

11.88.290 Short-term rental regulations.

(1) Purpose.

(A) Short-term rental use is a commercial use. Where excess rental units exist in residential communities, it has been shown to be detrimental to the affordable residential housing inventory and adversely affect the residential character of those neighborhoods.

(B) The purpose of this section is to establish regulations for the operation of short-term rentals as defined in Chapter 14.98, within the unincorporated portions of Chelan County, except short-term rental properties within the Stehekin Valley area portion of Chelan County. This chapter also establishes a short-term rental land use permit.

(i) Stehekin Valley Short-Term Rental Code Development. Stehekin Valley is a remote portion of Chelan County accessible by only horse, foot, water, and air travel. It also lacks modern communication and power infrastructure and has other comprehensive planning, infrastructure, economic, natural resource, and other land ownership and land use considerations. Because of these and other considerations, an additional public process will be needed to specifically develop regulations applicable to short-term rentals in this location. That code will be developed at a later date.

(C) 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 nuisance impact of short-term rentals on adjacent residences and by minimizing the detrimental impact of excessive short-term rentals on the affordable housing supply.

(D) The provisions of this chapter are necessary for consistency with the goals and policies of the Chelan County comprehensive plan including but not limited to:

(i) Land use element considerations of commercial and residential development that provide sustainable economic opportunity while limiting localized sprawl, maintaining community character, and providing employment opportunities for residents, and anticipating future needs;

(ii) Housing element goals and policies including, but not limited to, appropriate placement of vacation rentals to avoid impacting neighborhood character and housing stock, accessibility to affordable housing for all residents, providing for a variety of residential housing types and densities, and supporting regulatory changes that promote affordable housing options in all locations in the county;

(iii) Rural element goals and policies including, but not limited to, maintaining natural environment features that support natural resource-based economic activities including small scale recreation and tourist uses, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

(2) Type, Number, and Location.

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

(i) Tier 1. Owner-occupied (as defined in 14.98.1363) short-term rentals where either (a) rooms are rented and the owner (to include title holders, corporate officers, and contract purchasers) is personally present at the dwelling during the rental period, or (b) the short-term rental is located within the same parcel as the owner's principal residence and the owner is personally present at the dwelling during the rental period, or (c) the entire dwelling is rented no more than fifteen total days in a calendar year; provided, that an on-site qualified person is there during the owner's absence. Portions of calendar days shall be counted as full days.

(ii) Tier 2. Short-term rentals at a dwelling that is not owner occupied or Tier 3 short-term rental.

(iii) Tier 3. Short-term rentals may be either non-owner occupied, or owner occupied, and exceed occupancy limits applicable to Tier 1 and Tier 2 units as identified in subsection (3) of this section. No short-term rental may operate as a Tier 3 short-term rental without meeting all Tier 3 provisions as applicable to their property under the requirements found within this chapter.

(iv) Existing nonconforming short-term rentals must comply with the provisions of subsection (3)(B) of this section.

(B) Tiered Permits and Numbers Allowed.

(i) Tier 1. New Short-term rentals are allowed where permitted per subsection (2)(C) of this section.

(ii) Tier 2 and Tier 3.

(a) New Tier 2 and 3 short-term rentals cannot be located where short-term rentals make up more than the maximum share of the total housing stock in residential zoning districts listed in the table below. This is the maximum share of short-term rentals in residential zones within Zip Codes, Zip Code subareas, or within urban growth areas where the use is expressly allowed. Leavenworth subareas are identified based on the boundaries in subsection (2)(B)(ii)(b) of this section. If the share equals or exceeds this level, no new short-term rentals are allowed until the total number falls below this maximum limit.

