

# Chelan County Short-Term Rentals

BOCC Draft June 2021

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## Introduction

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 have increased rapidly since 2014, especially in Leavenworth and Manson areas. See maps in Attachments A and B illustrating operating short-term rentals across the county as of early 2020, and data on short-term rentals in Attachment C.

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, and ultimately did not carry forward a draft at that time. The Board of County Commissioners desired to look at new code options in 2020. Between March and December 2020, the Planning Commission held meetings and hearings and made a recommendation, and the Board also held meetings and a hearing.

Due to the diverging interests of residents and short-term rental operators, the Board of County Commissioners established a Task Force comprised of three neighborhoods residents, three short-term rental operators, and three Planning Commission representatives (two current and one former member). The Task Force met between February and April 2021, and their recommendations presented to the Board in May 2021 are included in Attachment D.

Based on the results of the Task Force, prior draft codes before the Board of County Commissioner in December 2020 are amended in this document.

## Summary

The bullets below and flow chart highlight key features of the proposed code.

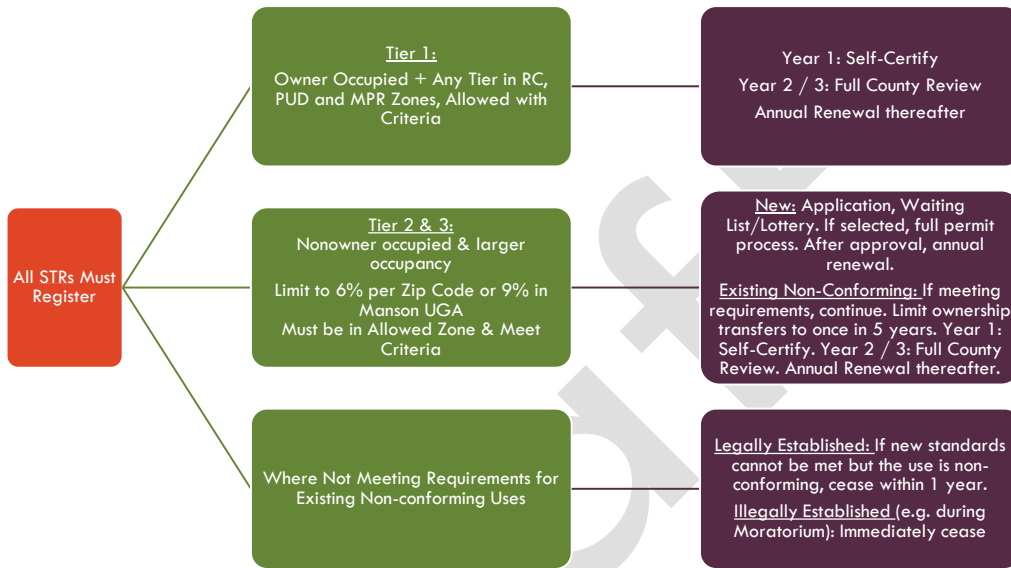
- **Zones Allowed:** The County Code includes a chart by zoning district identifying where permitted or conditionally permitted short-term rentals are allowed. Tier 1 owner-occupied short-term rentals are permitted in most zones as an accessory use in unincorporated County lands provided they meet operational standards and obtain a land use permit. Tier 2 short-term rentals are non-owner occupied, and are permitted in most zones but are further restricted based on lot size and distance. Tier 3 short-term rentals are those with larger occupancies (over 12 total guests) and would require conditional use permits in selected zones, must take highway access, and have similar restrictions on locations and numbers as Tier 2.
- **Number Allowed:** New non-owner-occupied units (Tier 2) and larger occupancy short-term rentals (Tier 3) could locate in unincorporated areas except for zip codes and Urban Growth Areas (UGAs) with more than 6% short-term rentals as a share of total units, or up to 9% in the Manson UGA. Also, due to community preferences, new short-term rentals would be limited in Peshastin UGAs and only

- 36 allowed in commercial zones. Developments specifically designed for short-term rentals (e.g. Planned  
37 Unit Developments and Master Planned Resorts) are not subject to the cap.
- 38 ▪ **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy,  
39 parking, noise, solid waste, adequate sewer and water, fire preparedness, access to a qualified  
40 person within 60 minutes, establishing a property management plan, etc.
  - 41 ▪ **Existing Units:** Existing Short-Term rentals would need to show they were operating prior to the  
42 moratorium and over 2019 or 2020 paid taxes consistent with state requirements. The date of the  
43 moratorium is August 25, 2020.<sup>1</sup> Existing short-term rentals would need to meet criteria regarding  
44 historic use as a short-term rental, proper payment of taxes, and compliance with operational  
45 standards. Permits would need to be obtained as well. Where non-conforming requirements cannot  
46 be met, there is a 1-year grace period and then the use must cease. If a short-term rental was  
47 established after the moratorium it is not considered non-conforming.
  - 48 ▪ **Permit Process:** All Tier short-term rentals must register and provisionally self-certify. Tier 2 and Tier  
49 3 Short-Term Rentals that can comply with the rules fully can enter either a waiting list or a lottery up  
50 to the undesignated cap; those selected would apply for a full permit with required inspections. To  
51 allow time to set up the permit review system, the first permit would include self-certification  
52 regarding compliance. Within the first or second year the County would require inspections and more  
53 detailed review. Thereafter, annual renewal would be based on self-certification and a more  
54 abbreviated review. Fees would be set to recover costs of permit reviews and inspections such as by  
55 the fire marshal, health district, etc.

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<sup>1</sup> Resolution 2020-86: <https://www.co.chelan.wa.us/files/community-development/documents/STR/Short-term%20Rental%20Moratorium.pdf>

56 **Figure 1. Proposed Short-Term Rental Regulation Process**



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58  
59

# Chelan County

## Draft Short-term Rental Code

DRAFT\_June 2021 | BOCC Review Draft

### Use Allowance Amendments

#### CHAPTER 11.04 DISTRICT USE CHART

##### 11.04.020 District Use Chart

(1) The use chart located on the following pages is made a part of this section.

(2) The following acronyms and notes 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.

- 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
- P(3) For short-term rentals newly permitted and first established after XXX, 2021 the minimum lot size requirement to establish a short-term rental is as provided in 11.88.290(2)(D).
- 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 —Subject to development standards in Chapter 11.93 and/or within this chapter

(3) Short-term rental land uses are commercial uses subject to all provisions of 11.88.290 except where expressly stated otherwise in this section.

District Use Chart

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

72 CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

73 **11.22.030 Permitted, Accessory and Conditional Uses**

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

80 (2) Short-term rental land uses are commercial uses subject to all provisions of 11.88.290 except where  
 81 expressly stated otherwise in this section.

82 (3) The following acronyms apply to the following use chart:

- Uses:  
 PRM = Permitted use  
 ACC = Accessory use  
 CUP = Conditional use —Subject to development standards in Chapter 11.93 and/or within this chapter  
 Where a cell is empty, the use is prohibited in that zone. All of these assume compliance with any and all development standards.

83

- 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

84

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

85 <sup>1</sup> In existing single-family residences only, as of July 1, 2008.  
 86 <sup>2</sup> Indoor facility only.  
 87 <sup>3</sup> Per CCC 11.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two  
 88 boarders, roomers, or lodgers is permitted as an accessory use.

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

89 CHAPTER 11.23 MANSON URBAN GROWTH AREA

90 11.23.030 DISTRICT USE CHART.

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

UR1	Urban Residential-1
UR2	Urban Residential-2
UR3	Urban Residential-3
CT	Tourist Commercial
CD	Downtown Commercial
MLI	Manson Light Industrial
UP	Urban Public

- 94
- 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

95 ~~(2) Short-term rental land uses are commercial uses subject to all provisions of 11.88.290 except where~~  
 96 ~~expressly stated otherwise in this section.~~

97 **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>				P <sup>1</sup>	P <sup>1</sup>		
Lodging Facilities <sup>3</sup>				P	P		

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

99 11.23.040 STANDARDS.

100 (3) ~~Vacation-Short-Term Rentals. Subject to 11.88.290 Short-Term Rentals. Vacation rentals, any unit~~  
 101 ~~being rented for less than thirty consecutive days, shall be permitted as identified in Section 11.23.030,~~  
 102 ~~District use chart. All vacation rentals shall receive an annual permit from January 1<sup>st</sup> to December 31<sup>st</sup>,~~  
 103 ~~under Title 14 limited administrative review, documenting conformance and agreement to conform to the~~  
 104 ~~following provisions:~~

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

<sup>3</sup> Through the Task Force process, the report indicated “Lodge permitted by CUP only in commercial zones.” However the focus of the Short-Term Rental code is to address these as commercial uses in residential zones primarily, and the proposal was not vetted with the Planning Commission.

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

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

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

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

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

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

120 ~~† Enforcement. Any violation of the provisions of this chapter is punishable pursuant to Title 16.~~  
121 ~~Enforcement actions may be brought against the owner of the vacation rental home for the conduct~~  
122 ~~constituting the violation.~~

## 123 Short-Term Rental Standards

### 124 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

#### 125 11.88.290 Short-Term Rental Regulations

##### 126 (1) PURPOSE

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

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

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

141 (C) The provisions of this chapter are necessary to promote the public health and safety by  
142 protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the  
143 nuisance impact of short-term rentals on adjacent residences and by minimizing the detrimental  
144 impact of excessive short-term rentals on the affordable housing supply.

