grueter talked about site plans and added unit floorplans. A qualified person needs to notice burn bans in effect. Commissioner Jordan McDevitt doubted the need for 24 hour periods between rentals. Lisa Grueter stated that it was, not specific to COVID pandemic. Commissioner Greg Becker commented that it originally was for the end of the pandemic. Chairman Ryan Kelso prefers no time limit. Commissioner Greg Becker clarified what he meant on cleaning requirements.. Back and forth comments ensued on the health standards. Director Jim Brown talked about the Health District requirements including response times and phone call versus physically responding. Chairman Ryan Kelso agrees with Director Jim Brown's comments. Commissioner Greg Becker elaborated on other items that he would like to add.

With regard to Permit Transference, does the sale of property allow for the permit to transfer? Would it be a onetime transfer? Commissioner Vicki Malloy commented that when transferring a business, one needs to be very careful that the new owners know that they need to apply for a permit for an STR. Homes owned by an LLC or Corporation, needs to be informed of the process. Commissioner Jordan McDevitt likes the one-time transfer. Commissioner Greg Becker would like a sunset. Director Jim Brown clarified the staffing needed to regulate as well as the Sheriff taking over some code enforcement responsibilities for STRs. Commissioner Vicki Malloy said Community Development is working with an agreement with the Sheriff and asked if 3 staff members would be added. Director Jim Brown elaborated on Code Enforcement protocols. Commissioner Carl Blum asked about transfer options. A vote taken on the options, there was a consensus on a one time transfer with a three year sunset.

Owner/operator definitions were discussed. RCW definitions were highlighted by Lisa Grueter. "Person" definition in RCW also highlighted. Legal issues were further discussed. Additional research may be needed on transfer language.

Lisa Grueter, BERKE Consultants, talked about the fees needed for review of an STR permit. Costs were estimated. Commissioner Greg Becker asked if there is any consideration on owner-occupied fees, could they be less.

Commissioner Carl Blum asked about bedrooms. Does that mean an ad is proof of permitted bedrooms? Clarification was made by Lisa Grueter. Commissioner Carl Blum also asked about density limits and possible conflicts. Commissioner Carl Blum has issues with tier three in Manson UGA overlay as mentioned by the Manson Community Council. Commissioner Greg Becker discussed a hotline so complaints would not go through 911. Commissioner Greg Becker asked for consideration of a task force. Director Jim Brown answered Commissioner Greg Becker's questions. Commissioner Jordan McDevitt agrees with the task force idea.

Commissioner Jordan McDevitt asked to revisit the cap in the Leavenworth area. He stated that a reduction from 13% to 5% is too great initially. Commissioner Greg Becker added that 5% is an ultimate goal. Commissioner Carl Blum added that the housing stock increase would also increase STRs. Commissioner Randy Baldwin said that 5% is too great of a reduction and he is in favor of a lottery system.

**ADJOURNMENT**

**MOTION:**

Upon motion and second by Commissioners Greg Becker and Carl Blum, the Commission unanimously agreed to adjourn the meeting at 9:24 pm.

Next Meeting: June 17, 2020 at 5:00 p.m. Public Hearing for Short Term Rentals

All Planning Commission meetings and hearings are open to the public.

DRAFT



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission  
Chelan County Community Development VIA ZOOM

Date: June 17, 2020

Called to Order: 5:14 PM  
316 Washington St Ste 301  
Wenatchee, WA 98801

## CALL TO ORDER

Meeting was called to order at 5:14 pm.

## COMMISSIONER PRESENT/ABSENT

<b>Greg Becker</b>	Present	<b>Carl Blum</b>	Present
<b>Randy Baldwin</b>	Present	<b>Vicki Malloy</b>	Present
<b>Ryan Kelso</b>	Present	<b>Jim Newberry</b>	Absent
<b>Jordan McDevitt</b>	Present	<b>Pat Hammersmith</b>	Present
<b>James Wiggs</b>	Present		

## STAFF PRESENT

**Jim Brown, Director**  
**Deanna Walter, Interim Assistant Director**  
**RJ Lott, Planner II**  
**Lynn Machado, Administrative Supervisor**  
**Wendy Lane, Permit Clerk**  
**Lisa Ogle, Permit Clerk**

## PUBLIC PRESENT

ZOOM MEETING

## BUSINESS:

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the May 27, 2020 meeting.

## MOTION:

Motion made by Commissioner Jordan McDevitt, second by Commissioner Randy Baldwin to approve the minutes from the May 27, 2020 meeting.

Vote – Unanimous

Motion passes

Minutes for the June 3, 2020 meeting were held for edits, corrections to be presented at the next regular meeting.

## **PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA**

No Comments

### **NEW BUSINESS:**

#### **Public Hearing for the Code Development of Short Term Vacation Rentals (STR)**

Chairman Ryan Kelso opened the public testimony and listed the ground rules and expectations, including the 2 minute time limit.

All comments should be addressed to the Hearing Body, please do not repeat testimony. Hearing will end promptly at 9:00 pm regardless of whether or not all participants have had an opportunity to speak. All submitted written testimony is already admitted into the record.

### **PUBLIC TESTIMONY**

**Zelda Holgate** – owns Natapoc Lodging in Plain, have been involved in discussions since 2017 – disheartened at the process. Do not feel it has been a fair and impartial process.

**Jeff Janssen** – 9840 E Leavenworth Road – dealt with the overburden of illegal STRs. Too many vehicles, port-a-potties, request no grandfathered permits, no transfers on sales – majority of STRs have been illegally operating for years and should not be rewarded with grandfathered permits. Remember the county's goal of separating incompatible uses

**Sean Lynn** – 217 Cascade St – own Love Leavenworth Vacation Rentals. We went from something workable last year to something that will detrimentally affect our livelihood. The goal of the BoCC was to curtail the prolific increase in vacation rentals, not to reduce the number of them. Identified BERK study numbers and asked about side effects

**Pat Thirlby** – 1210 Dempsey Road – Comp Plan statement protect residential neighborhoods from incompatible land uses – quoted section of Comp plan applicable to the incompatibility of STRs in residential neighborhoods – slow the proliferation. She feels that the PC is showing concern for STR investments, but not a lot of concern for the residents that have to live here. Adverse effects are already here.

**Rick Thirlby** – Dempsey Road – Chelan County is not unique and effective solutions are available and already implemented elsewhere. Host Compliance has 250 clients in other areas with similar demographics. Good platform to assist jurisdictions. Lack of ability to enforce them should not be an excuse to allow them to continue.

**Bruce Williams** – 8050 E Leavenworth Rd – bought in 2001 and read the code before purchasing the property. I am a lawyer and am appalled by the memo from STRACC and the legal threats. B&B and Guest Inns are permitted, but with onsite owner occupation.

**Kirvil Skinnerland** – 510 Dempsey Rd – STRs are not in the best interest of the County. Asking to turn back the tide and give the residential neighborhoods back to the residents that reside year round. She discussed tiered approach and pitfalls. The ordinance has good elements but is selling out the residents in favor of a small minority, many of which are not even residents of this County.

**Barbara Rossing** – 7785 East Leavenworth Rd. - do not grandfather the non-owner occupied vacation rentals. We need to separate the incompatible uses. They should be allowed in some zones but protect the residential areas – don't make our areas "sacrifice" zones. The 5% cap will be meaningless if they are grandfathered. Listen to the voices of 2000 residents that want protection of their neighborhoods.

**Hernan Savastano** – 8787 Icicle Road – opposed to new regulations. He bought large 7000 sf home which was designed and built to host large gatherings. Occupancy limit would render hardship. We should be grandfathered in. Regulations would severely impact our livelihood moving forward. He believes it is a false narrative that STRs are illegal. County has support tourism backed by case law that STRs are legal.

**Lauri Malmquist** – not anti-short term rentals. To me it is where they are located and that they are commercial endeavors that should not be in residential areas. There are on site owners that seem to be respectful of the neighborhoods. We have zoning codes and should abide by them. We chose the rural lifestyle and don't want to live in an area over run by commercial STRs.

**Maureen O'Deal-Mitchell** – 24201 Morgan St – a ten year resident of Ponderosa near Plain, the wild west of STRs where growth without oversight has been the norm. Character and safety of my neighborhood has changed drastically. Break-ins have been increasing, spreading, disrupting the flow of water, loud parties and building fires during burn bans. These STRs are taking over the ability of people to live in the area where they work.

**Jerry Jennings** – 87 Louise Lane, Plain – last 21 years have watched the neighborhood deteriorate due to STRs. She states that it is time for the PC and BoCC to stand up for the residents in this County. Unless owner occupied, tier 1, ban the STRs.

**Sloane Schubert** – opposed to absentee STRs

**Carmen Bagdon** – 1128 Dempsey Rd – I am a long term renter in Leavenworth. Within 100 feet we have an absentee owner rented to strangers year round and I have to hear them, in my yard, in my face every day. They should not be grandfathered. Our neighborhood has multiple STRs with absentee owners that are incompatible with the neighborhood

**Chris Clark** – 9281 Icicle Road – since 1983 and moved here to start a tourist business. About 5 years ago there was explosive growth. Lack of paring that impacted local neighborhoods. Traffic backed up on highway. Harder to shop local and get around. The count went from 59 to 868 and they are mostly nightly rentals. Neighbors are moving away because of the STRs and are being bought by more STRs. We chose to live in residential zones. They are running businesses in residential areas

**Gregory Steeber** – 12512 Wilson St – over 30 years – asking why members of PC are asking how they can protect the investment of the STR owners instead of asking how our own residents can protect their investments by not allowing these STRs. Chelan County should be enforcing the codes that do not allow commercial businesses to operate in residential areas. Tier 1 owner occupied rentals may be OK, but not absentee owners

**Mike Pirotto** – Lake Wenatchee fire and rescue firefighter and EMT speaking on their behalf – speaking on fire safety – recommendation: provide renters of evacuation routes, written explanation of 3 evacuation warnings, and information as to where they can get emergency information

**Amy Carlson** – Dempsey Road regarding nightly rentals on this hillside. Not designed for this many cars and in winter the county doesn't plow it. Why are we making ourselves more vulnerable? I've been hit twice by cars sliding down this road. Pointed out that there is a fire and winter driving hazards.



**Mike Stanford** – I've submitted written testimony a couple of times. Thanks the Board for their time  
**Steve Keene** – 8237 Riverview Rd in Peshastin – letter from Peshastin Community Council read a letter into the record – residential areas should be kept residential.

**Brian Shugrue** - 10300 Suncrest Dr. – 12 years running Bed and Breakfast. Tier 1 is not the problem. The only thing that will help with the problem properties are regulations. Neighboring property was fully occupied during COVID 19 prohibition. We need to make sure we are able to enforce the regulations.

**Stan Winters**- 8200 Riverview Road Peshastin – commercial STRs were not listed in the 3 zones because they would not protect the tranquility of the neighborhood. There are two sides – the commercial endeavors and the local residents, the people that live here and work here and don't want STRs in the residential areas. Wont' surrender our neighborhoods.