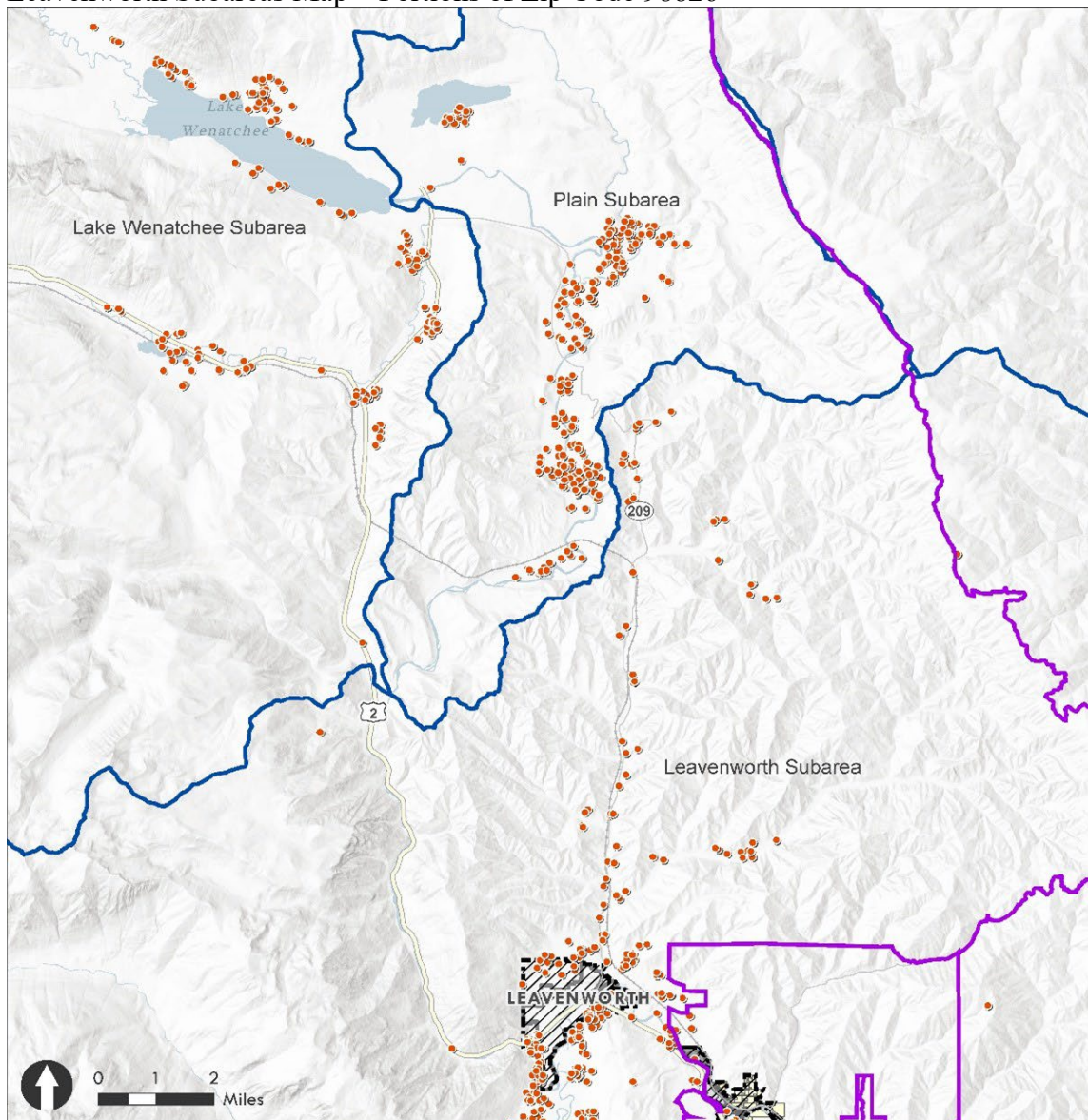
Maximum Share of Short-Term Rentals

Area	Name of Area	Maximum Share of Short-Term Rentals*
Zip Code 98826	Leavenworth	6%
Subarea 1	Lake Wenatchee	6%
Subarea 2	Plain	6%
Subarea 3	Leavenworth	6%
Other Zip Codes	Each individually	6%
Urban Growth Area	Manson	6%
Urban Growth Area	Peshastin	0%
City Assigned Unincorporated Urban Growth Areas	Each individually	6%

* Maximum percent share of short-term rentals in residential zones as part of total housing stock.

(b) Leavenworth subareas are a subset of Zip Code 98826, mapped as follows:

Leavenworth Subareas Map—Portions of Zip Code 98826



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.

(c) To calculate the maximum share of short-term rentals in subsection (2)(B)(ii)(a) of this section, total dwelling units must be determined based on the latest annual count of total housing units by the State of Washington Office of Financial Management, or another state or county agency that tracks Chelan County housing inventory. Short-term rental

percentages must be determined at the time the number of allowed short-term rentals is determined per subsection (4) of this section.

(d) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the maximum cap in subsection (2)(B)(ii)(a) of this section: rural commercial zoned districts, Manson and Peshastin urban growth areas' commercially zoned districts, planned unit developments existing on the date of adoption of this chapter with recorded plat notes expressly permitting short-term rentals, or master planned resorts.

(e) Share calculations for cities and urban growth areas are calculated separately and independently from other areas within the same Zip Code or a designated subarea of a Zip Code, and one calculation does not affect the maximum allowed share of short-term rentals for the other.

(f) Within Leavenworth subareas to determine if a new Tier 2 or Tier 3 short-term rental is allowed, first the overall Zip Code share must be met and second the subarea Zip Code share must be met.

(iii) Existing nonconforming short-term rentals of any tier level are not subject to the limitations in this subsection (2)(B) provided they comply with all the provisions of subsection (2)(E) of this section.

(C) Zones Allowed. In order to operate, short-term rentals may be allowed pursuant to:

(i) Section 11.04.020 applicable to all rural and resource designations, except as limited in subsection (2)(B) of this section.

(ii) Section 11.22.030 applicable to the Peshastin urban growth area, except as limited in subsection (2)(B) of this section.

(iii) Section 11.23.030 applicable to the Manson urban growth area, except as limited in subsection (2)(B) of this section.

(iv) The board of Chelan County commissioners adopts the cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee land use regulations, development standards and land use designations, as they apply to short-term or vacation rentals of fewer than thirty consecutive nights or days, within the county adopted unincorporated urban growth area respecting each city as it is now or is hereafter amended for the cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee; provided, that any city regulation requiring acquisition of a business license is not adopted nor incorporated as a county regulation and that instead a conditional use permit may be required, and the county's review procedures in this section must control.

(a) Upon the date of the adoption of this code on September 27, 2021, any existing short-term rentals within the exterior boundaries of any city's designated urban growth area (UGA) are required to have been in full legal compliance with any existing city codes adopted through prior resolution by the county as they applied to short-term rental uses within that UGA.

(1) If a short-term rental use is operating in violation of the existing county-adopted city codes for that UGA the rental must immediately cease all operation of that use on the date of adoption of this chapter. A property operating in violation of existing city UGA land use regulations has no legal existing nonconforming status as a short-term rental.

(b) All existing nonconformance claims within a UGA will be subject to joint review by the county and the affected city.

(c) New short-term rental applicants will be required to comply with the most current city regulations for short-term rental use for each city UGA, which are herein adopted and incorporated under subsection (2)(C)(iv) of this section upon adoption of this code chapter, including if any UGA code prohibits new or continued existing short-term rentals in those zones.

(v) Existing nonconforming short-term rentals of any tier level are not subject to the limitations in this subsection (2)(C) provided they comply with all the provisions of subsection (2)(E) of this section and any other applicable provisions

(vi) Applications for a new Tier 3 short-term rental permit required by a district use chart in Chapter 11.04 to have a conditional use permit (CUP) shall have the CUP processed consistent with Chapters 11.93 and 14.10, and shall have the use conditioned for approval based upon the applicable requirements contained within this section. A Tier 3 short-term rental CUP is annually renewable and administratively reviewed under the provisions of subsection (4) of this section, provided the permit is nontransferable under the restrictions contained within subsection (4)(I) of this section.