145 (D) The provisions of this chapter are necessary for consistency with the goals and policies of the  
146 Chelan County Comprehensive Plan including but not limited to,

147 (i) Land Use Element considerations of commercial and residential development that  
148 provides sustainable economic opportunity while limiting localized sprawl, maintaining  
149 community character, and providing employment opportunities for residents, and  
150 anticipating future needs.

151 (ii) Housing Element goals and policies including, but not limited to, appropriate placement  
152 of vacation rentals to avoid impacting neighborhood character<sup>4</sup> and housing stock,  
153 accessibility to affordable housing for all residents, providing for a variety of residential  
154 housing types and densities, and supporting regulatory changes that promote affordable  
155 housing options in all locations in the county.

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

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

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

162 (i) Tier 1: Owner-occupied short-term rentals where either (a) rooms are rented and the  
163 owner is personally present at the dwelling during the rental period, or (b) the short-term  
164 rental is located within the same parcel as the owner's principal residence and the owner  
165 is personally present at the dwelling during the rental period, or (c) the entire dwelling is  
166 rented no more than 15 total days in a calendar year provided that an on-site qualified  
167 person is there during the owner's absence. Portions of calendar days shall be counted as  
168 full days.

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

171 (iii) Tier 3: Short-term rentals may be either non-owner occupied, or owner occupied, and  
172 exceeding occupancy limits applicable to Tier 1 and Tier 2 units as identified in CCC  
173 11.88.290(3) No short-term rental may operate as a Tier 3 short-term rental without  
174 meeting all Tier 3 provisions as applicable to their property under the requirements found  
175 within this chapter.

176 (iv) Existing non-conforming short-term rentals must comply with the provisions of  
177 Subsection (3)(B) below.

**Commented [JB1]:** STR request allow LT renter to rent (sublet) as an STR. Neighborhoods have been clear they will not support subleasing. This does add even more layers of complexity for who is responsible for what.

**Commented [LG2R1]:** Retain language as is.

**Commented [JB3]:** Still need address subleasing.

**Commented [LG4R3]:** Owners - retain.

**Commented [JB5]:** STR input that they believe occupancy limits should be waived for grandfathered. Change to "new"? Policy call.

**Commented [LG6R5]:** Keep applicable to all.

<sup>4</sup> Relates to Policy H 2.4 that is directly relevant to this proposed code.



178 (B) Tiered Permits and Numbers Allowed.

179 (i) Tier 1: New Short-term rentals are allowed where permitted per Subsection (C).

180 (ii) Tier 2 and Tier 3:

181 (a) New Tier 2 and 3 short-term rentals cannot be located where short term rentals  
182 make up more than the maximum share of the total housing stock in residential  
183 zoning districts listed in the table below. This is the maximum share of short-term  
184 rentals in residential zones within zip codes or within urban growth areas where  
185 the use is expressly allowed. Leavenworth subareas are identified based on the  
186 boundaries in Attachment B. If the share equals or exceeds this level, no new short-  
187 term rentals are allowed until the total number falls below this maximum limit.

188 Maximum Share of Short-Term Rentals

<u>Area</u>	<u>Name of Area</u>	<u>Maximum Share of Short-Term Rentals*</u>
<u>Zip Code 98826</u>	<u>Leavenworth</u>	<u>6%</u>
<u>Subarea 1</u>	<u>Lake Wenatchee</u>	<u>6%</u>
<u>Subarea 2</u>	<u>Plain</u>	<u>6%</u>
<u>Subarea 3</u>	<u>Leavenworth</u>	<u>6%</u>
<u>Other Zip Codes</u>	<u>Each individually</u>	<u>6%</u>
<u>Urban Growth Area</u>	<u>Manson</u>	<u>9%</u>
<u>Urban Growth Area</u>	<u>Peshastin</u>	<u>0%</u>
<u>City Assigned Unincorporated Urban Growth Areas</u>	<u>Each individually</u>	<u>6%</u>

189 *\* Maximum Percent Share of Short-Term Rentals in Residential Zones as part of Total Housing Stock.*

190 (b) To calculate the maximum share of short-term rentals in subsection (B)(ii)(a),  
191 total dwelling units must be determined based on the latest annual count of total  
192 housing units by the State of Washington Office of Financial Management, or  
193 another state or county agency that tracks Chelan county housing inventory. Short-  
194 term rental percentages must be determined at the time the number of allowed  
195 short-term rentals is determined per Subsection (4) of this section.

196 (c) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the  
197 maximum cap in (a): Rural Commercial zoned Districts, Manson and Peshastin  
198 Urban Growth Areas Commercially zoned districts, Planned Unit Development  
199 Overlay Districts expressly permitting short-term rentals, or Master Planned Resorts  
200 Overlay Districts.

201 (d) Share calculation in the Manson and Peshastin for Cities and Urban Growth  
202 Areas is are calculated separately and independently from other zones or overlay  
203 area, even if within a same areas within the same zip code or a designated  
204 subarea of a zip code, and one calculation does not affect the maximum allowed  
205 share of short-term rentals for the other.

206 (iii) Existing non-conforming short-term rentals of any Tier level are not subject to the  
207 limitations in Subsection (2)(B) provided they comply with all the provisions of Subsection  
208 (2)(E) below.

Commented [LG7]: (d) Share calculation for Cities and Urban Growth Areas are separate 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.

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

210 (i) Section 11.04.020 applicable to all Rural and Resource Designations, except as limited  
211 in Subsection (2)(B).

212 (ii) Section 11.22.030 applicable to the Peshastin Urban Growth Area, except as limited  
213 in Subsection (2)(B).

214 (iii) Section 11.23.030 applicable to the Manson Urban Growth Area, except as limited in  
215 Subsection (2)(B).

216 (iv) The Board of Chelan County commissioners adopts the cities of Cashmere, Chelan,  
217 Entiat, Leavenworth, and Wenatchee land use regulations, development standards and  
218 land use designations, as they apply to short term or vacation rentals of 30 days or less,  
219 within the county adopted unincorporated urban growth area respecting each city as it is  
220 now or is hereafter amended for the cities of Cashmere, Chelan, Entiat, Leavenworth, and  
221 Wenatchee, provided that, any city regulation requiring acquisition of a business license  
222 is not adopted nor incorporated as a county regulation and that instead a Conditional Use  
223 Permit may be required, and the County's review procedures in this Subsection 11.88.290  
224 must control.

225 (v) Existing non-conforming short-term rentals of any Tier level are not subject to the  
226 limitations in Subsection (2)(C) provided they comply with all the provisions of Subsection  
227 (2)(E) below and any other applicable provisions

228 (vi) Applications for a new Tier 3 short-term rental permit required by a District Use Chart  
229 in Chapter 11.04 to have a Conditional Use Permit (CUP) shall have the CUP processed  
230 consistent with Chapters 14.10 and 11.93, and shall have the use conditioned for  
231 approval based upon the applicable requirements contained within 11.88.290. A Tier 3  
232 short-term rental CUP is annually renewable and administratively reviewed under the  
233 provisions of 11.88.290(4), provided the permit is non-transferable under the restrictions  
234 contained within 11.88.290(4)(l).

235 (D) Lot Size and Lot Location Standards

236 (i) Minimum lot sizes for new conforming short-term rentals set forth in this Subsection are  
237 the minimum necessary and shall not be subject to reduction pursuant to Chapter 11.95  
238 variances, Chapter 11.97 non-conforming lots, structures, and uses, Chapter 11.98  
239 reasonable use, nor subject to administrative modification. The following minimum lot sizes  
240 shall be required to establish a Tier 2 or Tier 3 short-term rental in zoning districts where  
241 short-term rentals are permitted or conditionally permitted:

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

<u>Zone</u>	<u>Tier 2</u>	<u>Tier 3</u>
<u>RR20</u>	<u>10</u>	<u>10</u>
<u>RR10</u>	<u>10</u>	<u>10</u>
<u>RR5</u>	<u>5</u>	<u>5</u>
<u>RR2.5</u>	<u>2.5</u>	<u>Not allowed</u>
<u>RRR</u>	<u>0.275</u>	<u>Not allowed</u>
<u>RVV</u>	<u>0.275</u>	<u>Not allowed</u>
<u>RV</u>	<u>0.275</u>	<u>Not allowed</u>

243 (ii) New conforming Tier 2 short-term rentals in all residential zones cited in subsection (D)  
244 and within the Manson UGA shall be located a minimum of 200 feet apart as measured  
245 from all points of the existing short-term rental structures to proposed short-term rental  
246 structures. This distance shall not be subject to reduction pursuant to Chapter 11.95  
247 variances, Chapter 11.97 non-conforming lots, structures, and uses, Chapter 11.98  
248 reasonable use, nor subject to administrative modification.

250 (iii) Proposals for new conforming Tier 3 short-term rentals shall be located on sites with  
251 direct access off of functionally classified highways consistent with the Chelan County  
252 Transportation Element of the Comprehensive Plan. Access shall be consistent with CCC  
253 15.30.330. Direct access means either parcel frontage or driveway access from the  
254 highway right of way.

255 (iv) Existing non-conforming short-term rentals of any Tier level are not subject to the  
256 limitations in Subsection (2)(D) provided they comply with all the provisions of Subsection  
257 (2)(E) below.