**Vonda Bridges** – 380 Dempsey Rd – opposed to large STRs that are swallowing our quality of life

**Tracie Smith** – 305 Tumwater Dr., Leavenworth – too many absentee owner rentals and they have led to a shortage in long term housing for the residents. Vacation rentals impact the character of the neighborhood and impact housing stock. There were only 12 homes under 500K, and only 2 homes available for long term rent, but 72 STRs. Which is more important the STRs or the residents?

**Reava Davis** – 8211 Lynn St Peshastin – empathizes with a lot of the people living next to the party houses. I currently own two vacation rentals. I don't live in a Beaver Cleaver neighborhood. My neighbors fight and host large parties. I have access and control to my own STRs. Property managers should be managing the problem properties. Not that many true complaints – as the sheriff. We need to keep community going based on tourism. We need STRs that are managed well

**Kathy and Steve Harada** – I own a condo STR at 575 Alpine Place. The reason Leavenworth is thriving is because the housing and rentals are available. If you can't get a STR, the tourists will not come and it will become a dead logging town. Call the police if there are issues; that are what they are for. I appreciate the PC work to date.

**Steve Marks** – 21304 Stetson Rd – concerned about testimony about bad renters and I just don't see it. The vast majority of the renters are families. These rentals support the local economy. They bring a lot of revenue to our economy

**Steve Williams** – 21611 Primitive Park Road, Ponderosa and also use it as an STR. Closely monitored and there are a couple of STRs in the vicinity. They need to be managed by the authorities not by additional regulations. He is concerned about marking home as STR would open up possibility of break-ins.

**Crystal Davis** – Primitive Park Road – most of the neighbors have each other's contact information and it works well. Without the STRs the businesses will not be able to stay open and be sustainable

**Gro Bauer** – 850 East Leavenworth Rd – in past the county has given preference to STRs vs the residents. He lives in a RR2.5 neighborhood with a great neighborhood of 30 families. In past 20 years more STRs have kept up, one sleeping 16 people. Many negative events and those that live here have to deal with them. Some behaviors are dangerous. Nightly rentals without onsite owners have no business being in the neighborhoods and they don't benefit anyone but the owners

**Nathan Newell** – 8885 Stage Road is location of vacation rental. If regulations go through we will lose our business. We told CD when we built the home with the intent of renting it out. A vocal minority of Activists complained to BoCC. As we looked at the regulations, it is cost prohibitive. The majority are the opponents, not the supporters of the regulations

**Kendall Newell** – 8885 Stage Road – if proposed code is adopted our family will go bankrupt. They met with neighbors prior to building in 2014 and CD and commissioners. The cost to meet requirements would be cost prohibitive. We should be grandfathered in under the code in which they first started in

their business. The typical complaints should be addressed by the Sheriff. There should be in-area oversight

**Summit Newell** – 8885 Stage Rd – mom and dad will lose our business if these regulations are implemented. Used example of leaving dog at home without the bar collar on. County is not enforcing current laws. Target and ticket the offenders, not hard working people like my parents.

**Eve Newell** – 8885 Stage Road – reducing the number of STRs is bad business. Vacation rentals bring about 60M into our community. STR guests spent 40M with 17M spent on labor to support these endeavors. STRs make rates more competitive and more accessible to normal families.

**Fara Newell** – 8885 Stage Road – my parents own Leavenworth Lodge. Restrictions will cripple our family business. The County knew what our plans were. The 10 person cap would cripple this business and our guests sign a contract to not create issues. Not right to punish a business with a perfect record.

**Robert Wilbur** – It should not be an us vs. them situation – this is a community problem. I live on Whidbey Island and have owned an STR since 2003 and have only had one issue. STR owners and residents want the same thing – respectful renters. There should be a limit but not to punish the existing ones. Hitting the reset button is not the answer.

**Joshua Fletcher** – 9630 Embroden Road, Leavenworth – systems are already in place to deal with nuisances. We need to respond to those. People who have invested a large part of their livelihood and have taken care of their property are getting hit with the nuances of new regulations. This is giving tools to people who just don't want other people around. STRs are a property right.

**Tracie Furrer** – 8920 Canal Road (rental property) & 8785 Canal road (our home) – you still haven't come to the table with the STR owners. Your regulations still don't address the existing regulations that can be enforced by sheriff. We all pay taxes that go directly to the county. Because we are next door, we are not a tier one but could manage it just fine

**Mara Bohman** – 7840 E Leavenworth Road – STRs should only be allowed in residential areas only when the owner is on-site. Density must be reduced by not allowing transfers upon sale, and only allowing one per owner. Why are PC members concerned about real estate investments of out of area owners and not the well-being of local residents?

**Jennifer Moraski** – 75 Bjork Creek Lane – bought property 2.5 years ago as a STR to supplement our income. Previous owner was a vacation owner and we live in a tourist area and we need to encourage the tourism. Request no new regulations.

**Kevin Nasr** – 18853 Alpine Acres Rd – bought it in 2004 and is a vacation rental. We have a management company that runs the rental for us. Leavenworth is a tourist town. By reducing STRs, you are reducing the revenue for the area. Problem homes need to be addressed through the managers, sheriff and owners. Please don't penalize all of the good STRs for a few bad ones. Also object of the limit on transfer, occupancy is too low, some should be grandfathered

**Heidi Stoller** – 4660 Brisky Canyon - I live in Cashmere and rent a few rooms in my house. My guests help our community with revenue. The proposed permit fee is almost prohibitive because I rent at such a low rate. The permit fee should be tiered also and we should have different standards than those renting the whole house with off-site owners.

**Tim Arnaud** – 2446 Salal Dr. Leavenworth – we use this as a vacation rental and a source of charity events. The locals are employed by use to maintain our rental. We've never had a noise complaint. We are doing everything to maintain a respectful environment and respect of our neighbors. No conflicts. Don't punish the good STR owners. I empathize with those neighbors that have unpleasant rentals and neighbors.

**George Wilson** – 15440 Cedar Brae Rd - non economic tolls this is taking on our neighborhoods. People come in and invest in the homes but not in the community. We are hearing people saying that we are losing our neighborhoods.

**Janice Turner** – 714 Cedar Street and have two nightly rentals in the Peshastin area. Our tenants enjoy their experience. It's a shame that a few bad rentals are giving the rest a black eye. The economy needs our help right now and housing starts are the base of that. Contactors and subs would all lose their jobs without housing. STRs provide living wages to workers and provide retirement income for the owners. Let's take care of the problem and not hurt the rest.

**Joni Fisher** – 117 Wels Ave Manson – this is a big issue in our area. We bought a home and use it as an STR with a management company. Our neighbors love us; we donate money to the community. I take exception to people thinking that we don't care – we are friends with our neighbors. The problems can be enforced without new regulations. This feels like an us vs. them situation. We want to be part of the community and are hardworking, good people that want to give back.

**Keith Wells** – 405 S First St Chelan – I'm an attorney and own several STRs. The proposed regulations are a wrecking ball. There is no demand to ban rentals – this is driven by a vocal minority. We have 144 clients that have rentals. Economic impact is overwhelming. Existing code provisions just need to be enforced. This process is being snuck in during COVID.

**Lesley Young** – 82 Eagle Place – owned it for 20 years and built as family vacation home and began renting about 6 years ago. We provide work for local residents that help us maintain it. There is also a management company. We have strict policies. We've supported local businesses. Leavenworth relies on the tourism. Limiting places to stay hurts the economy. We want to retain the charm of Leavenworth. Who are the responsible owners and who are not? We care even though we are absentee owners.

**Cody Murdock** – 12195 Emig Dr., Leavenworth – concerning Leavenworth UGA.

**Karen Smith** – 17756 Chumstick Hwy Leavenworth – we plan to retire there but until then are renting our property as an STR and have been responsible with a management company. Enforce the existing laws instead of coming up with retroactive restrictions. States it is unfair to punish responsible owners.

**Gord Whitaker** – 18365 17th PL NW, Shoreline, WA – focused on Zoom factor – not an efficient way to do business lending a problem with people being able to testify on either side. This is not an imminent issue that has to be resolved during COVID. My family has two businesses in Plain and in 1989 the STRs outnumbered residents

**Jordan Brown** – 81 Garmisch Lane - owner occupied STR that I own with my wife. We limit the occupants. My concerns are any limits that you may place on my existing STRs. Any limitations on transferring that would operate it in the same manner would harm us financially. He is concerned about statistics regarding Leavenworth. We show up in statistics as a whole house even though we are owner occupied.

**Kathy Blum** – 15 Helios Hills – she is representing the Manson Community Council as the Vice Chair. We oppose transfers. New owners can apply for a new permit to give everybody the same opportunity. Reference GMA – protect residential neighborhoods from incompatible land uses. Stop the saturation in the Chelan and Manson areas. We do welcome STRs in appropriate zones and areas.

**Kari Sorensen** – 34 Ford Street – Chairman of Manson Community Council. She has concerns about some of the definitions. Critical to close loopholes based on loose definitions. She believes it is inappropriate to transfer the license or permit. Let it ride out and sunset. Let new owner apply for the license on their own.

**Linda Rees** – 8491 icicle Road – we do have them in our neighborhood, some run well, some not. I live next to one that is not run well and have tried to coordinate with the owner. We have to leave our home at times to find quiet. I turned to my Commissioner because the property owner thought that the solution to the noise issue was that their tenants go inside and that I should close my window and he offered to buy me an air conditioner.

**Lauren Johnson** – 7785 E Leavenworth Rd – want to speak towards policy and idea about what a community should be. We have been only hearing about the economic impact. We should be looking at the policy of family life and being a part of the community. I keep hearing the economics. Use zoning instead of behavior for regulations. Explore micro zoning. Set up tourist zones where absentee owner STRs will be permitted. Hire host compliance to monitor the STR platforms

**Gerald Cutler** – 82 Eagle Pl Eagle Creek Road – concerns about data that was used and analysis that was performed and that they may have been influenced by anecdotal events. Make sure we are prescribing win-win solutions. Reinforce the current codes and then reevaluate what needs to really happen. Not just money data, but social data.

**Daniel Eby** – 237 Timber Ridge Canyon - oppose new efforts for regulations because the STR industry has been supported for 29 years. In 2017, we asked BoCC to enforce the code. We want to be part of the solution but have not been included in any discussions. The passing of this code is ignoring the data when there is a problem; there is no enforcement of the current code. Try that first and let that show the way.

**Mary Pat Barton** – 611 Cedar St Leavenworth - CCC should be protecting all property owners and not allow loopholes and commercial businesses to destroy the neighborhoods. We are long time residences. The County has a responsibility to protect residents against these businesses and STRs. This should be a community – we need to act like it

**Kelly Kortman** – 9820 Eagle Creek Rd – I believe Zoom format is very difficult to do this hearing. I'm glad you aren't proposing to ban the STRs, and some of the regulations make sense. I have been renting my home and building my business and have built my financial security around this. I worked to create this. I don't believe STRs are increasing property values – this is just a result of supply and demand.