(D) Lot Size and Lot Location Standards.

(i) Minimum lot sizes for new conforming short-term rentals set forth in this subsection are the minimum necessary and shall not be subject to reduction pursuant to Chapter 11.95, Variances, Chapter 11.97, Nonconforming Lots, Structures, and Uses, Chapter 11.98, Reasonable Use Regulations, nor subject to administrative modification. The following minimum lot sizes shall be required to establish a Tier 2 or Tier 3 short-term rental in zoning districts where short-term rentals are permitted or conditionally permitted:

Minimum Lot Area (Acres) Required to
Accommodate New Short-Term Rental

Zone	Tier 2	Tier 3
AC	10	Not allowed
RR20	10	10
RR10	10	10
RR5	5	5
RR2.5	2.5	Not allowed
RRR	0.275	Not allowed
RW	0.275	Not allowed
RV	0.275	Not allowed

(ii) New conforming Tier 2 short-term rentals in all residential zones cited in this subsection (2)(D) and within the Manson UGA shall be located a minimum of two hundred feet apart as measured from all points of the existing short-term rental dwelling structures to proposed short-term rental dwelling structures. This distance shall not be subject to reduction pursuant to Chapter 11.95, Variances, Chapter 11.97, Nonconforming Lots, Structures, and Uses, Chapter 11.98, Reasonable Use Regulations, nor subject to administrative modification.

(iii) Proposals for new conforming Tier 3 short-term rentals shall be located on sites with direct access off of functionally classified highways consistent with the Chelan County transportation element of the comprehensive plan. Access shall be consistent with Section 15.30.330. “Direct access” means either parcel frontage or driveway access from the classified highway right-of-way.

(iv) Existing nonconforming short-term rentals of any tier level are not subject to the limitations in this subsection (2)(D) provided they comply with all the provisions of subsection (2)(E) of this section.

(E) Existing Short-Term Rentals.

(i) A short-term rental use shall be considered lawfully established and existing and allowed to continue to operate as a legally nonconforming use only if the owner proves all the following:

(a) That a location was actually, physically used for short-term rental purposes during the periods specified in subsections (2)(E)(i)(b) and (f) of this section. Proof of rental listing, and income generated is also required; and

(b) That sales and lodging taxes required under Chapter 64.37 RCW were fully paid for all short-term rental use between July 28, 2019, when Chapter 64.37 RCW was in effect, and August 25, 2020; and

(c) That the short-term rental meets all requirements of subsection (3) of this section within one year of the effective date of the ordinance codified in this section; provided, that legally required health and safety provisions within subsection (3) of this section including garbage, consumer safety, fire safety and outdoor burning, and property management plan communications provisions are met within ninety days of the effective date of the ordinance codified in this section, except that in the Manson urban growth area, all provisions consistent with Section 11.23.040 as it existed on August 25, 2020, shall be met on the effective date of the ordinance codified in this section; and

(d) That the short-term rental operator has obtained the required land use permits within the time requirements in subsection (4) of this section; and

(e) Liability insurance shall be obtained consistent with RCW 64.37.050 as of the effective date of the ordinance codified in this section (September 27, 2021) per subsection (3)(N) of this section; and

(f) If located inside of the Manson urban growth area, documentary evidence that the short-term rental was properly registered as a vacation rental with Chelan County per Section 11.23.040 as of August 25, 2020, or that the short-term rental owner held a vacation rental permit in the Manson UGA as of July 28, 2019, or in 2020 prior to August 25, 2020. This documentary evidence also satisfies the requirements found in subsection (2)(E)(i)(a) of this section, provided failure to accurately represent and disclose a property's short-term rental history is grounds for immediate permit denial or revocation, and loss of all existing nonconforming status.

(g) Any property owner claiming existing nonconforming status as a short-term rental within any Zip Code, subarea, or urban growth area shall resolve any existing county code violations on the property as required under subsection (4)(A)(ii) of this section and shall have complied with all other relevant provisions of this section and apply for and have received an initial short-term rental administrative land use permit and all required conditional use permits under subsection (4) of this section by December 31, 2022, or by failing to do so shall waive all claim to having existing nonconforming status.

(ii) Nonconforming Short-Term Rental Units Restricted Zones, or by Parcel Size, Numbers Allowable, or Rental Standards.

(a) Except as provided in subsections (2)(E)(iii) and (iv) of this section, an existing short-term rental operating as of September 27, 2021, is considered nonconforming when one or more of the following conditions is met:

(1) The cap of the Zip Code, Zip Code subarea, or urban growth area is exceeded in subsection (2)(B) of this section; or

(2) A zone does not expressly allow new short-term rental units per subsection (2)(C) of this section and Sections 11.04.020, 11.22.030, and 11.23.030; or

(3) The short-term rental is located on a parcel that does not meet the lot size and/or lot location standards of subsection (2)(D) of this section; or

(4) The short-term rental does not comply with the operating standards of subsection (3) of this section.

(b) Nonconforming short-term rental properties may only be changed, altered, extended, or enlarged in a manner requiring a permit issued under Chelan County codes if the activity does not increase nonconformance with this or any other chapters of applicable county codes, or to repair unexpected damage from a natural or human caused event provided the repair is that which is minimally required to maintain the former conditions of the rental as it existed prior to the damage.

(1) Any property that increases its nonconformance with this chapter without written permitted authorization of the department may be subject to immediate revocation of all short-term rental permits and shall lose any legally non-conforming status as a short-term rental. Appeal provisions within Chapter 14.12 and Title 16 apply.

(c) If the nonconforming short-term rental cannot comply with criteria, grace period, and timelines in subsection (2)(E)(i) of this section, it must cease operating no later than one year from the effective date of the ordinance codified in this section (September 27, 2021) and any issued county permit to operate as a short-term rental immediately becomes null and void, subject to appeal under Chapter 14.12 and Title 16.