258 (E) Existing Short-Term Rentals:

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

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

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

267 (c) That the short-term rental meets all requirements of Subsection (3) within one  
268 year of the effective date of this ordinance, provided that all ~~legally required~~  
269 health and safety provisions are met within 90 days of the effective date of this  
270 ordinance, except that in the Manson Urban Growth Area, all health and safety  
271 provisions shall be met on the effective date of this ordinance; and

272 (d) That the short-term rental operator has obtained the required land use permits  
273 within the time requirements in Subsection (4); and

274 (e) Liability insurance shall be obtained within 90 days of the effective date of this  
275 ordinance ~~(XXX 2021)~~ per Subsection (3)(N); and

276 (f) If located inside of the Manson Urban Growth Area, documentary evidence  
277 that the short-term rental was properly registered as a vacation rental with Chelan  
278 County per 11.23.040 as of August 25, 2020, or that the short-term rental owner  
279 held a vacation rental license at any time since inception of the Manson UGA  
280 vacation rental licensing process and actually operated as a short-term rental in  
281 the years 2019 or 2020. For short-term rentals without a consistent vacation rental  
282 permit history, but which operated in the years 2019 or 2020, the County shall;  
283 require the payment of double permit fees for each prior year of rental operation  
284 without a vacation rental license within the Urban Growth Area. This documentary  
285 evidence also satisfies the requirements found in (2)(E)(i)(a) above.

Commented [JB8]: Per workshop discussion, if you wish to adopt that focused approach. ALSO, STR group commented in support.

Commented [LG9R8]: Okay with changes on taxes and timely.

Commented [JB10]: What is "timely", and how do we determine. If it was paid, isn't that enough? One more thing to somehow verify.

Commented [JB11]: Clarifies we are talking about laws.

Commented [LG12]: Or 11.93 as it existed in Manson otherwise meet per 90 days per rest of county.

Commented [JB13]: Rewards those who knew and didn't renew after even one year?

Commented [LG14R13]: include 2018 as a year of record pre-COVID.

Commented [JB15]: See note below.

Commented [JB16]: Do we need this language? What does it capture?

Could strike these two and just provide penalty option to get current, along with an affidavit under penalty that the years they represent as operating are the ONLY years they operated? But proof? STR comments on this as well

286 (ii) Non-conforming Short-Term Rental Units Restricted Zones, or by Parcel Size, Numbers  
287 Allowable, or Rental Standards.

288 (a) Except as provided in (2)(E)(iii) and (iv) below, where a zone, parcel size, or  
289 percentage of overall housing inventory cap by zip code or urban growth area  
290 does not expressly allow new short-term rental units as of XXX, 2021 according to  
291 CCC Sections 11.04.020, 11.22.030, 11.23.030, 11.88.290(2)(B), (2)(D), and (3)  
292 only those short-term rentals that existed pursuant to (2)(E)(i)(b) and (f); will be  
293 allowed to operate. Provided that consistent with the short-term rental property  
294 must meet all criteria in Subsection (2)(E)(i) above and meet the occupancy  
295 requirements of Subsection (2)(A), to continue to operate as legally non-  
296 conforming.

297 (b) Except for coming into further conformance with this chapter, all non-conforming  
298 short-term rental properties may not otherwise be changed, altered, extended, or  
299 enlarged in a manner requiring a permit issued under Chelan county codes, without  
300 first ceasing rental operation and surrendering to the county any current existing  
301 short-term rental permits, and in doing so losing legal non-conformance status as a  
302 short-term rental. Properties found in violation of this Subsection may be subject to  
303 immediate revocation of all short-term rental permits and shall lose any legally  
304 non-conforming status as a short-term rental, except a permit may be issued to  
305 repair unexpected damage from a natural or human caused event provided the  
306 repair is that which is minimally required to maintain the former conditions of the  
307 rental as it existed prior to the damage. Appeal provisions within Title 16 and  
308 Chapter 14.12 apply.

309 (c) If the non-conforming short-term rental cannot comply with criteria, grace  
310 period, and timelines in Subsection (2)(E)(i) above, it must cease operating, no later  
311 than one year from the effective date of this Ordinance (XXXX, 2021), subject to  
312 appeal under Title 16 and Chapter 14.12. Short-term rentals that began  
313 operation after the Moratorium in Resolution 2020-104 must cease immediately  
314 per subsection (e) subject to appeal provisions under Title 16 and Chapter 14.12.

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

318 (e) Any short-term rental property that has an unresolved written notice of  
319 violation for short-term rental use, received on or before August 25, 2020, or that  
320 operated as a short term rental contrary to the August 25, 2020 Chelan County  
321 short-term rental moratorium Resolution 2020-86, or subsequent rental moratorium  
322 resolutions 2020-104 and 2021-20, or upon permit application is found to have  
323 an existing zoning, land use, or building permit violation, shall not be considered a  
324 legally non-conforming use. Such short term rental is not subject to a grace period  
325 for continued operation and must immediately cease all short-term rental uses of  
326 the property on the effective date of adoption of this code and are subject to the  
327 property on the effective date of adoption of this code and are subject to the

**Commented [JB17]:** STR comment. Not fully addressed from their suggestion, but clarified by restructuring paragraph.

**Commented [JB18]:** STR group recommend strike entire paragraph in recognition of 11.97.015 general non-conforming reg.

DID NOT CHANGE. Suggest retain explicit clarity in the STR code.

**Commented [LG19]:** 2020-86, or subsequent rental moratorium resolutions 2020-104 and 2021-20

**Commented [JB20]:** Add appeal provision.

provisions of Title 16 CCC, provided that the appeal provisions of Title 16 and chapter 14.12 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), shall be considered legal nonconforming according to Chapter 11.97 CCC, provided the short-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) above. ~~Those vacation rentals that cannot meet criteria in Subsection (F)(i) by the end of the grace period of one year from the effective date of this ordinance (XXX, 2021) shall be subject to permit termination under the grace period provisions found in paragraph (ii) above, and lose their legally non-conforming status subject to appeal provisions under Title 16 and Chapter 14.12.~~

(iv) Non-conforming Short-Term Rental Units in Peshastin UGA. Existing non-conforming short-term rental units of any Tier ~~are not an allowed use within the residential zones in the Peshastin UGA~~ are subject to the provisions of 11.88.290(2)(E)(i) and (2)(E)(ii). ~~Any existing non-conforming short-term rental in the Peshastin UGA must immediately cease operation upon adoption of this code.~~

(v) A non-conforming short term rental can only become a conforming short term rental by first providing an affidavit stating they wish to cease being a non-conforming 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.

Commented [JB21]: Redundant from above.

Commented [LG22R21]: Okay

Commented [JB23]: STR comment and also CDD Director research. Recommend change. Would ALLOW non-conformances to operate as the same with other county zones properties.

Commented [LG24R23]: For consistency with other areas

Commented [JB25]: Suggest add. Absolute clarity that non-conformance cannot morph into conformance outside of full code compliance. Eventually all non-conforming should be gone through attrition, and only the current permitting and standards would apply.

Commented [LG26R25]: Okay

(3) SHORT-TERM RENTAL STANDARDS

(A) Primary or Accessory Residence.

(i) Short-term rentals must be operated out of an owner's main house 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, which may be in either the main house or the accessory dwelling unit but not both. 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 (ii) above 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 11.22.020, 11.22.030, or 11.23.030.

(B) Occupancy.

(i) The number of 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.

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

**Commented [JB27]:** Conforming have to confirm this prior to permitting.

370 (b) Where the operator can prove that actual septic flow or water consumption  
371 per guest is lower than assumed for septic design purposes, a commensurate  
372 increase in the number of allowed bedrooms, rounded to the nearest half  
373 bedroom, shall be allowed.

**Commented [JB28]:** STR owners want this added. We are following the CDHD standards, so how/why would we deviate from the SFR requirements?

374 (ii) Tier 1 and Tier 2 Occupancy limits.

**Commented [LG29]:** Potentially exclude children under 2 years old.

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

377 Tier 1: a total of 8 guests including children, but excluding owner

**Commented [JB30]:** Strike: Already says guests, so presumes it excluded the owner.

378 Tier 2: a total of 12 guests including children.

379 Tier 3: a total of 16 guests including children.

380 (b) Daytime Occupancy.

381 Tier 1: At no time shall the total number of persons at a short-term rental  
382 exceed 8 persons, including children, but excluding owner.

383 Tier 2: At no time shall the total number of persons at a short-term rental  
384 exceed 12 persons, including children.

385 Tier 3: At no time shall the total number of persons at a short-term rental  
386 exceed 16 persons, including children, but excluding the owner, if one resides  
387 on the property.

**Commented [JB31]:** Some large STRs may have owner present.

388 (c) A Tier 1 or Tier 2 short term rental owner that wants to exceed this daytime  
389 occupancy limit must apply for and receive a Conditional Use Permit and satisfy  
390 all the Conditions of Approval, becoming a Tier 3 short term rental for purpose of  
391 this Chapter, and must complete all the requirements as provide in Paragraph  
392 (3)(B)(iii)(b) below.

393 (iii) Tier 3 Exceeding Daytime Occupancy limits.

**Commented [JB32]:** There was a lot of redundancy and confusion about this when really, a property already can apply for a CUP for PPPA use, whether an STR or not. This just clarifies those standards apply to the CUP AND apply the access piece if in the context of a STR.