**Angela Sucich** – 8787 Icicle Road Leavenworth – we are an STR owner. Zoom hearing is not an open public forum. Member members don't have access to the internet. Regulations should not be passed until the hearings can be carried out in person. STRs are being singled out. Proposed restrictions would be a form of illegal taking. The new restrictions would rob us of our financial investment and diminish my ability to provide for my family

**Tim Miller** – 9558 E Leavenworth Rd – purchased as a vacation rental and for a second home. We have tried to enhance the neighborhood and have a caring property manager. I echo the comments about enforcing the existing rules on the books and not further impede owners with new regulations.

**Chris Moody** – 17336 Chumstick Hwy – he is a part time resident and not in favor of STR restrictions. He feels they would be discriminatory. We would not have been able to purchase the property without this potential. I believe some of the proponents are xenophobic using terms like “coasties” These are property owner rights

**Gabe Sartin** – 3009 Memory Lane Leavenworth - he is concern with the process. I have a property manager for my STR and have a lot of the same concerns as the opponents regarding having good tenants that behave. If we are concerned about septic issues we should be supporting countywide inspections. Caps should be left to local zoning and CC&Rs. Not an absentee owner, I am a member of the community

**Joan Zack** – 17510 River Road Plain – purchased in 1994 and CC told me I did not need a permit to operate a STR. My neighbors are supportive and we have relied on this income. My husband lost his

job and has been able to weather the unemployment because of this supplemental income. All my neighbors are supportive, I'm involved in the community and my guests spend a lot of money in the community.

**Jacke Young** – 5884 Mountain Lane road – I service the STR properties and if these properties cannot stay afloat, I will not have a business. I've been servicing these properties for 10 years. During the peak season we employ 7 additional people that live in this community. They also support the downtown businesses.

**Vladmir Steblina** - 4025 Birch Mountain Road Wenatchee – I own a vacation rental. You should take a good look at where vacation rentals should be allowed and take a look at the zoning. Self-certification is difficult because I have to compete with businesses that aren't paying taxes and carrying liability insurance

**Christine Russell** – 12246 Bretz Rd., Plain – she is part of a larger conglomerate of rental properties. We are not an absentee owner and hired a management agency to manage our property. STR tenants are responsible and enjoy the area. This is a tourism county, yet hotels can't allow for dogs and large groups. STRs provide a solution for what people are seeing.

**Janet Berwick** – 155 Snowshoe Lane – we are a STR owner and take care of ours. Our neighborhood is mostly non-residential. We monitor and have cameras. Mostly rent to families and offer an alternative to hotels and gatherings. Also allow pets. We've never had a complaint and have an HOA that is aware of the nightly rentals. Sounds like quite a few violations that just need to be enforced.

**Bob Fallon** – 12275 Village View Dr., Leavenworth – against STRs in residential areas. We are talking about zoning and that is about keeping incompatible uses separate from the residential areas. Tier 2 and 3 level STRs are businesses and shouldn't be in the residential areas. Grandfathering is illogical, especially if they are illegal to begin with. CC has been remarkably derelict in enforcing its current codes

**Kelly Wagman** - 12685 Maple - it is our rental – we are a large location and do not live on site. We are within a 2 mile radius. Bought 13 years ago and understood we were able to use it as a STR. We met with our neighbors before we put this on the STR market. We speak to our neighbors frequently. We have not had any issues.

**Doug Klunder** – 12344 Bretz Rd. - it is my vacation rental. I live in Bellingham. Our property was built as a vacation rental. The houses are not built in the same way – no closets in the bedrooms, open loft, etc. People would not choose to live in it long term because it's not built that way. We have had no complaints that I am aware of, we have a property manager. Existing code should be enforced for those problem properties

**Jeff Bartee** – 75 Kamei Pl Manson – we use our home as a rental but live in the Seattle area. We couldn't afford to preserve this home without that STR revenue stream. We employ local people for the maintenance of the home. We are part of the community and I'm on the HOA board. We need to look at this in a more balanced fashion. We are not looking to sell it.

**Paul Rodgers** – 1916 Broadway Pl Wenatchee – I couldn't hear his comments – bad connection

**Ron Christianson** – 20686 Miracle Mile Leavenworth –we have a STR have been vacationing in Leavenworth for 20 years. Renting a house is what worked for us as a family of 4. Home rental in the area is more suitable for families. If you are left to the hotel structure, the area will decline. This type of property gives the opportunity to be out in the country

**Brad Chitty** – 37 Lakeshore Manson – in favor of taking care of the codes that are in place and not introduce any more

**Vicki Christianson** – 20686 Miracle Mile - STR was what brought us to the area initially to support and enjoy the community. Have built a relationship with the neighbors and have a management company.

This shouldn't be an us vs. them. We all love the community and want to support the community. Just enforce the existing laws.

**Robert Whitten** – 18886 Pine Loop Road – a 25 year resident and own Plain Hardware. Our community has developed and improved. Really diverse and tourism and rentals is our only industry up here. We are economically healthier. The land owners here are the ones that usually behave poorly. Its our only industry and to have it severely restricted will hurt our economy and area

**Sharon Waters** – 336 Burch St for 50 years - echo everything said about not wanting rentals in the residential zones. I'm speaking as a resident, not a city council member. We don't want to be pushed out as residents.

Public testimony ended at 9:00 pm.

Chairman Ryan Kelso reminded participants to have comments submitted to the CD Director email by end of day on Friday, June 19, 2020 at 5:00 pm, when the hearing will be closed.

Commissioner Carl Blum – before the next meeting we will figure out how to do this within the state guidelines.

Director Jim Brown – we have been in compliance and we are within the OPMA.

Commissioner Vicki Malloy – concerned because two people were not audible and is hoping the muting issue was not our end because so many people were not available.

Chairman Ryan Kelso – there will be no further testimony due to the time constraint. The PC will hold next meeting on June 24, 2020 at 7:00 pm where deliberation and a decision/recommendation will take place.

## **ADJOURNMENT**

### **MOTION:**

Motion made by Commissioner Carl Blum and seconded by Commissioner Jordan McDevitt to adjourn.

Vote – unanimous

Meeting Adjourned at 9:08 pm.

Next Planning Commission Meeting is on June 24, 2020, at 7:00 pm – a Zoom meeting.

All Planning Commission meetings and hearings are open to the public.

1 STR Task Force

2 The Chelan County Planning Commission proposes to the Chelan County Board of Commissioners the  
3 forming of a voluntary Task Force in 24-36 months from the date of passage of the Chapter 11.88.280 Short Term  
4 Regulations. The purpose of the Task Force is to review the effects of the new regulations, and to determine if any  
5 refinement or clarification (of the code) needs to be made in order to address the performance and any issues that  
6 may have arisen during this 24-36 month period. Also, to assure that all aspects of the mission statement of May 20,  
7 2020 issued by the Chelan County Board of Commissioners has been adequately addressed.

8 Considering the complexity of the issue at hand, it is felt such a review and possible recommendations  
9 would and could be beneficial for the county and its citizens. It is expressly not the purpose of the Task Force to  
10 rewrite the document (code), but merely to review its performance and suggest fine tuning points if any are felt  
11 necessary.

12 The Task Force would be composed of:

- 13 1. 3 - Owners of Short-Term Rental units
- 14 2. 3 - Individual home homeowners (non-STR owner)
- 15 3. 1 - Community Development staff designee as Chairperson

16 Thank-you for your consideration.

17 Respectfully,

18 Chelan County Planning Commission  
19  
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28

DRAFT

# Chelan County Short-Term Rentals

June 5, 2020 | Hearing Draft Code

## Overview

### REGULATION PROCESS

A short-term rental refers to a residential dwelling rented out on a nightly basis for less than 30 days to individual guests. It could be a whole home or just part of it. Short-Term Rentals are found across the county, but particularly in the Leavenworth-Peshastin area, Lake Wenatchee, Manson, and Chelan. The number of short-term rentals has increased rapidly in the last six years especially in Leavenworth and Manson areas.

Chelan County has been considering how to best address short-term rentals to allow for property owner income while protecting the character of residential communities across the county.

In 2019 Chelan County considered draft regulations. The Planning Commission and Board of County Commissioners heard comments and felt proposals did not meet the County's and community's needs, and denied the 2019 draft.

The Board of County Commissioners desire to look at new code options in 2020. The process now includes: development of a situation assessment; development of code options; Planning Commission review, hearing and recommendations; and Board of County Commissioner review, hearing, and decision. See Exhibit 1. The Planning Commission hearing is scheduled for June 17, and deliberations on June 24.

#### Exhibit 1. Short-Term Rental Regulation Process



Source: BERK 2020.

### NUMBER OF SHORT-TERM RENTALS

In unincorporated areas including the urban growth areas (UGAs) and rural areas, Host Compliance has identified 2,376 listings, representing 1,535 unique rental units as of March 2020.

In addition to Host Compliance information provided to Chelan County, BERK Consulting, Inc. obtained short-term rental data through AirDNA (<https://www.airdna.co/>) which provided a database of geocoded listings from 2014-2020 (January) focusing on AirBnB and HomeAway listings. The AirDNA database evaluation allowed a review of trends and details of unit characteristics as well as spatial



29 location of units in relation to zoning districts. Within unincorporated Chelan County, the AirDNA data  
 30 identified over 1,308 active properties as of January 2020. These would overlap the Host Compliance  
 31 count of 1,535 unique rental units as of March 2020. Mapped AirDNA data shows properties with full  
 32 home/apartment rentals which is over 1,200 units. See Attachment A.

33 The number of short-term rentals has increased rapidly in the last six years especially in Leavenworth and  
 34 Manson areas. See Exhibit 2.

35 **Exhibit 2. Unincorporated Chelan County Listings December 2014-19: AirBnB & Home Away Monthly Data**

Zip Code	Zip Code Place	2014	2015	2016	2017	2018	2019
98815	Cashmere		4	11	25	30	35
98816	Chelan	1	3	14	64	60	75
98822	Entiat		3	4	4	2	2
98826	Leavenworth	59	110	205	611	816	868
98828	Malaga	1	2	2	4	4	4
98831	Manson*	6	9	56	212	215	229
98847	Peshastin	4	8	16	41	47	56
98801	Wenatchee	5	6	14	25	32	39
<b>Grand Total</b>		<b>76</b>	<b>145</b>	<b>322</b>	<b>986</b>	<b>1,206</b>	<b>1,308</b>

Note: \*Includes about 83 units in 2019 on tribal land.

Source: AirDNA, BERK 2020

36  
37

38 The highest share of total dwellings used for short-term rentals is within Leavenworth and Manson zip  
 39 codes. See Exhibit 3.