(d) After expiration of the permit or revocation of the permit authorizing a nonconforming short-term rental, no operator shall operate a short-term rental, subject to appeal under Chapter 14.12 and Title 16.

(e) Any short-term rental property that has an unresolved written notice of violation for short-term rental use, received on or before August 25, 2020, or that operated as a short-term rental contrary to the August 25, 2020, Chelan County short-term rental moratorium Resolution 2020-86, or subsequent rental moratorium Resolutions 2020-104 and 2021-20, or upon permit application is found to have an existing zoning, land use, or

building permit violation, shall not be considered a legally nonconforming use as follows:

(1) Moratorium Violation. Short-term rental properties in violation of the moratoria resolutions in this subsection (2)(E)(ii)(e) are not subject to a grace period for continued operation and must immediately cease all short-term rental uses of the property on the effective date of adoption of this code.

(2) Unresolved Written Notices of Violation or Other Violations. An existing short-term rental property found to have existing zoning, land use, or building permit violation must resolve violations according to the time periods of subsection (4)(A)(ii) of this section.

(3) Under either case in subsection (2)(E)(ii)(e)(1) or (2) of this section, the short-term rental property is subject to all provisions of Title 16; provided, that the appeal provisions of Chapter 14.12 and Title 16 apply.

(iii) Nonconforming Short-Term Rental Units in Manson UGA. Where a short-term rental is located in the Manson UGA, only those short-term rentals that were properly registered as a vacation rental and meet criteria in subsection (2)(E)(i) of this section shall be considered legal nonconforming according to Chapter 11.97, provided the short-term rental is allowed a grace period of operation in which to fully attain compliance with all current rental standards as provided in subsection (2)(E)(i) of this section.

(iv) Nonconforming Short-Term Rental Units in Peshastin UGA. Existing nonconforming short-term rental units of any tier within the residential zones in the Peshastin UGA are subject to the provisions of subsections (2)(E)(i) and (ii) of this section.

(v) A nonconforming short-term rental can only become a conforming short-term rental by first providing an affidavit stating they wish to cease being a nonconforming short-term rental and surrender any existing rental use permits, and then applying for a new short-term rental permit subject to all the applicable requirements of this chapter, and other applicable Chelan County codes.

(vi) The director may permit a property to operate as an existing nonconforming short-term rental where the applicant possesses and provides the department written communication, originating from authorized Chelan County community development personnel and written prior to August 25, 2020, that expressly states the short-term rental use of this specific property is an allowed use, and that the current use is in-fact operating and conforming within any parameters or limits expressly stated within that written communication, provided:

(a) If any provision applicable to existing nonconforming short-term rentals within this chapter is not expressly exempted by the written communication referenced herein, the short-term rental is subject to all requirements for existing nonconforming short-term rentals as provided in this section, except as stated in subsection (2)(E)(vi)(b) of this section.

(b) If the written communication referenced herein expressly permits and is authorized by septic permitting at the time of that written communication regarding limit on overnight and daytime occupancy, the property shall not be subject to the occupancy limits found within subsections (3)(B)(ii) and (iii) of this section.

(c) Provisions of this subsection (2)(E)(vi) sunset on December 31, 2022.

(3) Rental Standards Applicable to All Short-Term Rentals.

(A) Primary or Accessory Residence.

(i) Short-term rentals must be operated out of an owner's primary dwelling or a legally established accessory dwelling unit. In no case, shall an owner or operator make available a recreational vehicle, tent, or other temporary or mobile unit for short-term rental.

(ii) A short-term rental owner may operate only one short-term rental per parcel as designated on their permit application form, which may be in either the primary dwelling or the accessory dwelling unit but not both. The property owner (which includes title holders, corporate officers, and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence if property is permitted and used as a short-term rental. In the case a corporate entity owns the property, at least one principal officer must be a permanent resident of the property. Proof of residence includes, but is not limited to government issued identification, voter's registration, or utility bills. If the short-term rental occurs in a multifamily dwelling the same owner may not rent more than one unit in the development.

(iii) A short-term rental owner may exceed the limits placed on short-term rentals in subsection (3)(A)(ii) of this section on a parcel subject to the district zoning requirements of a rural commercial county zone or similar urban growth area commercial zone, provided the short-term rental must comply with the provisions of Section 11.04.020, 11.22.030, or 11.23.030.

(B) Occupancy.

(i) The number of rented or occupied bedrooms shall not exceed the number approved in relation to the on-site sewage system approved by the Chelan-

Douglas health district, or strictly follow the requirements of any sewer district or other waste management provider that is being utilized by the rental.

(a) All short-term rentals must meet and maintain this standard immediately, and this provision is not subject to any grace period.

(b) Occupancy limits are based off two persons per bedroom, including children.

(ii) Tier 1 and Tier 2 Occupancy Limits.

(a) Overnight Occupancy. The owner or operator must limit overnight occupancy to no more than two persons per bedroom, not to exceed:

Tier 1: a total of eight persons including children.

Tier 2: a total of twelve persons including children.

Tier 3: a total of sixteen persons including children.

(b) Daytime Occupancy.

Tier 1: At no time shall the total number of persons at a short-term rental exceed eight persons, including children, but excluding the owner.

Tier 2: At no time shall the total number of persons at a short-term rental exceed twelve persons, including children.

Tier 3: At no time shall the total number of persons at a short-term rental exceed sixteen persons, including children, but excluding the owner, if one resides on the property.

(c) For purposes of subsections (3)(B)(ii) and (iii) of this section occupancy after ten p.m. and before seven a.m. is considered overnight occupancy and all rental use must fully comply with the overnight occupancy limitations found within this section.

(iii) Exceeding Daytime Occupancy Limits.