394 (a) Exceeding Daytime Occupancy. In order for a short-term rental of any Tier level to  
395 exceed total daytime occupancy limits contained in section (3)(B)(ii) above to host  
396 events such as weddings, gatherings, or retreats an operator must either take access  
397 from a highway consistent with 11.88.290(2)(D)(iii), or be located in a commercial  
398 zone to exceed total daytime occupancy limits contained in section (3)(B)(ii) above,  
399 and an operator must first obtain a Conditional Use Permit and satisfy all the  
400 Conditions of Approval consistent with CCC 11.93.315 Places of Public and Private  
401 Assembly before operation, provided that the zone allows short-term rentals as a  
402 permitted, or conditionally permitted use and meets all other short-term rental  
403 requirements of this section provided that overnight occupancy is limited to 16 persons  
404 including children, and shall not have more than two guests per bedroom. All other  
405 applicable criteria of CCC Chapter 11.93 shall be met.

406 (b) Short-term rentals may exceed occupancy limits of 11.88.290(3)(B)(ii) above and  
407 may contain group facilities designed to host events such as weddings, gatherings, or

408 retreats provided an operator must either take access from a highway consistent with  
409 11.99.290(2)(D)(iii), or be located in a commercial zone. In addition the Tier 3  
410 applicant must first obtain a Conditional Use Permit and satisfy all Conditions of  
411 Approval consistent with CCC 11.93.315. ~~Place of public road access.~~

412 (c) Facilities exceeding overnight occupancies of 16 persons are considered lodging  
413 facilities that must meet the requirements of that zone and use.

414 (C) Parking.

415 (i) One off-street patron parking space in addition to the residential parking  
416 requirements, not located within a setback and not within any recorded access easement,  
417 shall be provided for each bedroom consistent with the provisions of Chapter 11.90.

418 (ii) The number of vehicles allowed at the short-term rental must be limited to the number  
419 of bedrooms plus one; this requirement must be included in the Property Management Plan  
420 per Section (3)(K) provided that a Tier 3 rental may exceed these limits for hosted events  
421 if a Conditional Use Permit has been obtained and all Conditions of Approval have been  
422 satisfied consistent with CCC 11.93.315.

423 (iii) Unlawful or unsafe parking by short-term rental tenants and guests, owner joint  
424 liability if violation not abated. Qualified Persons or Owners of short-term rental  
425 properties notified of unlawful or unsafe complaints related to their short-term rental  
426 tenants, or their guests are responsible to promptly abate the parking complaints  
427 emanating from their property for non-compliance with (i) and (ii) above, or for parking  
428 on the property of a neighbor without express permission, or blocking the access to that  
429 neighboring driveway, or preventing their unobstructed use of that neighboring property.  
430 If the owner fails to cause the parking complaint to be abated within 60 minutes of  
431 notification of the complaint, he is subject to the enforcement penalties jointly and  
432 severally with the renter, or guest creating the parking violation under this Chapter and  
433 Title 16.

434 (iv) Repeat violations. ~~Repeated~~ Two violations within six months of parking violations on  
435 or adjacent to the same property may be subject to additional penalties under Chapter  
436 16.20, up to and including revocation of the short-term rental land use permits under  
437 16.20.0430.

438 (D) Garbage.

439 (i) Trash containers must be provided. Trash must be in proper containers on collection day.  
440 Trash must be managed in compliance with CCC Chapter 4.04 Garbage. This requirement  
441 must be included in the Property Management Plan per Section (3)(K) and good neighbor  
442 guidelines per Subsection (3)(M).

443 (E) Noise.

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

446 (ii) Public disturbance noise complaints. Renters are subject to the provisions of Chapter  
447 7.35. Owners of short term rental properties notified of complaints are responsible to  
448 promptly abate public disturbance noise complaints on their property. If the owner fails

**Commented [JB33]:** STR commenters want this extra space stricken. Jim recalls dialogue in PC about "responsible party, or owner would need a place to park if called there. See 11.90 tables. May not need? May make more homes less likely to meet requirement.

**Commented [JB34]:** Citizen advised of this concern and it made sense to clarify it isn't just about public road parking.

**Commented [JB35]:** Another reference.

449 to cause the noise to be abated within 60 minutes of notification of the complaint, he is  
450 subject to compliance with Chapter 7.35 and the enforcement penalties jointly and  
451 severally with the renter creating the public disturbance noise.

452 (iii) Repeat violations. ~~Repeated~~Two violations within six months of public disturbance  
453 noise violations on the same property may be subject to additional penalties under  
454 Chapter 16.20, up to and including revocation of the short term rental land use permits  
455 under Section 16.20.0430.

456 (F) Trespass.

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

461 (ii) Trespass by short-term rental tenants and guests, owner joint liability. Qualified  
462 Persons or Owners of short-term rental properties notified of trespassing complaints  
463 related to their short-term rental tenants, or their guests are responsible to promptly  
464 abate trespass complaints emanating from their property. If the owner fails to cause the  
465 trespass to be abated within 60 minutes of notification of the complaint, he is subject to  
466 the enforcement penalties jointly and severally with the renter, or guests creating the  
467 trespass under Chapter 7.32.030 and Title 16.

468 (iii) Repeat violations. ~~Repeated~~Two violations within six months of trespass violations on  
469 or adjacent to the same property may be subject to additional penalties under Chapter  
470 16.20, up to and including revocation of the short term rental land use permits under  
471 16.20.0430.

472 (G) Signs.

473 (i) All owners or operators must display and maintain the address of the residence so that  
474 it is clearly visible from the street or access road in compliance with CCC 10.20.520  
475 requirements. The rental must also display and maintain an additional sign outside  
476 identifying the property as short-term rental and displaying the name and contact phone  
477 number of the qualified person listed in Subsection (4)(J) below. The sign must be made of  
478 natural materials not exceeding two square feet in area and if illuminated, must be  
479 indirectly illuminated, and letters and numbers must at a minimum four inches in height.

480 (ii) Placement of the sign.

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

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

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



490 the sign.

491 (iv) The Director ~~may shall~~ allow annual mailings to neighboring properties and an interior  
492 posted notice for tenants in lieu of an exterior sign where a property's size and visibility  
493 make an exterior sign ineffective.

**Commented [JB36]:** STR commenter concerns about calling attention to property, especially when unoccupied. "Rob me" sign, in effect.

494 (H) Consumer Safety.

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

498 (I) Fire Safety and Outdoor Burning.

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

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

511 (J) Qualified Person.

512 (i) The owner or operator must provide the name, telephone number, address, and email  
513 of a qualified person or their designee (which can be a person or company) who can be  
514 contacted concerning use of the property and/or complaints and can respond, personally  
515 or through a designee, to the property within 60 minutes to complaints related to the  
516 short-term rental consistent with the requirements of this section. The owner or operator  
517 must provide a valid telephone number where qualified person can be reached 24 hours  
518 per day, every day the property is rented.

**Commented [JB37]:** STR commenters request. Policy call.

519 (ii) Failure to have a Qualified Person available to respond when contacted, or a failure  
520 to abate any complaint regarding a rental code standard under Subsection 3 of this  
521 Section by the Qualified Person or owner within 60 minutes is a violation under this  
522 Subsection and subjects the owner to the civil penalties provided in 16.20.030.

523 (ii) Repeat violations. A second subsequent violation within 12 months of the previous  
524 violation of failing to have a qualified person available or to respond to a complaint, is  
525 grounds for revocation of the short-term rental permit under 16.20.0430.

526 (K) Property Management Plan.

527 (i) Short-term rentals must maintain an up-to-date property management plan on file with  
528 the Chelan County Community Development Department. The property management plan  
529 must include the following:

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

535 (b) Provide the unified business identifier number, and the names and addresses of  
536 the property owner;

537 (c) Designate a qualified person and provide contact information consistent with  
538 (3)(j) ; and

539 (d) Provide information required for Consumer Safety per (3)(H) and RCW  
540 64.37.030 and fire protection plan per (3)(I).

541 (e) All units must have an operable landline or Voice Over Internet Protocol (VOIP)  
542 telephone installed to aid in emergency response, and the dwelling recorded in  
543 "Rivercom" data base. The address and phone number of the property and the  
544 contact phone number for the qualified person shall be prominently displayed  
545 near the phone. If land line or VOIP is not available at the site, the Director may  
546 at his discretion allow the owner or operator of the short-term rental to use an  
547 alternative means of direct phone communication, as long as the communication  
548 device is fixed at the location and the phone number is not changed within the  
549 annual permitting period. This phone number shall be noted on the permit  
550 application and the property management plan. Renter-owned or possessed  
551 mobile phones shall not be used in place of this requirement.

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

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

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

557 (i) The plan must be kept up to date at the time of the annual permit and include  
558 the annual permit number per Subsection (L).

559 (j) The plan must include the Good Neighbor Guidelines per Subsection (M).

560 (L) Annual Permit Number.

561 (i) The owner or operator must include the Chelan County land use permit number for the  
562 short-term rental in all advertisements (AirBnB, VRBO, Craigslist, poster, etc.) and  
563 marketing materials such as brochures and websites.

564 (M) Good Neighbor Guidelines.

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

570 (N) Liability Insurance.

571 (i) A short-term rental owner or operator must maintain primary liability insurance  
572 consistent with RCW 64.37.050.

573 (O) Taxes.

574 (i) The owner or operator must comply with CCC Chapter 6.30 Lodging Tax, and other  
575 local sales taxes and state hotel/motel and sales taxes in accordance with the Department  
576 of Revenue.

577 (4) LAND USE PERMITS

578 (A) Land Use Permit Required.

579 (i) No short-term rental owner or operator may advertise, offer, operate, rent, or  
580 otherwise make available or allow any other person to make available for occupancy or  
581 use as a short-term rental without a valid short-term rental administrative land use permit  
582 issued by the Director or a Conditional Use Permit approved by the Hearing Examiner  
583 pursuant to Chapter 14.10. All dwelling units on a single parcel shall be reviewed  
584 concurrently in the same application.