40 **Exhibit 3. Unincorporated Chelan County Entire Home Short-Term Rentals as Share of Total Housing Units**

Zip Code Community Name	Zip Code	Total Dwellings Unincorporated 2019	January 2020 Active short-term rentals	% short-term rentals
Leavenworth	98826	6,099	749	12.3%
Manson	98831	2,519	281	11.2%
Chelan	98816	5,333	97	1.8%
Peshastin	98847	956	53	5.5%
Wenatchee	98801	17,989	30	0.2%
Cashmere	98815	2,977	28	0.9%
Malaga	98828	908	5	0.6%
Entiat	98822	1,138	4	0.4%
<b>Total</b>		<b>37,920</b>	<b>1,247*</b>	

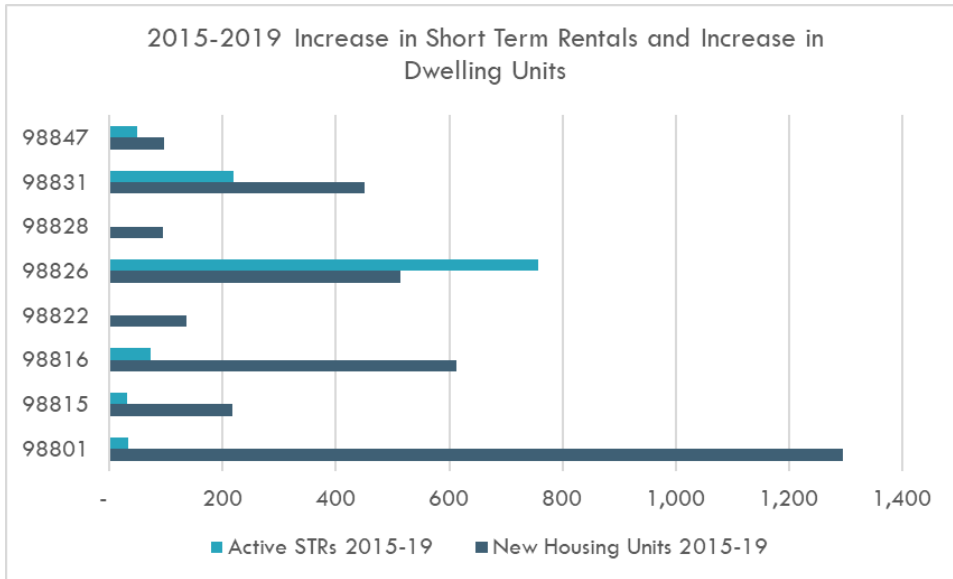
Notes: \*Slightly different counts of entire units comparing property based data to monthly rental data (10 units less).

Sources: AirDNA February 2020; BERK 2020

41  
42

43 In some places recently added housing stock is less than the number of short-term rentals added. See  
 44 Exhibit 4. Short-term rentals can occur in existing dwellings as well as new ones. The use of short-term  
 45 rentals by a homeowner can provide income to support the housing costs, but it can also remove a unit  
 46 otherwise available for rent from the market place.

47 **Exhibit 4. Increase in Dwellings and Short-Term Rentals in Unincorporated Areas**  
 48 **by Zip Code 2015-2019: AirBnB and HomeAway Listings\***



49 Note: property based data is slightly higher than monthly rental data by 10 units.  
 50

51 Source: OFM 2019; AirDNA 2020

52 AirDNA data identifies whole house rentals versus a private room. Private rooms tend to be rented out  
 53 for fewer days (94 days on average) than whole house rentals (about 135 days). See Exhibit 5 and  
 54 Exhibit 6. A whole house rental may still be a primary residence, just rented out in its entirety for some  
 55 period of time.

56 **Exhibit 5. Private Room – AirDNA January 2020 – Unincorporated County by Zip Code**

Zip Code	Count of Property ID	Average of Bedrooms	Average Num. Bookings LTM	Average Available Days LTM	Average of Occupancy Rate LTM
Cashmere	11	0.8	62	123	57%
Chelan	3	0.7	30	32	65%
Leavenworth	55	1.1	39	87	65%
Manson*	7	1.9	21	70	69%
Peshastin	3	1.0	36	116	50%
Wenatchee	13	1.5	37	121	57%
<b>Grand Total</b>	<b>92</b>	<b>1.1</b>	<b>40</b>	<b>94</b>	<b>63%</b>

57 Acronym – LTM = last 12 months \*Includes about 83 short-term rentals on tribal land.  
 58 Sources: AirDNA February 2020; BERK 2020

59

60 **Exhibit 6. Unincorporated Chelan County Entire Home/Apartment – January 2020:**  
 61 **AirBnB and HomeAway Listings Property Data**

Zip Code Place	Count of Properties	Average of Bedrooms	Average of Number of Bookings LTM	Average of Count Available Days LTM	Average of Occupancy Rate LTM	Average of Annual Revenue LTM	Average of Published Nightly Rate
Cashmere	28	2.0	42	91	52%	\$23,147	\$166
Chelan	97	3.2	25	120	44%	\$37,984	\$360
Entiat	4	1.0	21	110	43%	\$11,586	\$131
Leavenworth	749	2.7	46	144	48%	\$44,138	\$263
Malaga	5	1.8	50	130	57%	\$23,626	\$141
Manson*	281	3.3	27	122	46%	\$39,777	\$316
Peshastin	53	2.8	39	139	42%	\$29,878	\$253
Wenatchee	30	2.6	29	97	55%	\$27,957	\$247
<b>Grand Total</b>	<b>1,247**</b>	<b>2.8</b>	<b>39</b>	<b>135</b>	<b>47%</b>	<b>\$41,029</b>	<b>\$278</b>

62 Notes: \*Includes housing on Wapato - about 83 in Manson  
 63 \*\*Slightly different counts of entire units comparing property based data to monthly rental data.

64 Acronym – LTM = last 12 months

65 **BOARD OF COUNTY COMMISSIONER VISION**

66 The Board of County Commissioners provided their vision for the short-term rental (STR) regulations after  
 67 a session on May 20, 2020 excerpted below. The vision has been a reference point for the Planning  
 68 Commission’s development of regulations.

69 The Board of Commissioners understands that the Planning Commission asked for a statement of  
 70 intent for developing the code for short-term rentals in Chelan County. The BOCC met in session  
 71 today and crafted the following statement, which hopefully will give the Planning Commission the  
 72 direction it needs:

73 *The Board of Commissioners intends to adopt code that addresses the rapid proliferation of short-*  
 74 *term rentals in Chelan County. The BOCC wishes to protect the character of residential communities*  
 75 *across the county, while allowing for property-owner income from short-term rentals. The BOCC*  
 76 *recognizes that STRs are an important part of our economy. However, while many owner/operators*  
 77 *manage their properties responsibly, many clearly do not.*

78 *Chelan County needs the tools to ensure that all STR owner/operators meet a minimum set of*  
 79 *standards. Those standards may include, but are not limited to: parking, garbage, noise, trespassing,*  
 80 *privacy, septic capacity, fire risk, consumer safety, signs, hot tubs, pools and spas, occupancy limits*  
 81 *by zone and neighborhood, density by zone and neighborhood, commercial and liability insurance,*  
 82 *and the availability of STR owner/operators to respond to a complaint within a short-time frame.*

83 To ensure that these standards are met, the BOCC wishes to impose an annual registration fee for  
 84 STRs to finance the following: fire marshal inspection, health district inspection, permit processing by  
 85 Community Development Department, and code compliance cost recovery. Enforcement should be  
 86 sufficient to allow for closure of short-term rentals that repeatedly violate code.

87 Nothing in the code will be inconsistent with RCW 64.37 or with the Manson and Peshastin Urban  
 88 Growth Areas. The BOCC wishes to have this process completed by August 2020.

89 **PLANNING COMMISSION HEARING DRAFT CODE**

90 The Planning Commission reviewed county trends, best practices, the BOCC vision, and public input and  
 91 developed hearing draft regulations. Major features of the draft code are listed in Exhibit 7 below.

92 **Exhibit 7. Hearing Draft Code Features**

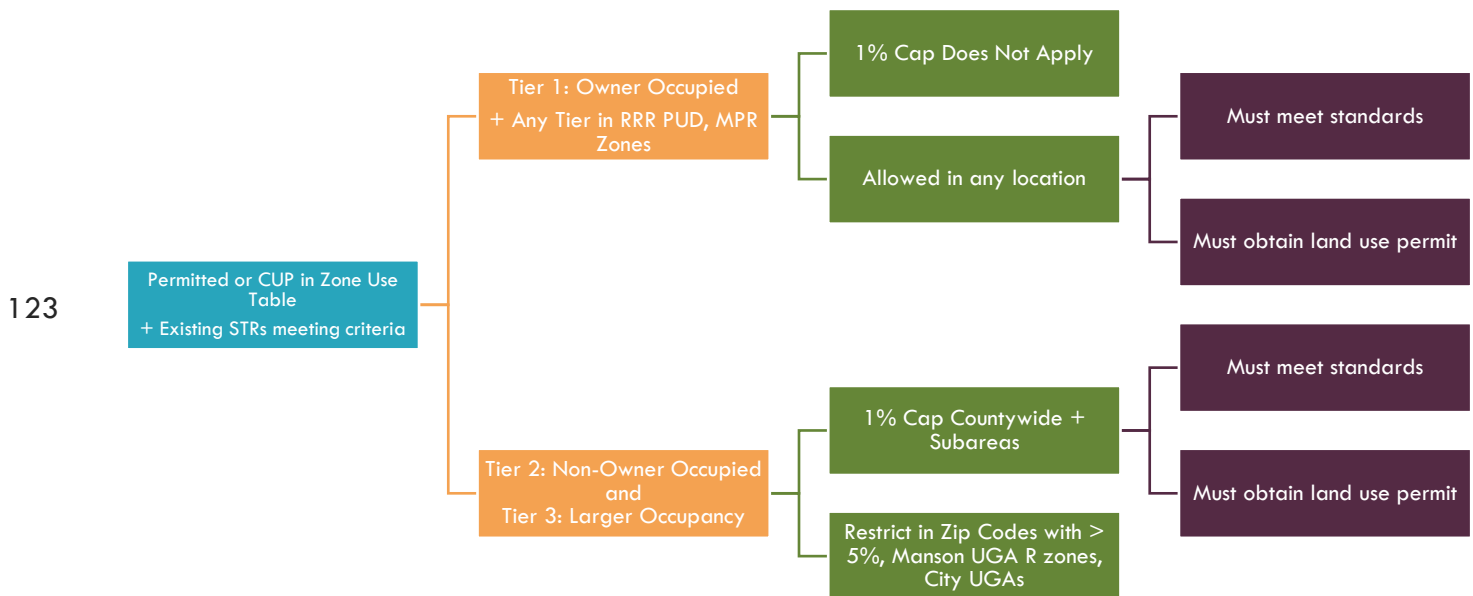
#	Best Practice	Approach in Draft Code on Short-Term Rentals
1	Establish protections for the supply and affordability of housing	Allow a small increase annually in short-term rentals, e.g. 1% countywide. In areas with a high concentration (greater than 5%), allow existing short-term rentals compliant with rules, but restrict new ones. Owner-occupied short-term rentals (Tier 1) are preferred over non-owner-occupied short-term rentals (Tier 2) as it retains housing for long-term residents and addresses neighborhood quality.
2	Preserve neighborhood quality	Address nighttime and daytime occupancy, managing parking, restricting trespass, ensuring solid waste management, etc. Larger-occupancy short-term rentals are allowed with a conditional use permit.
3	Create protections for the wellbeing of guests	Provide for property management plan, health and safety, inspections by fire and health officials at start, self-certification at annual renewal, and insurance.
4	Establish oversight and complaint procedures for wellbeing of neighbors	Provide process for code compliance integrated with County code and state laws.
5	Preserve public tax revenues and level the playing field	Require short-term rentals owners/operators to comply with local and state tax requirements.
6	Regular permitting & record keeping	Provide process for initial permit and annual renewal.
7	Establish clear definitions	Consider state definitions and adapt for local needs.