(a) In order for any existing nonconforming or new short-term rental of any tier level to exceed total daytime occupancy limits contained in subsection (3)(B)(ii) of this section, or to host events such as weddings, gatherings, or retreats an operator must first obtain a conditional use permit and satisfy all the conditions of approval consistent with Section 11.93.315, Places of public and private assembly, before operation;

provided, that the zone allows short-term rentals as a permitted, or conditionally permitted use and meets all other short-term rental requirements of this section; provided, that overnight occupancy is limited to the provisions of subsections (3)(B)(ii)(a) and (c) of this section. All other applicable criteria of Chapter 11.93 shall be met.

(1) For new conforming short-term rentals to exceed the daytime occupancy under a conditional use permit, in addition to the requirements in this subsection (3)(B)(iii)(a), the operator must either take access from a classified highway consistent with subsection (2)(D)(iii) of this section, or be located in a master planned resort, or in a commercial zone.

(b) Facilities exceeding overnight occupancies of sixteen persons are considered lodging facilities that must meet the requirements of that zone and use.

(C) Parking.

(i) Provide residential parking, not within any recorded access easement, consistent with the provisions of Chapter 11.90.

(ii) The number of vehicles allowed at the short-term rental must be limited to the number required per Section 11.90.060; this requirement must be included in the property management plan per subsection (3)(K) of this section; provided, that any short-term rental may exceed these limits for hosted events if a conditional use permit has been obtained and all conditions of approval including traffic and parking requirements have been satisfied consistent with Section 11.93.315. Properties with a short-term rental permit need to have their parking on the same parcel as the short-term rental. Number of vehicles allowed at a short-term rental must include any boats, trailers, campers, personal watercraft, etc.

(iii) Unlawful or unsafe parking by short-term rental tenants and guests, owner or operator joint liability if violation not abated. Qualified persons or owner or operators of short-term rental properties notified of unlawful or unsafe complaints related to their short-term rental tenants, or their guests are responsible to promptly abate the parking complaints emanating from their property for noncompliance with subsections (3)(C)(i) and (ii) of this section, or for parking on the property of a neighbor without express permission, or blocking the access to that neighboring driveway, or preventing their unobstructed use of that neighboring property. If the owner fails to cause the parking complaint to be abated within sixty minutes of notification of the complaint, he is subject to the enforcement penalties jointly and severally with the renter, or guest creating the parking violation under this chapter and Title 16.

(iv) Repeat Violations. Two verified parking violations unabated within sixty minutes as provided in subsection (3)(C)(iii) of this section within six months on or adjacent to the same property may also be subject to additional penalties under Chapter 16.20, up to and including revocation of the short-term rental land use permits under Section 16.20.040.

(D) Garbage. Trash containers must be provided. Trash must be in proper containers on collection day. Trash must be managed in compliance with Chapter 4.04, Garbage. This requirement must be included in the property management plan per subsection (3)(K) of this section and good neighbor guidelines per subsection (3)(M) of this section.

(E) Noise.

(i) Short-term rentals must be operated in compliance with Chapter 7.35, Noise Control. This requirement must be included in the property management plan per subsection (3)(K) of this section.

(ii) Public Disturbance Noise Complaints. Renters are subject to the provisions of Chapter 7.35. Owners or operators of short-term rental properties notified of complaints are responsible to promptly abate public disturbance noise complaints on their property. If the owner or operator fails to cause the noise to be abated within sixty minutes of notification of the complaint, he is subject to compliance with Chapter 7.35 and the enforcement penalties jointly and severally with the renter creating the public disturbance noise.

(iii) Repeat Violations. Two verified public disturbance noise violations unabated within sixty minutes as provided in subsection (3)(E)(ii) of this section within six months of on the same property may also be subject to additional penalties under Chapter 16.20, up to and including revocation of the short-term rental land use permits under Section 16.20.040.

(F) Trespass.

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

(ii) Trespass by Short-Term Rental Tenants and Guests, Owner or Operator Joint Liability. Qualified persons or owner or operators of short-term rental properties notified of trespassing complaints related to their short-term rental tenants, or their guests are responsible to promptly abate trespass complaints emanating from their property. If the owner or operator fails to cause the trespass to be abated within sixty minutes of notification of the complaint, he is subject to the

enforcement penalties jointly and severally with the renter, or guests creating the trespass under Section 7.32.030 and Title 16.

(iii) Repeat Violations. Two verified trespass violations unabated within sixty minutes as provided in subsection (3)(F)(ii) of this section within six months of on or adjacent to the same property may also be subject to additional penalties under Chapter 16.20, up to and including revocation of the short-term rental land use permits under Section 16.20.040.

(G) Signs.

(i) All owners or operators must display and maintain the address of the residence so that it is clearly visible from the street or access road in compliance with Section 10.20.520 requirements. The rental must also display and maintain an additional sign outside identifying the property as short-term rental and displaying the Chelan County short-term rental permit number and phone number of qualified person/local contact to be called if an issue needs someone onsite within 60 minutes as required by the county. The sign must not exceed eight square feet in area and if illuminated, must be indirectly illuminated, and letters and numbers must at a minimum four inches in height and permanently posted. The sign must be all-weather.

(ii) Placement of the Sign.

(a) For short-term rental structures located fifty feet or less from the primary road, the sign shall be displayed on the side of the structure facing the road and shall be visible from the road designated in the assigned address.

(b) For short-term rental structures located fifty feet or more from the primary road, or for buildings not visible from the road, the sign shall be posted inside the owner's property line at the access point to the road designated in the assigned address.

(iii) If the permanent contact information changes during the permit period, the new information must be changed on the sign. Renewal applications must provide evidence of the sign.

(iv) The director may allow annual mailings to adjacent properties and an interior posted notice for tenants in lieu of an exterior sign where a property's size and visibility make an exterior sign ineffective, or if for reason of improving security. The owner shall provide verification of mailings and a copy of the notice with the annual permit renewal.

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

(I) Fire Safety and Outdoor Burning.