585 (ii) All uses on the property must fully comply with CCC Title 11 and the property may not  
586 have existing unresolved Chelan County code violations under Title 16 in order to be  
587 eligible to apply for a short term rental land use permit under this chapter.

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

589 (i) The department shall by September 1 of each year, mail a renewal reminder notice to  
590 the permitted owner or operator, sent to the postal address or the email address on file  
591 reminding of the renewal requirement of the rental permit requirement.

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

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

594 (iv) All permit renewal applications must be received by October 31 of the preceding  
595 year.

596 (a) At their discretion the Director may, upon showing of a hardship reason for  
597 applicant's delay, accept permit renewal applications received after October  
598 31 but before December 31 of the same year and may assess double the  
599 normal fees for permitting, provided the short-term rental may not continue  
600 operation past December 31 until the permit application is approved and a  
601 permit issued.

602 (b) Permit renewal applications received after December 31 will not be accepted,  
603 and the short term rental must immediately cease operations on January 1 of  
604 the following year. The owner and property loses any vesting to continue  
605 operation as a legally conforming or non-conforming short term rental under  
606 this chapter. Expired short term rentals under this Subsection are then subject  
607 to the housing cap provisions of 11.88.290(2)(B) and must apply as a new

**Commented [JB38]:** STR commenters that this is excessive. Policy call.

short term rental if all other provisions of 11.88.290 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. Fees consistent with CCC 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 permit application.

**(D) Application Acceptance and Evaluation.**

(i) All existing non-conforming Tier 1, Tier 2, or Tier 3 short-term rentals operating as of dates established in (2)(E) and subject to Resolution 2020-86, or subsequent rental moratorium resolutions 2020-104 and 2021-20, shall pay a fee and register on a department registration provisional self-certification form by January 31, 2022. 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 will not be considered as an existing and non-conforming short-term rental use under this Section and forfeit any claim of non-conforming short term rental use status under this Section, subject to appeal provisions under Title 16 and Chapter 14.12.

(a) All existing non-conforming short-term rental owners wishing to continue short term rental land use operation past their initial current year registration for the 2022 calendar year, shall also apply for a short term rental permit for the current year on a provisional self-certification form no later than January 31, 2022. This self-certification form serves as the first-second provisional short term rental permit application.

(ii) Within the first calendar year of implementation or not later than December 31, 2022, the Director may upon review for accuracy, completeness, and code compliance, provisionally approve a Tier 1 short-term rental property, or any existing non-conforming Tier 1, 2, or 3 short-term rental property as provided in 11.88.290(2)(E), for an initial short-term rental administrative land use permit subject to the owner completing a self-certification form in (4)(D)(i)(a) above provided that inspections in Subsection (4)(H) are accomplished prior to the first renewal thereafter.

(a) Non-conforming Tier 3 short term rentals must also apply for any required conditional use permit within the first calendar year of provisionally permitted operation. At the discretion of the Director, a Tier 3 short term rental requiring a Conditional Use Permit may obtain a provisional land use permit for a second consecutive year if the owner can demonstrate that they have an accepted complete Conditional Use Permit application under review and consideration by October 31 of the first year.

(b) At the discretion of the Director a non-conforming Tier 3 short term rental may receive a third and final provisional land use permit if a Conditional Use Permit has been issued, but the owner is currently in the process of complying with all the conditions of approval, provided all Conditions of Approval of the

**Commented [JB39]:** Clarify by adding this.

**Commented [JB40]:** This was confusing, had lost whatever original intent over time, and relevant pieces added to the paragraph above.

**Commented [JB41]:** Non-conforming is being allowed to operate. They do not need a CUP unless it falls under existing PPPA under 11.93. They can't act as a PPPA until they get that anyway. A new T3 requiring CUP to operate already would need that BEFORE operation by this code.

use permit must be satisfied by October 31 of the third year of operation in order to be eligible to apply for subsequent year short term rental land use permits.

(iii) 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 11.88.290(2).

#### WAITING LIST OPTION

(a) Permit applications, or reservations for application appointments, will be taken on a first come, first served basis at the Community Development office starting at 9:00 AM on the published date allowing permit submission. The number of permit applications accepted will 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). Once the limit on the number of applications has been reached, the window of time for submission shall be closed for that year.

(b) The Director shall annually by March 15 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 1 and July 31, 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) is not exceeded.

#### LOTTERY OPTION

(a) The Director shall annually by March 15 determine the share of short-term rentals to the overall housing stock in each of the unincorporated zip codes and urban growth areas. 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) is not exceeded, the Director shall accordingly schedule an application period for new short-term rentals for April 1 to May 31.

(b) Permits submitted in (a) will be entered into a lottery. The lottery shall be scheduled annually between June 15 and July 31. The lottery must be conducted at a public meeting after the publishing of a legal notice a minimum of 10 days prior to the lottery. The number of issued permits selected by lottery will not exceed the number allowed per the applicable cap in subsection (2)(B). Selected permits remain valid until such time as an annual renewal is required.

(c) If the number of applicants for the available number of permits is less than the number of permits available, the permits will be issued on a first come first served basis.

(d) 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 selection.

**Commented [JB42]:** We didn't have a clear Tier 1 reference. The 11.88.290(2) covers those are viewed differently than T2+T3.

**Commented [JB43]:** STR group states preference for waiting list. Provides more predictability.

690 (e) An application must be complete before a permit is issued. Any applicant who  
691 does not complete the required application forms, complete any required  
692 inspections or other processes contained within this chapter, and fully submit any  
693 required supplemental information, or correct any deficiencies as- requested by  
694 the department by any required deadlines, including application for any required  
695 Conditional Use Permits, or upon application review is found to have knowingly  
696 provided false information, or the applicant or property is found to be out of  
697 compliance with this or other titles of Chelan County land use or development  
698 codes, is ineligible for a short term rental permit. The applicant shall not receive  
699 any further processing of their application. -Once denied, the applicant shall not  
700 be eligible for rental permit application until such time as the owner can show  
701 compliance with Chelan County regulations.

702 (f) All application fees are non-refundable.

703 (E) Term.

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

708 (F) Forms and Procedures.

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

712 (G) Nonuse.

713 (i) All short-term rentals must operate under a current short-term rental land use permit  
714 regardless of nonuse. If a property has not been rented in a twelve-month period,  
715 renewal of short-term rental land use permit must still be met to maintain the validity of  
716 the permit.

717 (H) Fire, safety, health, short term rental standards, and building codes compliance, and  
718 inspections.

719 (i) Fire and Emergency Safety and Short Term Rental Standards. Prior to approving the  
720 initial short-term rental permit, the applicable fire district or community development  
721 personnel must perform a life-safety and applicable short term rental or conditional land  
722 use permit standards inspection, except as provided under Subsections (H)(iv) and (H)(v).

723 (ii) Wastewater. Each applicant shall demonstrate to the satisfaction of the Director they  
724 have a properly functioning and permitted onsite sewage system meeting applicable  
725 Health District permitting and standards for the occupancy. The wastewater system must,  
726 at all times of occupancy, be maintained and operate as originally permitted.

727 (iii) The Director may waive inspections under Subsections (H)(i) and (H)(ii) associated with  
728 the initial short-term rental permit if the owner provides a notarized affidavit from the  
729 applicable fire district or fire marshal or Chelan-Douglas Health District that the short-term  
730 rental complies with applicable requirements in Subsections (H)(i) and (H)(ii).

Commented [JB44]: STR group requests 90 days to correct.

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

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

737 (vi) Owners applying for or receiving a valid short term rental land use permit or a  
738 Conditional Use Permit for short term rental or event venue use must allow the Director or  
739 designee to inspect or reinspect the property at reasonable times to determine initial  
740 compliance with Subsections (3) and (4)(H) of this chapter. If complaints are received, or  
741 evidence is encountered indicating non-compliance with this chapter the department may  
742 reinspect the property at reasonable times. Denial of entry for inspection is grounds for  
743 immediate permit denial or revocation of all permits for short term rental land use under  
744 this chapter pursuant to CCC Title 16.20.0430.

745 (I) A short-term rental permit for ~~conforming a code compliant short-term rentals permitted~~  
746 according to (4)(D) is only transferable to a new owner under the provisions below.

747 (i) With a conforming short term rental, the permit is not transferable, even in the event of  
748 death or divorce of the owner. ~~new owner must obtain a new short-term rental permit~~  
749 ~~compliant with this section following expiration of any existing short-term rental permit or~~  
750 ~~cease operation. New owners must certify compliance with the conditions of permit~~  
751 ~~approval within 90 days after the closing date of the sale of the property. Written~~  
752 ~~certification must be submitted to the Community Development Department on forms~~  
753 ~~specified by the Director. New owners must apply for a new permit by the annual~~  
754 ~~deadline.~~

755 (ii) A non-conforming short term rental permitted according to the provisions of Subsection  
756 (2)(F)(2)(E), is allowed to transfer to a new owner one time within five years of the  
757 effective date of the ordinance (XXXX, 2021) consistent with (I)(iii) below, and the new  
758 owner may continue to operate under the existing short-term rental permit for the  
759 remainder of the current registration year.<sup>5</sup>

760 (iii) A transfer occurs when the property is sold to a person or when officers of  
761 corporations are changed to remove former officers and add new officers, except that a  
762 transfer does not occur when officers are changed due to death where title is held in  
763 survivorship with a spouse or a transfer on the owner's death to a trust which benefits only  
764 a spouse or child(ren) for the lifetime of the spouse or child(ren). The survivor may not sell  
765 or transfer title, except that title may transfer among the survivors. A transfer also does  
766 not occur when due to divorce a former spouse's name is removed from the deed or  
767 corporation.