93  
 94 The overall regulatory process is illustrated in Exhibit 8 below.

- 95 ■ **Zones Allowed:** A short-term rental owner/operator would determine if the zoning district permits  
 96 or conditionally permits a short-term rental. Owner-occupied short-term rentals (Tier 1) are permitted  
 97 in most zones in the County provided they meet operational standards and obtain a land use permit.  
 98 Tier 2 short-term rentals are non-owner occupied, and while allowed in a zone may be further  
 99 restricted in overlay zones or in total numbers. Tier 3 short-term rentals are those with larger  
 100 occupancies and would require conditional use permits and have similar location and number  
 101 restrictions as Tier 2.
- 102 ■ **Number Allowed:** New non-owner-occupied units (Tier 2) and larger occupancy short-term rentals  
 103 (over 10 guests; Tier 3) would be limited in number to 1% of existing compliant short-term rentals  
 104 documented countywide. The Tier 2 and Tier 3 short-term rentals could locate in unincorporated

- 105 areas except for overlay zones with more than 5% short-term rentals as a share of total units.<sup>1</sup> Also,  
 106 due to community preferences and concern over neighborhood quality, new short-term rentals would  
 107 be limited in Peshastin and Manson Urban Growth Areas (UGAs) particularly in residential zones. As  
 108 well, new Tier 2 and 3 short-term rentals are limited in city-assigned UGAs to avoid non-conformities  
 109 when annexed.
- 110 ■ **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy,  
 111 parking, noise, solid waste, adequate sewer and water, establishing a property management plan,  
 112 etc.
  - 113 ■ **Existing Units:** Existing short-term rentals established prior to the effective date of the code would  
 114 need to meet criteria regarding use allowances in their zones (locating in a zone that allowed for a  
 115 similar use such as a bed and breakfast), use as a short-term rental, proper payment of taxes, and  
 116 compliance with operational standards. Permits would need to be obtained as well.
  - 117 ■ **Permit Process:** Once compliant numbers of existing units are established through a land use permit  
 118 process, the 1% cap of new units would be determined. Then new units could be permitted. The first  
 119 permit would require inspections and more detailed review, but annual renewal would be based on  
 120 self-certification and a more abbreviated review. Fees would be set to recover costs of permit  
 121 reviews and inspections such as by the fire marshal, health district, etc.

122 **Exhibit 8. Proposed Short-Term Rental Regulation Process**



<sup>1</sup> The threshold share of short-term rentals is 5% of the total housing stock which is similar to a recommendation in a study of Oregon jurisdictions that found that where short-term rental growth and household formation is increasing at a faster rate than total housing unit growth there can be a constraint on housing affordability. See copy of study hosted by the City of Olympia's website: <https://engage.olympiawa.gov/4076/documents/5992>.

The rate of short-term rental growth has been occurring faster than new home construction in the Leavenworth Zip Code within unincorporated areas. The Zip Codes with greater than 10% share of short-term rentals compared to total dwellings within unincorporated areas include Leavenworth (12.3%) and Manson (11.2%). Peshastin Zip Code is at 5.5%. Chelan is 1.8% and others are less than 1%. These percentages are based on whole house rentals as shown in the Situation Assessment from March 30, 2020. The number of units where only a room is offered is less than 100. The true number of owner-occupied units is not fully known given the detail of data available at this time.

124 Enforcement provisions are added to Title 16. The Planning Commission suggestion for monitoring is also  
125 included in the draft code.

126 In addition to the permitting and code compliance standards in the proposed regulations, the Planning  
127 Commission has discussed the benefits of establishing a hotline for complaints. This is not a code standard  
128 but a suggestion forwarded to the Board of County Commissioners.

## 129 BACKGROUND INFORMATION

130 Planning Commission packets are available at the following page, and show the progression of the  
131 discussion over time: <https://www.co.chelan.wa.us/community-development/pages/planning-commission>.

132 The County has set up a project website with public meeting information, summaries of public comments,  
133 and code proposals. See: [https://www.co.chelan.wa.us/community-development/pages/short-term-](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals)  
134 [vacation-rentals](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals). Public comments received are now regularly scanned and posted at the project website.

135 The June 17, 2020 Planning Commission public hearing notice and project website contain information  
136 about submitting comments through the hearing date.

137

138 **Chelan County**  
 139 **Draft Short-term Rental Code**

140 **DRAFT June 5, 2020**

141 **Use Allowance Amendments**

142 **CHAPTER 11.04 DISTRICT USE CHART**

143 **11.04.020 District Use Chart**

144 The use chart located on the following pages is made a part of this section. The following acronyms apply  
 145 to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a  
 146 prohibited use in the zone that is the heading for that cell.

- P — Permitted use
- P(1) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards
- P(2) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence
- A — Accessory use
- A(1) — Accessory use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards
- CUP — Conditional use permit

147 **District Use Chart**

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
<u>Short-Term Rentals Tier 1 or Tier 2</u>	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(2)			CUP	CUP	CUP
<u>Short-Term Rentals Tier 3</u>	CUP	CUP	CUP	CUP	P(1)	P(1)	P(1)	P(2)			CUP	CUP	CUP

148 **CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA**

149 **11.22.030 Permitted, Accessory and Conditional Uses**

150 (1) A district use chart is established and contained herein as a tool for the purpose of determining the  
 151 specific uses allowed in each use district. No use shall be allowed in a use district that is not listed in the  
 152 use chart as either permitted, accessory or conditional use, unless the administrator determines, by a  
 153 written administrative interpretation that may be appealed to the hearing examiner, that an unlisted use  
 154 is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the  
 155 requirements associated with that use and all other applicable provisions.

156 (2) The following acronyms apply to the following use chart:

Uses:

PRM = Permitted use

ACC = Accessory use

CUP = Conditional use

Where a cell is empty, the use is prohibited in that zone. All of these assume compliance with any and all development standards.

157

Districts:

R-1 = Low Density Residential

R-2 = Medium Density Residential

R-3 = High Density Residential

C-D = Downtown Commercial

C-H = Highway Commercial

I = Industrial

I-C = Campus Industrial

P-U = Public Use

158

Land Uses	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
RESIDENTIAL USES								
Boarding/ <del>Lodging House</del> <sup>3</sup>	ACC	ACC	ACC	ACC!	ACC!			
<del>Short-Term Rentals Tier 1 or Tier 2</del> <sup>2</sup>				ACC	ACC			
<del>Short-Term Rentals Tier 3</del>				P	P			
COMMERCIAL USES								
Hotels/Motels/ <del>Lodging Facilities</del>				PRM	PRM	PRM	PRM	

159

<sup>1</sup> In existing single-family residences only, as of July 1, 2008.

160

<sup>2</sup> Indoor facility only.

161

<sup>3</sup> Per CCC 18.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two boarders, roomers, or lodgers is permitted as an accessory use.

162

163

## CHAPTER 11.23 MANSON URBAN GROWTH AREA

164

### 11.23.030 DISTRICT USE CHART.

165

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

166

167

UR1	Urban Residential-1
UR2	Urban Residential-2
UR3	Urban Residential-3
CT	Tourist Commercial
CD	Downtown Commercial

<sup>2</sup> Removed prior proposal showing "PRM" in R-1, R-2, and R-3 zones.



MLI           Manson Light Industrial  
 UP            Urban Public

168

- P            Permitted use—Subject to development standards in Chapter 11.88 and/or 11.93
- A            Accessory use—Subject to development standards in Chapter 11.88 and/or 11.93
- CUP        Conditional use permit—Subject to development standards in Chapter 11.93 and/or within this chapter

169

**Table 9.1 – District Use Chart**

USE/ACTIVITY	UR1	UR2	UR3	CT	CD	MLI	UP
<del>Vacation-Short-Term Rentals Tier 1 or Tier 2</del>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>		
<del>Short-Term Rentals Tier 3</del>				<u>P<sup>1</sup></u>	<u>P<sup>1</sup></u>		

170

P<sup>1</sup> = Permitted with Standards

171

**11.23.040 STANDARDS.**

172

~~(3) Vacation-Short-Term Rentals. See 11.88.280 Short-Term Rentals. Vacation rentals, any unit being rented for less than thirty consecutive days, shall be permitted as identified in Section 11.23.030, District use chart. All vacation rentals shall receive an annual permit from January 1st to December 31st, under Title 14 limited administrative review, documenting conformance and agreement to conform to the following provisions:~~

177

~~(A) Vacation rentals shall maintain the character of the surrounding neighborhood by:~~

178

~~(i) Providing year-around solid waste receptacles and pickup service. Trash cans, on the right-of-way, should be removed within twenty-four hours of pickup; and~~

179

180

~~(ii) Provide at least one off-street parking space, outside of the required setbacks for each two rented bedrooms. Where off-street parking requirements cannot be met the number of rented bedrooms shall be limited; and~~

181

182

183

~~(iii) Noise emanating from any use shall be in conformance with Chapter 7.35; and~~

184

~~(iv) Occupancy. The maximum number of occupants permitted to stay overnight shall be two people for each bedroom plus two additional persons, excluding children under the age of six; and~~

185

186

~~(v) Placing, adjacent to the front door (outside), a legible sign clearly visible to the general public listing the maximum number of occupants permitted to stay overnight, the maximum number of vehicles allowed to be parked on site, and the name and contact information of the local contact person.~~

187

188

189

~~(B) Vacation rentals shall provide a local contact person (within a forty-mile radius) twenty-four hours a day seven days a week. Contact information shall be provided to the adjacent properties, the Manson community council, District 5 fire chief, and the Chelan County sheriff.~~

190

191

192

~~(C) Enforcement. Any violation of the provisions of this chapter is punishable pursuant to Title 16.~~

193

~~Enforcement actions may be brought against the owner of the vacation rental home for the conduct constituting the violation.~~

194

# Short-Term Rental Standards

## CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

### 11.88.280 Short-Term Rental Regulations

#### (1) PURPOSE

(A) The purpose of this section is to establish regulations for the operation of short-term rentals as defined in Chelan County Code (CCC) 14.98.1692, within the unincorporated portions of Chelan County. This chapter also establishes a short-term rental land use permit.

(B) The provisions of this chapter are necessary to promote the public health and safety by protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the impact of short-term rentals on adjacent residences.