(i) Each owner or operator must include a fire protection plan within their property management plan in subsection (3)(K) of this section to alert renters to respect firewise efforts on a property, or to comply with travel or activity restrictions of Chapter 7.52, Fire Hazard Areas. The fire protection plan shall demonstrate consistency with a Ready Set Go program or equivalent; this includes, but is not limited to, restricting the use of fireworks, outdoor fires, open flame devices, portable fireplaces, fire pits, chimeneas, or BBQ devices. All permanently installed outdoor flame devices, as well as portable burning devices shall have the ability to be secured from use in accordance with Chapter 7.52, Fire Hazard Areas, and these devices must be secured during all periods of regulated burning restrictions banning the use of that device.

(ii) At least one 2A:10BC fire extinguisher, charged, maintained, and in serviceable condition shall be prominently available in the common living space.

(J) Qualified Person/Local Contact.

(i) The owner or operator must provide the name, telephone number, address, and email of a qualified person or their designee (which can be a person or company) who can be contacted concerning use of the property and/or complaints and can respond, personally or through a designee, to the property within sixty minutes to complaints related to the short-term rental consistent with the requirements of this section. The owner or operator must provide a valid telephone number where qualified person can reliably be reached twenty-four hours per day, every day the property is rented.

(ii) Failure to have a qualified person available to respond when contacted, or a failure to abate any complaint regarding a rental code standard under this subsection (3) by the qualified person or owner or operator within sixty minutes is a violation under this subsection and subjects the owner or operator to the civil penalties provided in Section 16.20.030.

(iii) Repeat Violations. A second subsequent violation within twelve months of the previous violation of failing to have a qualified person available, or failing to respond to a complaint once notified by the sheriff, county staff, or monitoring service employed by the county, is grounds for revocation of the short-term rental permit under Section 16.20.040

(K) Property Management Plan.

(i) Short-term rentals must maintain an up-to-date property management plan on file with the Chelan County Community Development department and be prominently displayed within the common living area portion of the rental. If changes are made during the term of the permit, the Department must be provided the information in the form of updated forms. The property management plan must include the following:

(a) Provide a floor plan and site map clearly depicting the property boundaries of the short-term rental, and the escape route in case of an emergency. The plan must provide a map indicating if there is an easement that provides access to a shoreline and, if an easement or other lawful access exists, the boundaries of the easement or access must be clearly defined. If there is no lawful access, this fact must be indicated within the plan together with a warning not to trespass;

(b) Provide the unified business identifier number, Chelan County short-term rental permit number, and the names and addresses of the property owner or operator;

(c) Designate a qualified person and provide contact information consistent with subsection (3)(J) of this section; and

(d) Provide information required for consumer safety per subsection (3)(H) of this section and RCW 64.37.030 and fire protection plan per subsection (3)(I) of this section.

(e) All units must have an operable landline or voice over internet protocol (VOIP) telephone installed to aid in emergency response, and the dwelling recorded in "Rivercom" database. The address and phone number of the property and the contact phone number for the qualified person shall be prominently displayed near the phone. If land line or VOIP is not available at the site, the director may at his discretion allow the owner or operator of the short-term rental to use an alternative means of direct phone communication, as long as the communication device is fixed at the location and the phone number is not changed within the annual permitting period. This phone number shall be noted on the permit application and the property management plan which shall also include any special instructions and list any local emergency services calling numbers required for use of the communication device in an emergency.

(1) Renter-owned or possessed mobile phones shall not be used in place of this requirement as they are not always usable in all areas, their batteries may deplete, or they may not be present with the phone at the rental for periods of time during occupancy.

(f) The plan must identify the method by which the owner or operator will notify renters of emergency or temporary conditions such as burn bans.

(g) The plan must specify the maximum number of guests and number of bedrooms.

(h) The plan must include the maximum number of vehicles allowed, and a map with the designated parking space locations allocated for each vehicle.

(i) The plan must be kept up to date at the time of the annual permit and include the annual permit number per subsection (3)(L) of this section.

(j) The plan must include the good neighbor guidelines per subsection (3)(M) of this section.

(L) Annual Permit Number. The owner or operator must include the Chelan County land use permit number for the short-term rental in all advertisements and ensure its prominent display on platforms and other forums for rental (AirBnB, VRBO, Craigslist, poster, etc.) and on marketing materials such as brochures and websites.

(M) Good Neighbor Guidelines. Owners and operators must acknowledge receipt and review of a copy of the good neighbor guidelines. Owners and operators must provide evidence that the good neighbor guidelines have been effectively relayed to short-term rental tenants, by incorporating it into the property management plan, and rental contract, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

(N) Liability Insurance. A short-term rental owner or operator must maintain primary liability insurance consistent with RCW 64.37.050.

(O) Taxes. The owner or operator must comply with Chapter 6.30, and other local sales taxes and state hotel/motel/lodging and sales taxes in accordance with the Department of Revenue.

(4) Land Use Permits.

(A) Land Use Permit Required.

(i) On or after September 27, 2021, and except as provided in subsection (4)(D)(i) of this section, no short-term rental owner or operator may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use as a short-term rental without a valid short-term rental administrative land use permit issued by the director or a conditional use permit approved by the hearing examiner pursuant to this chapter and Chapter 14.10. All dwelling units on a single parcel shall be reviewed concurrently in the

same application, and the dwelling to be used as a short-term rental shall be clearly identified.

(ii) All uses on the property must fully comply with this title and the property may not have existing unresolved Chelan County code permitting, land use, or other violations under Title 3, 11, 15, or 16 in order to be eligible to apply for an administrative short-term rental land use permit or conditional use permit under this chapter. Existing properties claiming nonconforming short-term rentals may be issued a provisional short-term rental permit and may be provided the time of their respective grace period pursuant to subsection (2)(E)(i)(c) of this section, but no later than December 31, 2022, to address all violations. No provisional or other short-term rental land use permits shall be issued after that date until any violations are resolved. The director may extend the timeframe for up to six additional months to obtain compliance upon a showing of a good faith effort.