768 (J) Approval Criteria.

**Commented [JB45]:** A TF member caught this. Page 6 of the TF report says other than the non-conforming 5 year provision, these are not transferable.

**Commented [JB46]:** Sales don't often happen on the calendar year and per the STR group request, this would clarify the current permit LAWFULLY TRANSFERRED can operate the rest of the year.

**Commented [JB47]:** Manson UGA proposed 3 years only, in order to accept a 9% cap. Do you want to add a provision or maintain consistency? Policy call.

<sup>5</sup> After the Task Force Process concluded the County received input that the Manson Community Council had been wishing to have a 3 year period for transfers as a tradeoff for going to 9% share of short term rentals in the UGA. As this post-dates the Task Force process and the County staff wish to have a more aligned process countywide we have noted 5 years universally here.

- 769 (j) To receive approval or renewal, an owner or operator must demonstrate to the  
 770 satisfaction of the Director that all approval criteria listed below have been satisfied:
- 771 (a) The short-term rental is located in a base or overlay zone that allows its use pursuant  
 772 to this section.
- 773 (b) The short-term rental is consistent with density limitations of this section.
- 774 (c) The short-term rental is consistent with short-term rental standards of this section.
- 775 (d) The short-term rental is consistent with all applicable health and safety requirements of  
 776 this section.
- 777 (e) The short-term rental is not the subject of outstanding code violations per Title 16.
- 778 (f) The short-term rental is considered non-conforming and is in full compliance with  
 779 Subsection ~~(2)(F)~~(2)(E) above.
- 780 (g) The short-term rental has not been transferred in violation of Subsection (4)(I) above.
- 781 (K) Appeals of the denial or conditions of short-term rental land use permits or annual renewals  
 782 must be filed in compliance with Title 14 CCC.

783 (5) ENFORCEMENT

- 784 (A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid  
 785 Short-Term Rental Permit. Evidence of operation includes, but is not limited to, advertising, online  
 786 calendars showing availability, guest testimony, online reviews, rental agreements, or receipts.
- 787 (B) Enforcement of this section will be in accordance with Title 16 CCC.

788 (6) MONITORING

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

792 **11.90.060 Required off-street parking.**

- 793 (1) Parking space shall be provided as shown in Table 11.90-3 for the land uses listed. The number of  
 794 required parking spaces shall be rounded upward to the nearest whole number if the calculation results in  
 795 a fractional space requirement of one-half space or more.
- 796 (2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may  
 797 be compact spaces and shall be marked "COMPACT ONLY."

**Table 11.90-3**

Land Use	Required Off-Street Parking
<b>Residential</b>	
Single-family, two-family, and manufactured home parks	2 spaces per dwelling unit



**Table 11.90-3**

Land Use	Required Off-Street Parking
Accessory dwelling unit, guest houses	1 additional space
Multifamily (3 or more units)	1-1/2 spaces per dwelling unit
Bed and Breakfasts, <del>and</del> Guest Inns, <u>and Tier 1 and Tier 2, and Tier 3-overnight-lodging use-only, Short-Term Rentals</u>	1 space per bedroom and 1 space for manager
Institutional or group homes: nursing home, correctional, retirement	1 space per 5 beds and 1 space per staff person
<b>Medical Facilities</b>	
Hospitals	1-1/2 spaces per bed
Medical or dental clinics and offices	1 space per 200 square feet
<b>Public Assembly</b>	
Auditoriums, gyms, clubs, lodges, <u>any Tier 2 short term rental event venues</u>	1 space per 4 seats or 8 feet of bench
Churches, funeral homes	1 space per 4 seats or 8 feet of bench
Libraries, museums, galleries, municipal	1 space per 300 square feet
<b>Schools</b>	
Pre-school, daycare, kindergarten	0.07 pickup/drop-off spaces per enrolled student and 1 space per staff person
Elementary schools	0.05 parking spaces and 0.07 pickup/drop-off spaces per enrolled student
Junior high schools	0.08 parking spaces and 0.06 pickup/drop-off spaces per enrolled student
High school, vocational schools, colleges	0.20 parking spaces and 0.03 pickup/drop-off spaces per enrolled student
<b>Commercial and Public Recreation</b>	
Archery, gun, swimming and tennis clubs or similar use	0.3 parking spaces for every attendee
Bowling alleys	5 spaces per lane
Golf courses	2 spaces per each 100 yards length plus 1 space per 200 square feet of club house
Hotels, motels, resorts, <u>lodging facilities</u>	1 space per guest room or suite and 1/2 space per employee
Outdoor amusement area	0.3 spaces for every attendee
Sports field	1 space per participant (est. 45 participants per ball field)
Stadiums, arenas, theaters, race tracks	1 space per 4 seats or 8 feet of bench
Swimming pools, skating rinks, dance halls	0.3 spaces for every attendee
<b>Commercial</b>	
Banks, personal and professional services	1 space per 300 square feet of floor area
Eating and drinking establishments	1 space per 100 square feet of floor area
Retail	1 space per 300 square feet of floor area

**Commented [JB48]:** STR group request there not be an extra space required.

**Commented [JB49]:** Change to daytime CUP for events earlier makes this apply to all tiers.

**Table 11.90-3**

Land Use	Required Off-Street Parking
Retail handling bulky merchandise	1 space per 600 square feet of floor area
Service and repair shops	1 space per 600 square feet of floor area
<b>Industrial</b>	
Auto salvage yard	5 spaces plus 1 space per each 2 acres
Manufacturing, assembly, freight terminal, wholesale, packing, storage, warehouse	1 space per employee at peak shift and 1 space per 300 square feet office space
Transportation terminals	1 space per 100 square feet waiting area

798 Chapter 11.93 Conditional Use Permits

799 11.93.450

800 All short-term rental applications requiring a conditional use permit shall comply with and are subject to  
 801 the provisions of this chapter in addition to chapter 11.88.

802 Chapter 3.24 Community Development Department Fees

803 3.24.010 FEE SCHEDULE.

804 (a) Planning.

Application Type	Fee
Conditional use permit	\$1,520
<u>Short-term rental registration.</u>	<u>\$75</u>
<u>Short-term rental (Tier 1, first permit)</u>	<u>\$500</u>
Short-term rental ( <u>Tier 2, inspection not required, provisional first</u> permit)	\$500
<u>Short-term rental (Tier 2, inspection required second provisional permit and first time new Tier 2 permits)<sup>1</sup></u>	<u>\$900</u>
<u>Short-term rental if CUP required (Tier 3 first permit, includes CUP application)</u>	<u>\$2,270</u>
<u>Short-term rental (Tier 1 annual renewal)</u>	<u>\$500</u>
<u>Short-term rental (Tier 2 annual renewal, no inspections)</u>	<u>\$500</u>
<u>Short-term rental (Tier 3 annual renewal, if no new CUP is required)</u>	<u>\$750</u>

805 <sup>1</sup> If an owner requests inspections with the first permit or inspections are waived by the Director, the fee shall be equivalent to the annual renewal.

## 806 Definitions

### 807 14.98 DEFINITIONS

#### 808 **14.98.1410 Person.**

809 "Person" means any individual, firm, association, partnership, corporation, or any entity, public or private.  
810 For the purposes of short-term rental regulations, person is defined consistent with in RCW 82.04.030.

#### 811 **14.98.265 Bed and breakfast.**

812 "Bed and breakfast" means a facility in which one kitchen, a shared dining area, and not more than a  
813 total of three lodging units are available within a single-family residence providing short-term lodging  
814 and food services, for paying guests. This definition excludes Short-Term Rentals.

#### 815 **14.98.625 Dwelling unit.**

816 "Dwelling unit" means one or more rooms designed, occupied or intended for occupancy as a separate  
817 living quarters with sleeping, sanitary facilities and kitchen facilities provided within the dwelling unit for  
818 the exclusive use of a single household.

#### 819 **14.98.915 Guest inn.**

820 "Guest inn" means a facility with one kitchen, a shared dining area, with not more than a total of six  
821 lodging units, which are available within a single-family residence and/or cabin outbuildings providing  
822 short-term lodging and food services for paying guests. This definition excludes Short-Term Rentals.

#### 823 **14.98.1105 Lodging facilities.**

824 "Lodging facilities" means establishments providing transient sleeping accommodations and may also  
825 provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may  
826 include, but are not limited to, hotels, motels, and lodges greater than six rooms., and any overnight  
827 accommodation that is rented nightly for 30 days or less and has an occupancy of greater than 16  
828 persons, including children.

Commented [JB50]: Track changes had been lost, restored to "red" underlined.

#### 830 **14.98.1110 Lodging unit.**

831 "Lodging unit" means one self-contained unit designated by number, letter or some other method of  
832 identification.

#### 833 **14.98.1632 Bedroom**

834 For the purposes of CCC 11.88, a "bedroom" means either enclosed or open areas within a structure  
835 being used as a Short Term Rental that provides sleeping accommodations such as mattresses, beds, sofa  
836 sleepers, roll away beds, day/trundle beds, bunkbeds, murphy beds, etc. Any space used as a short-  
837 term rental bedroom under this section shall have a door or window of egress to the outside meeting that  
838 meets the International Residential Code standard for a bedroom, and must be equipped with a working  
839 smoke alarm in the room.