#### (2) TYPE, NUMBER, AND LOCATION

(A) Type. Short-term rentals are distinguished in three tiers.

(i) Tier 1: Owner-occupied short-term rentals where either (a) rooms are rented and the owner is personally present at the dwelling during the rental period, or (b) the entire dwelling is rented no more than 15 total days in a calendar year. Portions of calendar days shall be counted as full days.

(ii) Tier 2: Short-term rentals at a dwelling that is not the owner's principal residence or that is rented more than 15 total days in a calendar year.

(iii) Tier 3: Short-term rentals exceeding occupancy limits of 11.88.280(3) or containing group facilities designed to host events such as weddings, gatherings, or retreats.

(B) Number.

(i) Tiered Permits and Numbers Allowed.

(a) Tier 1: Short-term rentals are allowed where permitted per subsection (C) and (D).

(b) Tier 2 and Tier 3: The annual number of new short-term rental land use permits issued must be capped to one percent (1%) of the total number of permitted short-term rentals in the county as determined through land use permit procedures in subsection (4) below, provided that:

(1) short-term rentals in the following zones are not subject to the 1% cap: the Rural Recreational/Residential (RRR) zone, or Planned Unit Development Overlay Districts expressly permitting short-term rentals, or Master Planned Resorts Overlay Districts.

(2) The number of short-term rentals subject to the cap and locating in the Leavenworth-Lake Wenatchee Overlay cannot exceed 1% of any subarea within the overlay.

- 230 (C) Zones Allowed. Short-term rentals must be permitted, accessory permitted, conditionally  
231 permitted, or prohibited pursuant to:
- 232 (i) Section 11.04.020 applicable to all Rural and Resource Designations, except as limited  
233 in Subsection (2)(D) Overlays Established, and in Subsection (2)(E) Density Limits.
  - 234 (ii) Section 11.22.030 applicable to the Peshastin Urban Growth Area, except as limited  
235 in Subsection (2)(E) Density Limits.
  - 236 (iii) Section 11.23.030 applicable to the Manson Urban Growth Area, except as limited in  
237 Subsection (2)(E) Density Limits.
  - 238 (iv) In city-assigned Urban Growth Areas, pursuant to a city's land use regulations,  
239 development standards, and land use designations, where the County has adopted such  
240 pursuant to the County-City Memorandum of Understanding filed with the Chelan County  
241 Auditor July 8, 1997; provided that, the County's review procedures in this subsection  
242 11.88.280 must control.
- 243 (D) Overlays Established. The following overlays are areas within which density limits are applied  
244 and are hereby established as:
- 245 (i) Leavenworth-Lake Wenatchee Overlay: An overlay district co-terminus with Zip Code  
246 98826 encompassing Leavenworth-Lake Wenatchee. [See Attachment A.] It is further  
247 subdivided into three sub-areas for Lake Wenatchee, Plain, and Leavenworth areas. [See  
248 Attachment B.]
  - 249 (ii) Manson Region Overlay: An overlay district including Zip Code 98831, excluding the  
250 Manson Urban Growth Area. [See Attachment A.]
  - 251 (iii) Peshastin Region Overlay: An overlay district including Zip Code 98847, excluding the  
252 Peshastin Urban Growth Area. [See Attachment A.]
- 253 (E) Density Limits.
- 254 (i) The number of short-term rentals established in (2)(B) may locate in the zones where  
255 allowed in (2)(C), except that no new Tier 2 and Tier 3 short-term rentals are permitted in  
256 the following locations:
    - 257 (a) Leavenworth-Lake Wenatchee Overlay
    - 258 (b) Manson Region Overlay
    - 259 (c) Peshastin Region Overlay
    - 260 (c) Residential zones in the Manson Urban Growth Area
    - 261 (d) Residential zones in the UGAs assigned to the cities of Chelan, Entiat,  
262 Leavenworth, or Wenatchee
  - 263 (ii) Exceptions to Density Limits:
    - 264 (a) Where such units are consistent with this section, density limits do not apply short-term  
265 rentals in the Rural Recreational/Residential (RRR) zone, or Planned Unit Development  
266 Overlay Districts expressly permitting short-term rentals, or Master Planned Resorts  
267 Overlay Districts.

268 (b) New short-term rentals may be established in the locations cited in subsection (2)(E)(i) if  
269 the combined percentage of Tier 2 and Tier 3 short-term rentals as a share of total  
270 dwelling units is less than five percent (5%) and the applications meet all requirements of  
271 this section 11.88.280 as determined by the Director.<sup>3</sup> Total dwelling units must be  
272 determined based on the latest annual count of total housing units by the State of  
273 Washington Office of Financial Management. Short-term rental percentages must be  
274 determined at the time the number of allowed short-term rentals is determined per  
275 subsections (2)(B) and (3) of this section.

276 (iii) Existing Short-Term Rentals: A use shall not be considered lawfully established and  
277 existing as of the effective date of this ordinance XXX [effective date] unless the owner  
278 proves all of the following:

279 (a) That similar uses were allowed in the subject zones at the time the short-term  
280 rental was established, including but not limited to: bed and breakfast, guest inn,  
281 boarding house, lodging facility, hotel/motel, or other transient accommodation;  
282 and<sup>4</sup>

283 (b) That a location was used for short-term rental purposes during January 1,  
284 2019 to XXX [effective date]. The Director may permit homes with approved  
285 building permits after January 2019, constructed within six months of the effective  
286 date of this ordinance to be considered as an existing short-term rental; and

287 (c) That all applicable state and local taxes were fully and timely paid for all  
288 short-term rental use that occurred prior to XXX [effective date], which at a  
289 minimum includes sales tax and hotel/motel taxes; and

290 (d) That the short-term rental meets all requirements of subsection (3); and

291 (e) That the short-term rental operator has obtained the required land use permits  
292 in subsection (4); and

293 (f) If located inside of the Manson Urban Growth Area, documentary evidence  
294 that the short-term rental was properly registered as a vacation rental with Chelan  
295 County per 11.23.040 as of XXX [effective date].

296 (iv) Nonconforming Short-Term Rental Units in Restricted Zones: Where a zone does not  
297 allow short-term rental units as of XXX [effective date] according to CCC Sections  
298 11.04.020, 11.22.030, or 11.23.030, only those short-term rentals that exist as of XXX  
299 [effective date] and are compliant with criteria in subsection (iii) above, will be allowed as  
300 nonconforming uses. Such uses may not be significantly changed, altered, extended, or  
301 enlarged and must cease after two years from XXX [effective date]. After expiration or  
302 revocation of the permit authorizing a legal nonconforming short-term rental, no operator  
303 shall operate a short-term rental.

<sup>3</sup> Per 14.98.580 Director. "Director" means the director of the Chelan County department of community development or designee. This term is synonymous with administrator.

<sup>4</sup> See CCC 11.04. Generally Bed and Breakfasts are allowed in all rural residential zones and resource zones as accessory uses, and guest houses are conditional use permits in the same zones except they are not allowed in commercial forest zones (FC). Lodging facilities are allowed in the RC zone.

304 (3) SHORT-TERM RENTAL STANDARDS

305 (A) Primary or Accessory Residence. Short-term rentals must be operated out of an owner's main  
306 house or a legally established accessory dwelling unit. In no case, shall an owner or operator  
307 make available a recreational vehicle, tent, or other temporary or mobile unit for short-term  
308 rental.

309 (B) Occupancy.

310 (i) Overnight Occupancy. The owner or operator must limit overnight occupancy to no more  
311 than two guests per bedroom, not to exceed a total of 10 guests including children.  
312 Occupancy limits must comply with the International Residential Code.

313 (ii) Daytime Occupancy. At no time shall the total number of persons at a short-term rental  
314 exceed 10 persons, including children.

315 (iii) Exceeding Nighttime or Daytime Occupancy. In order to exceed daytime or nighttime  
316 occupancy limits an operator must obtain a Conditional Use Permit provided that the zone  
317 allows short-term rentals as an accessory, permitted, or conditionally permitted use and  
318 meets all other short-term rental requirements of this section.

319 (C) Parking.

320 (i) One off-street patron parking space in addition to the residential parking  
321 requirements, not located within a setback, shall be provided for each bedroom.

322 (ii) The number of vehicles allowed at the short-term rental must be limited to the number  
323 of bedrooms plus one; this requirement must be included in the Property Management Plan  
324 per Section (2)(K).

325 (D) Garbage. Trash containers must be provided. Trash must be in proper containers on collection  
326 day. Where curbside recycling is available to the unit receptacles must be provided. Receptacles  
327 must be set out on the right-of-way and removed within twenty-four hours of pickup. Trash must  
328 be managed in compliance with CCC Chapter 4.04 Garbage. This requirement must be included  
329 in the Property Management Plan per Section (3)(K) and good neighbor guidelines per subsection  
330 (3)(M).

331 (E) Noise. Short-term rentals must be operated in compliance with Chapter 7.35 Noise Control.  
332 This requirement must be included in the Property Management Plan per Section (3)(K).

333 (F) Trespass. Owners or operators must provide rules in rental contracts restricting occupants from  
334 trespassing on neighboring private property and identify proper routes to public places such as  
335 easements to shorelines. Such trespass rules must be included in the property management plan in  
336 (3)(K) and good neighbor guidelines per subsection (3)(M).

337 (G) Signs. All owners or operators must display the address of the residence so that it is clearly  
338 visible from the street or access road. The rental must have a sign or other identifier on outside as  
339 short-term rental. The sign must be made of natural materials not exceeding two square feet in  
340 area and if illuminated, must be indirectly illuminated.

341 (H) Consumer Safety. All Consumer Safety requirements of RCW 64.37.030 must be met by the  
342 owner or operator. Violations are subject to Title 16. Requirements must be included in the  
343 property management plan in (3)(K).

344 (I) Fire Safety and Outdoor Burning. Each owner or operator must include a fire protection plan in  
345 their property management plan in subsection (3)(K) to alert renters to respect firewise efforts on  
346 a property, or to comply with travel or activity restrictions of CCC Chapter 7.52, Fire Hazard  
347 Areas. This includes, but is not limited to, restricting use of outdoor fire places or grills and to  
348 properly secure and restrict portable barbeques.

349 (J) Qualified Person.

350 (i) The owner or operator must provide the name, telephone number, address, and email  
351 of a qualified person (which can be a person or company) who can be contacted  
352 concerning use of the property and/or complaints and can respond to the property within  
353 60 minutes to complaints related to the short-term rental consistent with the requirements  
354 of this section. The owner or operator must provide a valid telephone number where  
355 qualified person can be reached 24 hours per day, every day.

356 (ii) The owner or operator must post a sign of similar materials and dimension as  
357 subsection (3)(G) with the contact information of the qualified person. If the permanent  
358 contact information changes during the permit period, the new information must be  
359 changed on the sign. Renewal applications must provide evidence of the sign. The Director  
360 may allow annual mailings to neighboring properties and an interior posted notice for  
361 tenants in lieu of an exterior sign where a property's size and visibility make an exterior  
362 sign ineffective. The purpose of this sign is so that adjacent property owners and residents  
363 can contact a qualified person to report and request resolution of problems associated  
364 with the operation of the short-term rental.