(B) Annual Renewal. Annual renewal of the short-term rental land use permit is required.

(i) The department shall by September 1st of each year, send a renewal reminder notice to the permitted owner or operator, sent to the postal address or the email address on file reminding of the renewal requirement of the rental permit requirement. Reminders are a courtesy to short-term rental operators and failure to receive a reminder does not relieve the owner of any duty under the Chelan County Code or act as a defense to any action by the County to enforce this section.

(ii) A permit expires on December 31st of each year, regardless of when it is issued.

(iii) All annual permitting fees are not pro-rated.

(iv) All permit renewal applications for permitting year 2023, and beyond, must be received by October 31st of the preceding year.

(a) Annual renewal applications will be considered on time if received between September 1 – October 31 each year. Renewal applications received between November 1 – November 30 will be considered late and pay a late fee of twice the permit fee in addition to the renewal fee. Renewal applications received between December 1 – December 31 will be considered very late and pay a late fee of triple the permit fee in addition to the renewal fee. The late renewals will be processed provided the short-term rental may not continue operation past December 31st until the permit application is approved and a permit issued. This applies to all permit tier levels

(b) Permit renewal applications received after December 31st will not be accepted, and the short-term rental operating without a renewal must

immediately cease operations by January 1st of the following year. The owner and property lose any vesting to continue operation as a legally conforming or nonconforming short-term rental under this chapter. Expired short-term rentals under this subsection are then subject to the housing cap provisions of subsection (2)(B) of this section and must apply as a new short-term rental if all other provisions of this section allow, and consistent with the applicable district use chart.

(C) Permit Applications.

(i) Short-term rental owners must apply for an administrative land use permit to establish compliance with this code. This will include a Short-Term Rental permit and, in some cases, an additional land use permit. Fees consistent with Section 3.24.010 must be paid. Applicable fees shall reflect costs for review, inspections, and permitting of different short-term rental tiers, and inspections at the appropriate stage. All other permit costs apply. Fees are due at the time of permit application.

(D) Application Acceptance and Evaluation.

(i) Existing Nonconforming Short-Term Rentals. Beginning on September 27, 2021, and by December 31, 2021, all existing short-term rentals operating as of dates established in subsection (2)(E) of this section and subject to the provisions of subsection (2)(E) of this section wishing to operate as a short-term rental for the remainder of 2021 shall pay a fee equal to one-quarter of the annual permit fee established for their tier per the table in Chapter 3.24, and register on a department registration provisional self-certification form. This self-certification form serves as the first provisional short-term rental permit application. Those owners and properties failing to register within this time period shall not be considered as an existing and nonconforming short-term rental use for 2021 under this section and shall forfeit any claim of continuing existing nonconforming short-term rental use status for 2022 and beyond under this section, and any short-term rental that occurred during this period is considered to have been in violation of this chapter, subject to appeal provisions under Chapter 14.12 and Title 16.

(ii) Application for or issuance of any provisional short-term rental permit does not guarantee future issuance of a short-term rental administrative land use permit under subsection (4) of this section. The provisional permit is intended to be temporary and is only in effect while the department reviews all permit applications for compliance with all Chelan County regulations, including this chapter, for the 2021 and 2022 permit years before issuance or denial of issuance of a short-term rental administrative land use permit. This single (4)(D)(ii) provision ceases to exist on December 31, 2022.

(a) All existing nonconforming short-term rental owners wishing to continue short term rental land use operation past the 2021 year

registration for the 2022 calendar year shall apply for a short term rental permit on a provisional self-certification form no later than December 31, 2021. This self-certification form serves as the 2022 provisional short term rental permit application. The applicant may continue provisional operation until the review, found this subsection, has been completed and an administrative determination has been made, and the owner has been notified whether their short-term rental is in lawful compliance with this chapter so they may continue to operate in 2022.

(iii) For urban growth areas or Zip Codes below the cap as of the date of permit application, owners may apply for a new short-term rental application per subsection (4)(D)(v) of this section.

(iv) By not later than June 30, 2022, the director shall upon review for accuracy, completeness, and code compliance provisionally approve a Tier 1 short-term rental property, or any existing nonconforming Tier 1, 2, or 3 short-term rental property as provided in subsection (2)(E) of this section, for an initial short-term rental administrative land use permit subject to the owner completing a self-certification form in subsection (4)(D)(i)(a) of this section; provided, that inspections in subsection (4)(H) of this section are accomplished prior to the first renewal thereafter; provided, that any owner who has been found to be ineligible for continued operation under this chapter that has been notified by the department shall have thirty calendar days to provide any correction to the information that led to that determination of ineligibility, if a correction is possible, or cease all operation as a short-term rental. They must reapply for permitting under all applicable provisions of this section, subject to appeal provisions under Chapter 14.12 and Title 16.

(v) New Compliant Short-Term Rentals. Beginning on December 1, 2021, new compliant Tier 1, Tier 2, and Tier 3 land use permit applicants may apply to obtain a new conforming short-term rental permit pursuant to the provisions and limitations of subsection (2) of this section.

(a) Permit applications are only accepted on the published dates allowing permit submission. The number of permit applications accepted shall not exceed the number of short-term rentals allowed per the applicable housing cap within each Zip Code and urban growth area as provided in subsection (2)(B) of this section. Once the limit on the number of applications for Tier 2 and Tier 3 short-term rentals has been reached, the window of time for submission shall be closed for that year; provided, that Tier 1 applications do not have a limit on the number of applications.

(b) The director shall annually by March 15th determine the share of short-term rentals to the overall housing stock in each of the unincorporated Zip Codes and urban growth areas, and accordingly schedule a permit application time window, to be held only once annually

between June 1st and July 31st, to allow new short-term rental applications for the following year in each Zip Code and urban growth area where the cap in subsection (2)(B) of this section is not exceeded.