840 **14.98.1691 (Short-Term Rental) Grace Period**

841 "Grace Period" means, the additional time allocated to continue operation as a short term rental until the  
842 set date that the short term rental use must establish code compliance under this Chapter, or must cease  
843 operation.

844 **14.98.1692 Short-Term Rental**

845 "Short-Term Rental" means a commercial use utilizing a dwelling unit, or portion thereof, that is offered or  
846 provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty consecutive  
847 nights, by intent or net effect of days rented. They are commonly referred to as vacation rentals. They  
848 are a form of commercial tourist or transient accommodations. Short-term rental units may be whole house  
849 rentals, apartments, condominiums, or individual rooms in homes. They are rented as a single lodging unit,  
850 do not provide food service, and retain the form and function of a dwelling unit. For the purpose of  
851 administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation  
852 rental" are interchangeable with short-term rentals. Subleasing or subletting of units for short-term rental  
853 is prohibited if the underlying zone prohibits such use.

854 **14.98.1693 Short-Term Rental Operator**

855 "Short-term rental operator" means any person who receives payment for owning or operating a  
856 dwelling unit, or portion thereof, as a short-term rental unit, or their authorized agent including a  
857 property management company or other entity or person who has been designated by the owner, in  
858 writing, to act on their behalf.

859 **14.98.1694 Short-Term Rental Owner**

860 "Owner" means any person who, alone or with others, has title or interest in any building, property,  
861 dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including  
862 any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or  
863 control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building,  
864 dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an  
865 owner.

866 **14.98.1695 Owner Occupied**

867 "Owner occupied" means a rental unit is the principal residence of the owner for at least six-months in the  
868 calendar year, and the owner is present in the dwelling or is present on the same parcel while the  
869 residence is being used as a short term rental.

870 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

871 **16.20.010 Compliance**

872 Short-term rental owners, operators, and properties must comply with the provisions of this code including  
873 but not limited to the short-term rental regulations in Titles 11 and 14 CCC. Violations and enforcement  
874 must be in accord with Title 16 CCC.

**Commented [JB51]:** Suggestion: To allow this at all only confuses responsibility of parties. The use should only be permitted to the underlying property owner.  
STR owners group want to all long term renters to be able to rent to ST renters.

**Commented [JB52]:** STR group wants stricken. It would give the lessee an owner's status for STR code. If so, would allow a long term renter to sublease as an STR.

875 **16.20.020 Enforcement Procedures, Notices, and Citations**

- 876 (1) Enforcement Procedures. Unless specified otherwise in this chapter, all enforcement procedures in this
- 877 title apply to short-term rental owners, operators, and properties.
- 878 (2) Notice of Violation for Consumer Safety by County Attorney. If an owner or operator is suspected of
- 879 violating Consumer Safety requirements of RCW 64.37.030, the County Attorney must issue a warning
- 880 letter to the owner or operator for the first violation. Other procedures or requirements with regard to
- 881 the warning letter must be consistent with Title 16. For any repeated violations, the County will employ its
- 882 standard code compliance process consistent with Title 16.
- 883 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site
- 884 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and
- 885 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.
- 886 (4) No provision within this section limits the application of any other applicable enforcement section
- 887 within Title 16 for a violation involving a short-term rental use, or for any other use of the property.

888 **16.20.030 Civil Penalties**

- 889 (1) Civil penalties must be consistent with Title 16 including Chapter 16.16, except as identified in (2)
- 890 below.
- 891 (2) Any additional violation of 11.88.290(3) Standards or 11.88.290(4) Permits within 12 months of any
- 892 preceding violation of the same type of standard or permit requirement within those same subsections,
- 893 is subject to a penalty of double the prior violation penalty amount.
- 894 ~~(3)~~ The first violation of Consumer Safety requirements of RCW 64.37.030 is a class 2 civil infraction
- 895 under chapter 7.80 RCW with a fine of one hundred twenty-five dollars (\$125). The fine for repeated
- 896 violations must be consistent with CCC 16.16.010 Assessment Schedule.

897 **16.20.030-040 Revocation**

- 898 (1) ~~Repeated failure~~ Repeated failure of the owner or operator to timely and reasonably respond to a complaint(s)
- 899 relayed by code compliance officers are grounds for civil fines, revocation, or other penalties consistent
- 900 with Title 16.
- 901 (2) The following conditions may result in denial of issuance or revocation of land use permits granted
- 902 under short-term rental regulations in Titles 11 and 14 CCC:
- 903 (A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.290 short-term
- 904 rental regulations and Title 14 is grounds for immediate revocation of the permit.
- 905 (B) Failure to meet the criteria of CCC 11.88.290 Short-Term Rental Regulations is grounds for
- 906 immediate denial of issuance or revocation of the short-term rental land use permit.
- 907 (C) The discovery of material misstatements or providing of false information in the short-term
- 908 rental land use permit application or renewal process is grounds for immediate revocation of the
- 909 permit.

Commented [JB53]: That currently is \$750 a violation per day.

Commented [JB54]: Permit violations should also escalate to make the cost more than the benefit of violation.

Commented [JB55]: What is repeated? And is this the only time a fine can be levelled?

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

913 (E) If three violations are verified under Subsection (D) or the owner or operator fails to make a  
914 timely response to resolve such violation at any time twice during any twelve-month period, the  
915 penalty shall be revocation of the rental permit and, or a related conditional use permit in  
916 addition to any required civil penalties under 16.20.030.

917 (F) Denial of entry for required inspection, reinspection, or interference with an inspection or  
918 reinspection of a short term rental property under CCC 11.88.290 is grounds for immediate  
919 denial of issuance or revocation of the short term rental land use permit.

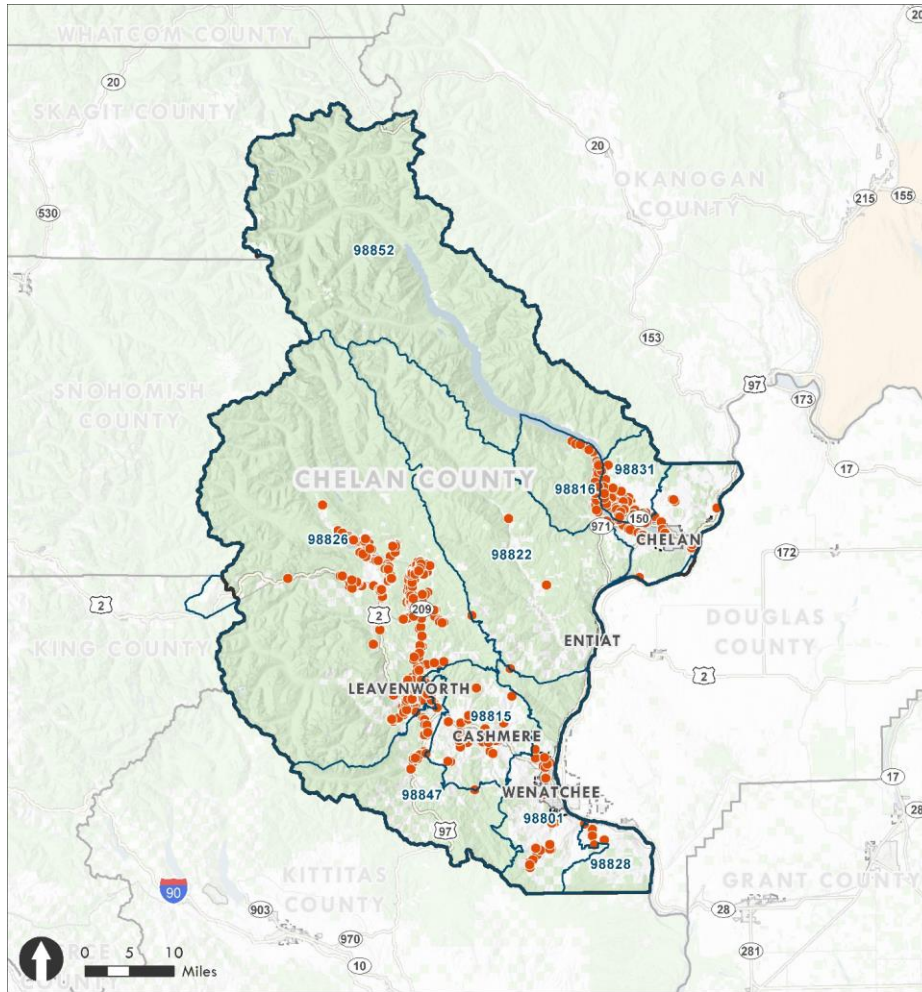
920 (G) Revocation or denial of a permit is subject to the appeal provisions of Chapters 14.12 and  
921 16.12 CCC.

**Commented [JB56]:** What is this? STR groups want an escalating penalty similar to points leading to driver license revocation.

**Commented [JB57]:** One cannot avoid the penalty by simply not responding or being unavailable to respond. But you get "one strike."