365 (K) Property Management Plan. Short-term rentals must maintain an up-to-date property  
366 management plan on file with the Chelan County Community Development Department and  
367 property owners within 300 feet of parcel boundaries within which the short-term rental is  
368 located. The property management plan must include the following:

369 (i) Provide a floor plan and site map clearly depicting the property boundaries of the  
370 short-term rental, and the escape route in case of an emergency. The map must indicate if  
371 there is an easement that provides access to the shoreline; if so, the boundaries of the  
372 easement must be clearly defined. If there is no access, this must be indicated together  
373 with a warning not to trespass;

374 (ii) Provide the unified business identifier number, and the names and addresses of the  
375 property owner;

376 (iii) Designate a qualified person and provide contact information consistent with (3)(j) ;  
377 and

378 (iv) Provide information required for Consumer Safety per (3)(H) and RCW 64.37.030  
379 and fire protection plan per (3)(I).

380 (v) All units must have an operable landline telephone installed to aid in emergency  
381 response, and the dwelling recorded in "Rivercom" data base.

- 382 (vi) The plan must identify the method by which the owner/operator will notify renters of  
383 emergency or temporary conditions such as burn bans.<sup>5</sup>
- 384 (vii) The plan must specify the maximum number of guests and number of bedrooms.
- 385 (viii) The plan must be kept up to date at the time of the annual permit and include the  
386 annual permit number per subsection (L).
- 387 (ix) The plan must include the Good Neighbor Guidelines per subsection (M).
- 388 (L) Annual Permit Number. The owner or operator must include the Chelan County land use permit  
389 number for the short-term rental in all advertisements (AirBnB, VRBO, Craigslist, poster, etc.) and  
390 marketing materials such as brochures and websites.
- 391 (M) Good Neighbor Guidelines. Owners and operators must acknowledge receipt and review of  
392 a copy of the good neighbor guidelines. Owners and operators must provide evidence that the  
393 good neighbor guidelines have been effectively relayed to short-term rental tenants, by  
394 incorporating it into the property management plan, and rental contract, posting it online,  
395 providing it in a conspicuous place in the dwelling unit, or a similar method.
- 396 (N) Liability Insurance. A short-term rental owner or operator must maintain primary liability  
397 insurance consistent with RCW 64.37.050.
- 398 (O) Taxes. The owner or operator must be in compliance with CCC Chapter 6.30 Lodging Tax,  
399 and other local sales taxes and state hotel/motel and sales taxes in accordance with the  
400 Department of Revenue.

#### 401 (4) LAND USE PERMITS

- 402 (A) Land Use Permit Required. No short-term rental owner or operator may advertise, offer, operate,  
403 rent, or otherwise make available or allow any other person to make available for occupancy or use  
404 a short-term rental without a valid short-term rental land use permit issued by the Director.
- 405 (B) Annual Renewal. Annual renewal of the short-term rental land use permit is required.
- 406 (C) Permit Applications. Short-term Rental owners must apply for a land use permit to establish  
407 compliance with this code.
- 408 (D) Application Acceptance and Evaluation.
- 409 (i) From September 1 to October 31 each year, existing short-term rental owners must  
410 submit a Short-Term Rental Land Use Application. By February 1 of each following year the  
411 Director must report the baseline number of authorized existing short-term rentals and  
412 identify the number of new short-term rentals allowed pursuant to subsection (2)(B). From  
413 February 15 to March 15, the Director must accept new applications for short-term  
414 rentals. Compliant permits will be entered into a lottery by June 1. The lottery must be  
415 conducted at a public meeting after the publishing of a legal notice a minimum of 10 days

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<sup>5</sup> The Planning Commission discussed adherence to health guidelines such as 24 hours between guests and determined that standards of cleanliness are likely beyond the scope of a land use permit (and may be self-regulating as guests would likely use short-term rentals where an owner/operator strives to demonstrate voluntary measures to provide for health). This provision to ensure that emergency or temporary conditions are communicated to guests by the owner/operator/qualified person could encompass health if there was an emergency health district order.

416 prior to the lottery. The number of issued permits selected by lottery will not exceed the  
417 number allowed per the applicable cap in subsection (2)(B). Selected permits remain valid  
418 until such time as an annual renewal is required.

419 (ii) Within the first year of adoption of this code [effective date XXX, 2020], the Director  
420 may provisionally approve initial short-term rental land use permits subject to the owner  
421 completing a self-certification form provided that inspections in subsection (4)(H) are  
422 accomplished prior to the first renewal thereafter.

423 (E) Term. A short-term rental land use permit must be issued for a period of one year, with its  
424 effective date running from the date the application is due as set forth in subsection (4)(D) above.  
425 and must be renewed annually by the owner or operator provided all applicable standards of  
426 this section are met.

427 (F) Forms and Procedures. Applications for short-term rental land use permits must be on forms  
428 provided by the County, demonstrating the application meets the standards required by this  
429 section. Permit review procedures must be consistent with Title 14.

430 (G) Nonuse. All short-term rentals must operate under a current short-term rental land use permit  
431 regardless of nonuse. If a property has not been rented in a twelve-month period, renewal of  
432 short-term rental land use permit must still be met to maintain the validity of the permit.

433 (H) Fire, safety, health and building compliance.

434 (i) Fire and Emergency Safety. Prior to approving the initial short-term rental permit, the  
435 applicable fire district or fire marshal must perform a life-safety inspection, except as  
436 provided under subsections (H)(iii) and (H)(iv).

437 (ii) Water and Wastewater. The Chelan-Douglas Health District must inspect the short-term  
438 rental to ensure that there is a verifiable legal source of water that meets applicable  
439 standards, and an approved on-site sewage disposal system, except as provided under  
440 subsections (H)(iii) and (H)(iv).

441 (iii) The Director may waive inspections under subsections (H)(i) and (H)(ii) associated with  
442 the initial short-term rental permit if the owner provides a notarized affidavit from the  
443 applicable fire district or fire marshal or Chelan-Douglas Health District that the short-term  
444 rental is in compliance with applicable requirements in subsections (H)(i) and (H)(ii).

445 (iv) The County building official must review each initial short-term rental application to  
446 ensure occupancy and other applicable building code requirements are met.

447 (v) After the unit is approved for rental, a completed self-certification checklist for health  
448 and safety is required to be submitted by the owner with each annual short-term land use  
449 permit renewal consistent with forms provided by the Director.

450 (vi) Owner Responsibility. It is the owner's responsibility to assure that the short-term rental  
451 is and remains in substantial compliance with all applicable codes regarding fire, building  
452 and safety, health and safety, and other relevant laws.

453 (I) Only one transfer of ownership is allowed, and the short-term rental is limited to a three-year  
454 operational period provided all permits per subsection (4) are obtained. A transfer occurs when  
455 the property is sold to a person or when officers of corporations are changed to remove former



456 officers and add new officers. At the time of the only transfer, all permits shall include the  
457 following provision: “This permit shall automatically expire upon sale or transfer of the property,  
458 or three years, whichever comes first.” After a single transfer, the short-term rental permit is no  
459 longer valid after the land use permit expiration date. The operator must obtain a new short-term  
460 rental permit compliant with this section following expiration or cease operation. New owners must  
461 certify compliance with the conditions of permit approval within 90 days after the closing date of  
462 the sale of the property. Written certification must be submitted to the Community Development  
463 Department on forms specified by the Director. New owners must apply for a new permit by the  
464 annual deadline.

465 (J) Approval Criteria. To receive approval or renewal, an owner or operator must demonstrate to  
466 the satisfaction of the Director that all approval criteria listed below have been satisfied:

467 (i) The short-term rental is located in a base or overlay zone that allows its use pursuant to  
468 this section.

469 (ii) The short-term rental is consistent with density limitations of this section.

470 (iii) The short-term rental is consistent with short-term rental standards of this section.

471 (iv) The short-term rental is consistent with all applicable health and safety requirements of  
472 this section.

473 (v) The short-term rental is not the subject of outstanding code violations per Title 16.

474 (K) Appeals of the denial or conditions of short-term rental land use permits or annual renewals  
475 must be filed in compliance with Title 14 CCC.

476 (5) ENFORCEMENT

477 (A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid  
478 Short-Term Rental Permit. Evidence of operation includes advertising, online calendars showing  
479 availability, guest testimony, online reviews, rental agreements, or receipts.

480 (B) Enforcement of this section will be in accordance with Title 16 CCC.

481 (6) MONITORING

482 The Director shall report to the Board of County Commissioners on the status of short-term rental  
483 regulation implementation annually at the time the existing short-term baseline is reported per (4)(D). The  
484 County may initiate a review or amendment pursuant to Chapter 14.13.

485 **Chapter 3.24 Community Development Department Fees**

486 **3.24.010 FEE SCHEDULE.**

487 **(a) Planning.**

<b>Application Type</b>	<b>Fee</b>
Conditional use permit	\$1,520
<u>Short-term rental (Tier 1, first permit)</u>	<u>\$500</u>

Application Type	Fee
Short-term rental ( <u>Tier 2, inspection not required, annual first permit</u> )	\$500
Short-term rental ( <u>Tier 2, inspection required first permit</u> )	\$900
Short-term rental ( <u>Tier 3 first permit</u> )	\$1,520
Short-term rental ( <u>Tier 1 annual renewal</u> )	\$75
Short-term rental ( <u>Tier 2 annual renewal</u> )	\$150
Short-term rental ( <u>Tier 3 annual renewal</u> )	\$225

488

## Definitions

489

### 14.98 DEFINITIONS

490

#### 14.98.1410 Person.

491

“Person” means any individual, firm, association, partnership, corporation, or any entity, public or private.

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For the purposes of short-term rental regulations, person is defined consistent with in RCW 82.04.030.

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#### 14.98.1692 Short-Term Rental

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“Short-Term Rental” means a dwelling unit, or portion thereof, that is offered or provided to a guest by a

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short-term rental owner or operator for a fee for fewer than thirty consecutive nights. They are commonly

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referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental

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units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the

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purpose of administration and enforcement of this title, the terms “overnight rental,” “nightly rental,” and

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“vacation rental” are interchangeable with short-term rentals. Subleasing or subletting of units for short-

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term rental is prohibited if the underlying zone prohibits such use.

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#### 14.98.1693 Short-Term Rental Operator

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“Short-term rental operator” means any person who receives payment for owning or operating a

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dwelling unit, or portion thereof, as a short-term rental unit, or their authorized agent including a

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property management company or other entity or person who has been designated by the owner, in

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writing, to act on their behalf.

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#### 14.98.1694 Short-Term Rental Owner

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“Owner” means any person who, alone or with others, has title or interest in any building, property,

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dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including

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any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or

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control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building,

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dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an

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owner.

513 16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS

514 16.20.010 Compliance

515 Short-term rental owner's or operator's must comply with short-term rental regulations in Titles 11 and 14  
516 CCC. Violations and enforcement must be in accord with Title 16 CCC.