(c) A completed permit application does not guarantee that the applicant will receive a permit to operate a short-term rental. Application acceptance only guarantees participation in the permit application process and a review for subsequent permitting under the regulations in existence at time of acceptance.

(d) An application must have all required information and the parcel must be in compliance with all City/County/State codes before a permit is issued. Any applicant who does not complete the required application forms, complete any required inspections or other processes contained within this chapter, and fully submit any required supplemental information or who within thirty calendar days of notification fails to correct any application documentation submission deficiencies as requested by the department by any required deadlines, including submitting a complete application for any required conditional use permits, or who upon application review is found to have knowingly provided false information, or if the applicant or property is found to be out of compliance with this or other titles of Chelan County land use or development codes, is therefore ineligible for a short-term rental permit. The applicant shall not receive any further processing of their application. Once denied, the applicant shall not be eligible for rental permit application until such time as the owner can show compliance with Chelan County regulations, and then must reapply to restart the process.

(e) During annual renewal review process, the Director reserves the right to update and correct discrepancies, which may include adjustments to occupancy, tier level, etc.

(vi) All application fees are nonrefundable.

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

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

(G) Nonuse. All short-term rentals must operate under a current short-term rental land use permit regardless of nonuse. If a property has not been rented in a twelve-month period,

renewal of short-term rental land use permit must still be met to maintain the validity of the permit and to retain eligibility for renewal in immediately subsequent years.

(H) Fire, Safety, Health, Short-Term Rental Standards, and Building Codes Compliance, and Inspections.

(i) Fire and Emergency Safety and Short-Term Rental Standards. Prior to approving the initial short-term rental permit, the Fire Marshal's office or community development personnel must perform a life-safety and applicable short-term rental or conditional land use permit standards inspection.

(ii) Wastewater. Each applicant shall demonstrate to the satisfaction of the director they have a properly functioning and permitted on-site sewage system meeting applicable health district permitting and standards for the occupancy. The wastewater system must, at all times of occupancy, be maintained and operate as originally permitted.

(iii) Fire and life safety inspections shall be performed by the Fire Marshal's Office every other year. Self-inspections/certifications with a completed checklist provided by the Fire Marshal's Office for health and safety are encouraged to be completed by the property owner(s) annually.

(iv)- deleted

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

(vi) Owners applying for or receiving a valid short-term rental land use permit or a conditional use permit for short-term rental or event venue use must allow the director or designee to inspect or reinspect the property at reasonable times to determine initial compliance with subsections (3) and (4)(H) of this section. If complaints are received, or evidence is encountered indicating noncompliance with this chapter the department may reinspect the property at reasonable times. Denial of entry for inspection is grounds for immediate permit denial or revocation of all permits for short-term rental land use under this chapter pursuant to Section 16.20.040.

(I) A short-term rental permit for a code compliant short-term rental permitted according to subsection (4)(D) of this section is only transferable to a new owner under the provisions below.

(i) With a conforming short-term rental the permit is not transferable, even in the event of death or divorce of an owner.

(ii) A nonconforming short-term rental permitted according to the provisions of subsection (2)(E) of this section is allowed to transfer the existing permitted nonconforming status and currently issued operating permit to continue under a new owner one time within five years, except three years within the Manson urban growth area, of the effective date of the ordinance codified in this section (September 27, 2021) consistent with subsection (4)(I)(iii) of this section, and the new owner may continue to operate under the existing short-term rental permit for the remainder of the current registration year and renew permits and operate in subsequent years under the permitting requirements applicable to the original owner; provided, that within thirty calendar days of the property sale or transfer closing, the subject property's new owner wishing to transfer the short-term rental permit into their ownership has requested the transfer of the short-term rental permit from short-term rental staff at the Department and provided all requested materials to the department. The new owner shall provide signage and notification consistent with subsection (3)(G) of this section.

(iii) A transfer occurs when the property is transferred by a person or entity, to another person or entity, or when officers of entities are changed to remove any officer or add any new officer or officers, except that a transfer does not occur when officers are changed due to death where title is held in survivorship with a spouse or a transfer on the owner's death to benefit only a spouse or child(ren) for the lifetime of the spouse or child(ren). The survivor may not sell or transfer title, except that title may transfer among the survivors. A transfer also does not occur when due to divorce a former spouse's name is removed from the deed or entity.

(iv) No transfers of the existing nonconforming short-term rental status may occur other than as provided in this subsection (4)(I), and the second owner of a lawful permit transferred must obtain all required short-term rental permits and meet all applicable requirements of this chapter for all subsequent years beyond the current issued permit. If the property is transferred again, or is not issued a short-term rental permit in any subsequent years after initial transfer under this subsection (4)(I), the property loses its legal nonconforming status that would have applied to the original owner had they not transferred ownership.

(J) Approval Criteria.

(i) To receive approval or renewal, an owner must demonstrate to the satisfaction of the director that all approval criteria listed below have been satisfied:

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

(b) The short-term rental is consistent with density, location, and occupancy limitations of this section.

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

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

(e) The short-term rental is not the subject of current or outstanding code violations per Title 16.

(f) The short-term rental is considered non-conforming and is in full compliance with subsection (2)(E) of this section.

(g) The short-term rental has not been transferred in violation of subsection (4)(I) of this section.

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

(5) Enforcement.

(A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid short-term rental permit. Evidence of operation includes, but is not limited to, advertising, online calendars showing availability, guest testimony, online reviews, rental agreements, or receipts.

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

(6) Monitoring. The director shall report to the board of county commissioners on the status of short-term rental regulation implementation annually at the time the existing short-term baseline is reported per subsection (4)(D) of this section. The county may initiate a review or amendment pursuant to Chapter 14.13.

(A) The director may utilize a commercial monitoring and/or response service to assist with implementation of this chapter. (Res. 2021-120 (Att. A), 9/21/21; Res. 2021-95 (Att. A), 7/27/21).