517 16.20.020 Enforcement Procedures, Notices, and Citations

518 (1) Enforcement Procedures. Except as specified in this Chapter 16.20, all enforcement procedures of  
519 Title 16 apply to short-term rental owner's or operator's.

520 (2) Notice of Violation for Consumer Safety by County Attorney. If an owner or operator is suspected of  
521 violating Consumer Safety requirements of RCW 64.37.030, the County Attorney must issue a warning  
522 letter to the owner or operator for the first violation. Other procedures or requirements with regard to  
523 the warning letter must be consistent with Title 16. For any repeated violations, the County will employ its  
524 standard code compliance process consistent with Title 16.

525 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site  
526 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and  
527 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

528 16.20.030 Civil Penalties

529 (1) Civil penalties must be consistent with Title 16 including Chapter 16.16. except as identified in (2)  
530 below.

531 (2) The first violation of Consumer Safety requirements of RCW 64.37.030 is a class 2 civil infraction  
532 under chapter 7.80 RCW with a fine of one hundred twenty-five dollars (\$125). The fine for repeated  
533 violations must be consistent with CCC 16.16.010 Assessment Schedule.

534 16.20.030 Revocation

535 (1) Repeated failure of the owner or operator to timely and reasonably respond to a complaint(s)  
536 relayed by code compliance officers are grounds for civil fines, revocation, or other penalties consistent  
537 with Title 16.

538 (2) The following conditions may result in revocation of land use permits granted under short-term rental  
539 regulations in Titles 11 and 14 CCC:

540 (A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.280 short-term  
541 rental regulations and Title 14 is grounds for immediate revocation of the permit.

542 (B) Failure to meet the criteria of CCC 11.88.280 Short-Term Rental Regulations is grounds for  
543 immediate revocation of the short-term rental land use permit.

544 (C) The discovery of material misstatements or providing of false information in the short-term  
545 rental land use permit application or renewal process is grounds for immediate revocation of the  
546 permit.

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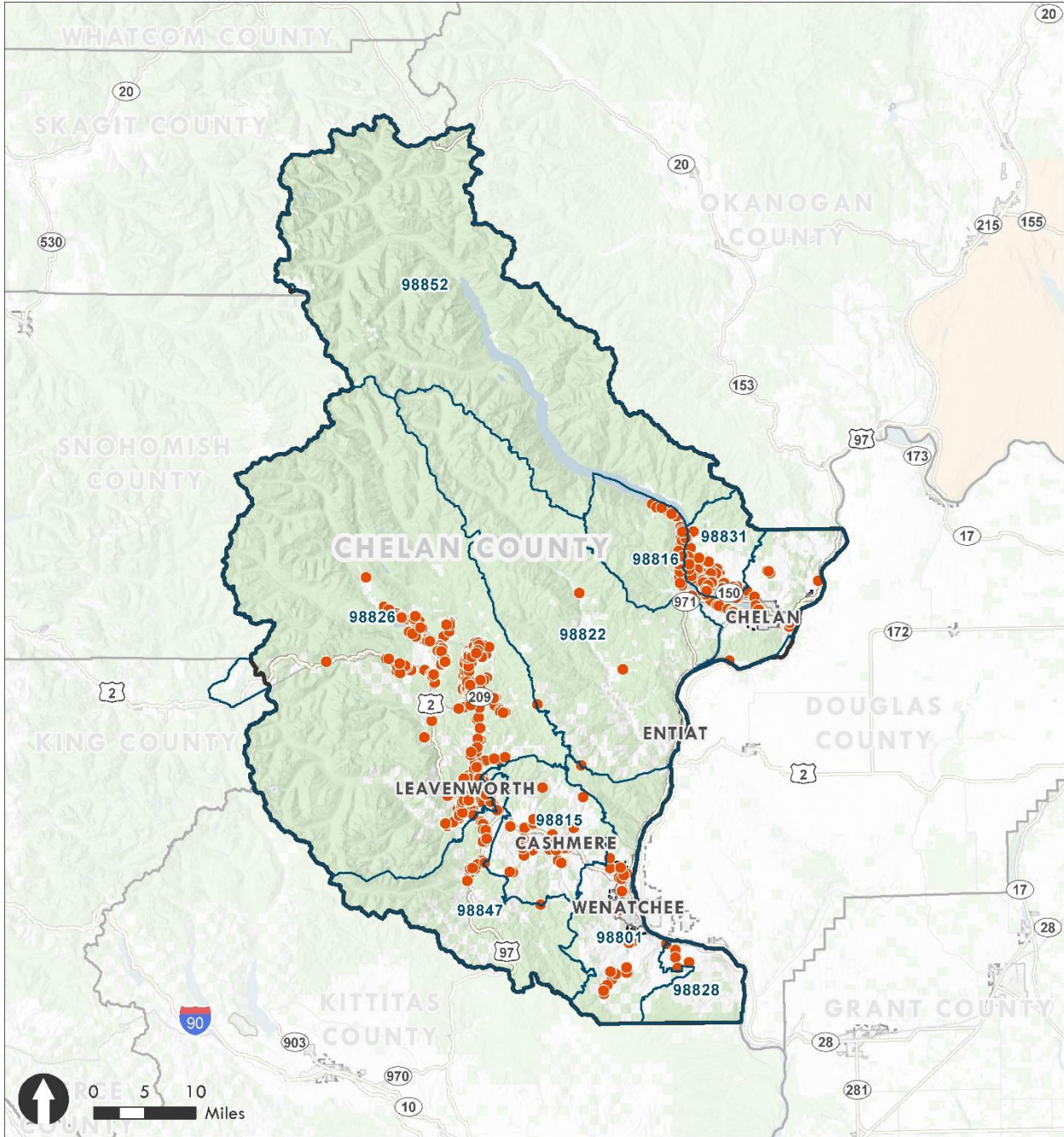
(D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment of the Administrator,<sup>6</sup> so as to provide reasonable grounds for immediate revocation of the land use permit.

(E) If three violations are verified under subsection (D) at any time during a twelve-month period, the penalty shall be revocation in addition to any required civil penalties under 16.20.030.

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<sup>6</sup> In Title 16, reference is made to “Administrator” whereas in Title 11 reference is made to “Director”. Both have a similar meaning in Title 14 definitions.

# Attachment A: Countywide Zip Code Map



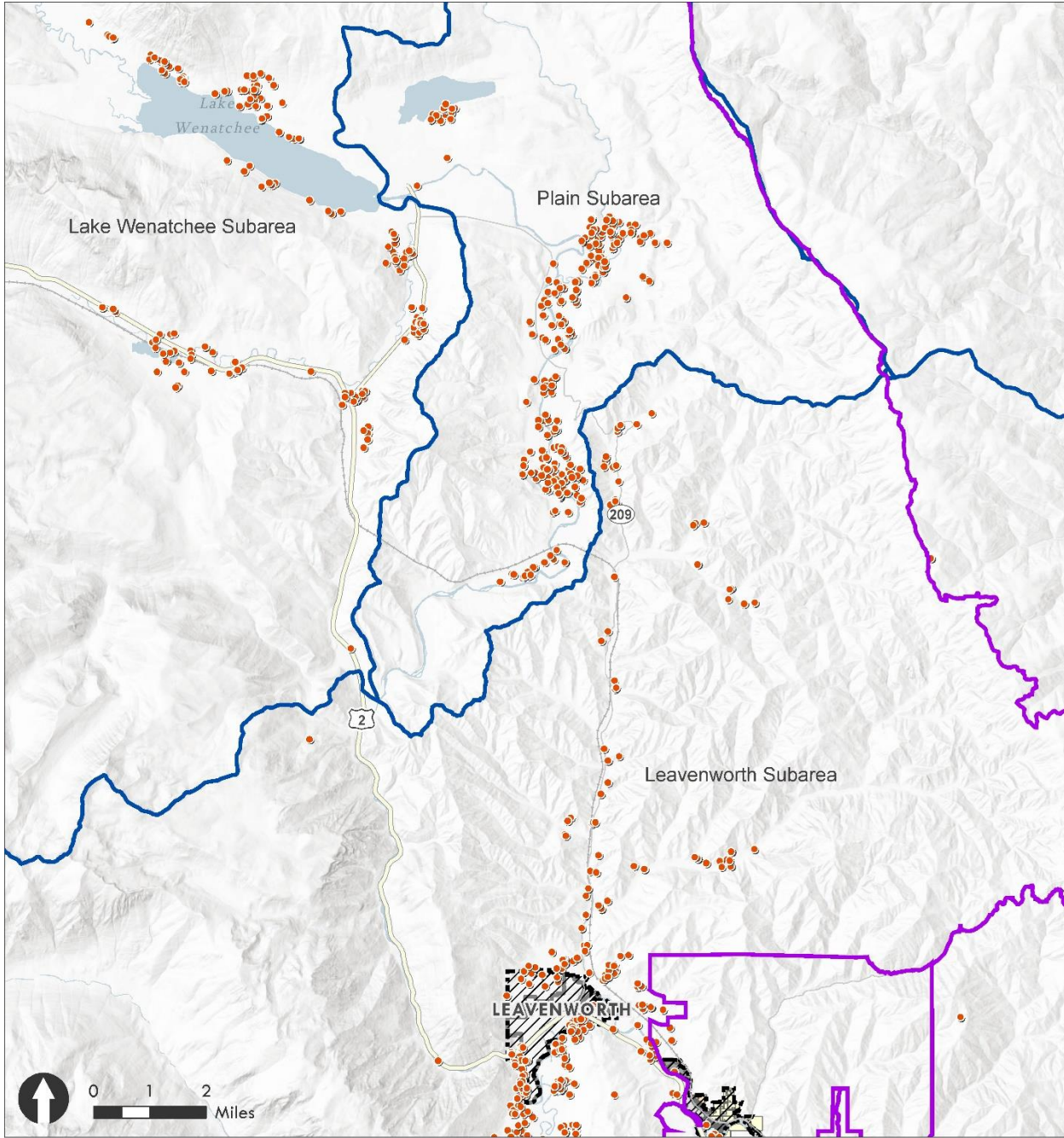
### LEGEND

- Short-term Rentals (est. 1,200 active)
- ZIP Code Boundaries



Source: AirDNA, 2020.  
 Data notes: This data tracks individual short-term rental property level from AirBNB and HomeAway. The location data on individual properties is within 500 meters of accuracy. It shows only properties that are assumed to be in unincorporated areas and are listed as an entire home/apartment.

### Attachment B: Leavenworth-Lake Wenatchee Subareas



#### LEGEND

- Urban Growth Areas
- Short-term Rental
- STR (on tribal land)
- Preliminary Boundaries
- ZIP Code Areas



Source: AirDNA, 2020.  
 Data notes: This data tracks individual short-term rental property level from AirBNB and HomeAway. The location data on individual properties is within 500 meters of accuracy. It shows only properties that are assumed to be in unincorporated areas and are listed as an entire home/apartment.

Source: Chelan County GIS, AirDNA, BERK 2020