<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



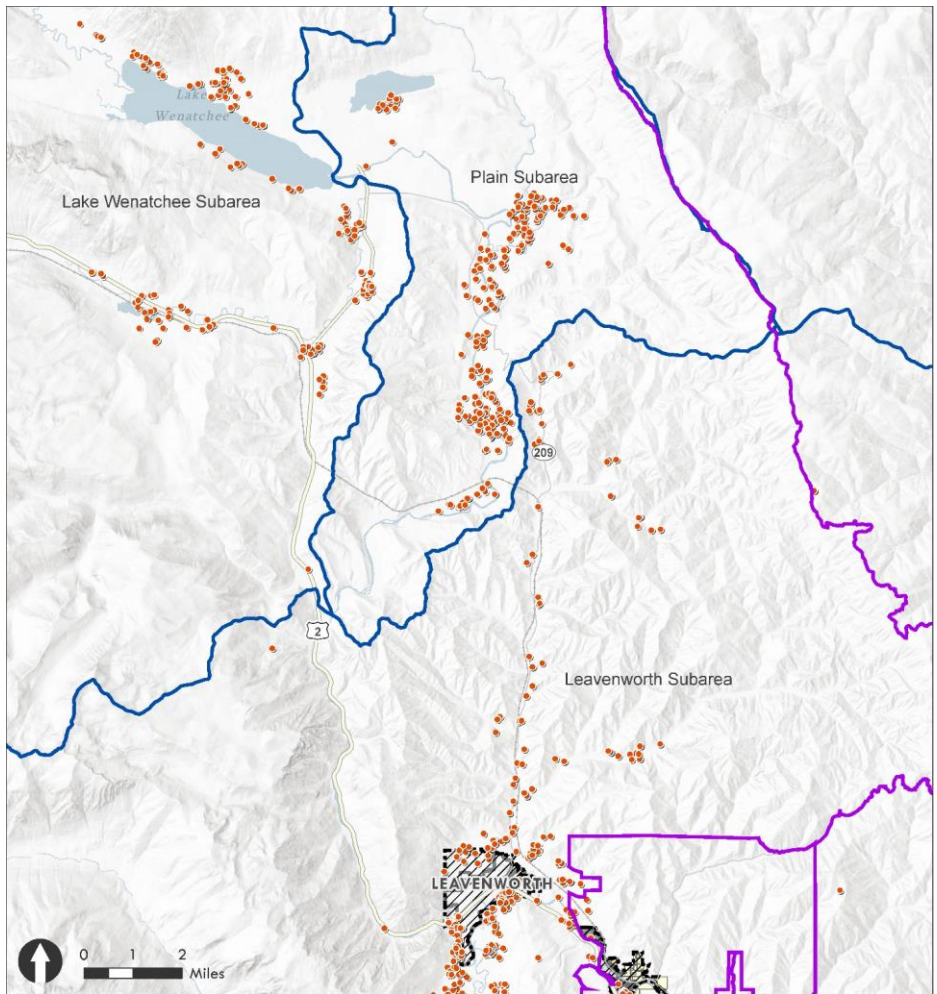
Source: AirDNA, 2020.

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.

Sources: Chelan County GIS, 2020. BERK 2020. Powered by AirDNA: <https://www.airdna.co>, 2020.

925 **Attachment B: Leavenworth-Lake Wenatchee Subareas**

926



**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.

927 Sources: Chelan County GIS, 2020. BERK 2020. Powered by AirDNA: <https://www.airdna.co>, 2020.



928 **Attachment C: Short-Term Rental Data**

929 Short-term rental regulations would apply in unincorporated areas of the county. Based on AirDNA  
 930 property data, January 2020, there are about 1,247 whole home short-term rentals (generally typed as  
 931 Tier 2 and 3 short-term rentals) and about 92 private rooms (generally Type 1 short-term rentals), for a  
 932 total of about 1,339 short-term rentals. Since regulations often focus more on whole home rentals (Tier 2  
 933 and Tier 3 depending on occupancy) they are often a focus of the published tables.

934 The AirDNA information is based on two types of data – property based data and monthly based data  
 935 which means some records are attached to the property and some records are attached to the monthly  
 936 account.

937 Some data is through January 2020 (last month where full records were pulled by AirDNA – sometimes  
 938 called “last scraped” date). Some data is presented by other years (e.g. December each year is chosen  
 939 as a comparison to see growth in short-term rentals over time.

940 The table below illustrates short-term rentals by urban/rural status and by zip code compared to total  
 941 dwellings.

942 **Table 1. January 2020 AirDNA Property Data by Urban/Rural Status and Rental Type**

Location	Whole Home (Tier 2 and Tier 3)	Private Room (Tier 1)	Total Whole Home & Private	% Share
Rural	970	78	1,048	49%
<b>Cashmere</b>				
City Limits	3	0	3	0%
UGA	5	0	5	0%
<b>Chelan</b>				
City Limits	477	12	489	23%
UGA	10	0	10	0%
<b>Leavenworth</b>				
City Limits	208	21	229	11%
UGA	29	3	32	1%
<b>Wenatchee</b>				
City Limits	67	22	89	4%
UGA	8	6	14	1%
Manson UGA	218	5	223	10%
Peshastin UGA	7	0	7	0%
Unincorporated Rural	970	78	1048	49%
Unincorporated UGA	277	14	291	14%
All Unincorporated	1,247	92	1,339	62%
Incorporated Cities	755	55	810	38%
<b>Total Unincorporated and City</b>	<b>2,002</b>	<b>147</b>	<b>2,149</b>	<b>100%</b>

943 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 944 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

945 The table below illustrates the share of short-term rental dwellings as a share of the total housing units in  
 946 the zip code or county including or excluding short-term rentals on tribal land.

947 **Table 2. Tier 2 and Tier 3 Short-Term Rentals (Property January 2020)**  
 948 **as Share of Total Dwellings (OFM April 2019) by Zip Code**

Zip Code Community Name	Zip Code	Total Dwellings 2019	Total Unincorporated Dwellings 2019	January 2020 Active STRs	% short-term rentals - Unincorporated	Zip Codes Excl Units on Tribal Land (Wapato)	Alternative %
Leavenworth	98826	6,099	4,811	749	15.6%	749	15.6%
Manson	98831	2,519	2,519	281	11.2%	198	7.9%
Chelan	98816	5,333	2,492	97	3.9%	97	3.9%
Peshastin	98847	956	956	53	5.5%	53	5.5%
Wenatchee	98801	17,989	3,607	30	0.8%	30	0.8%
Cashmere	98815	2,977	1,785	28	1.6%	28	1.6%
Malaga	98828	908	908	5	0.6%	5	0.6%
Entiat	98822	1,138	551	4	0.7%	4	0.7%
Various	Various	836	836	0	0.0%	0	0.0%
<b>Total</b>		<b>38,672</b>	<b>18,466</b>	<b>1,247</b>	<b>6.8%</b>	<b>1,164</b>	<b>6.3%</b>

949 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 950 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

951 The Leavenworth zip code has been considered together and in three subareas as noted in Attachment B.  
 952 a count of the Tier 2 / Tier 3 short-term rentals that are visualized on the map on the following page:

953 **Table 3. Tier 2 and Tier 3 Short-Term Rentals by Leavenworth Zip Code Subarea, Unincorporated Lands**

Subarea (See Attachment B)	Tier 2/3 Count
Lake Wenatchee	183
Leavenworth	311
Plain	255
<b>Grand Total</b>	<b>749</b>

954 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 955 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

956

957 The Manson UGA share of short-term rentals as a part of the housing stock is presented below.

958 **Table 4. Manson UGA Tier 2/Tier 3 Short-Term Rental Units (January 2020)**

Type	Number
Whole Home Short-Term Rentals (February 2019)	218*
Housing Units (OFM April 2019)	1,350
Share of Short Term Rentals	16%

959 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 960 \* 2 units are zoned UR2 but mapped outside the UGA. It would not change the 16% share of short-term rentals in the UGA.  
 961 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

962 By zone, the short-term rental information is presented. The share is based on the proportion of short-term  
 963 rentals by zone by geography (rural or UGA) and by total in the county. It is not a share of short-term  
 964 rentals as a proportion of housing stock in that zone.

965 **Table 5. Tier 2 & 3 STRs by Zoning District Share (Rural or UGA)**

966 **A. Rural Chelan County**

Zone	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC	Total
STR #	61	83	183	178	272	126	55	12	0	4	27	19	0	1,020
Share	5%	7%	15%	14%	22%	10%	4%	1%	0%	0%	2%	2%	0%	82%

967 **B. Manson UGA**

Zone	UR1	UR2	UR3	CT	CD	MLI	UP	WAPATO	Total	Total Excl. Wapato
STR #	18	62	33	0	22	0	0	83	218*	135
Share	1%	5%	3%	0%	2%	0%	0%	7%	17%	11%

968 \* 2 units are geolocated outside the Manson UGA but are noted as UR2. If included the whole homes would be 220 and the share  
 969 of county short-term rental units would be 18%.

970 **C. Peshastin UGA**

Zone	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U	Total	Share
STR #	3	0	0	1	0	0	1	2	7	1%

971 NOTE: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 972 Source: AirDNA Property Data, Whole House Rentals Jan 2020 AirDNA STRs: 1,247

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 974  
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976 **Attachment D: STR Task Force Report**

977 The Task Force Report and its attachments are available at the links below;

- 978     ▪ [FINAL STR Task Force Report to the BOCC \(5/11/2021\)](#)
- 979     ▪ [STR Task Force attachments and addenda from the participating groups \(05/11/2021\)](#)

980 For more information, please see the project website: [https://www.co.chelan.wa.us/community-](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals-str-code-development)

981 [development/pages/short-term-vacation-rentals-str-code-development](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals-str-code-development).

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**Attachment E: Code Evaluation**

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Chelan County Code Section 14.13.040 includes evaluation criteria regarding the decision to approve, modify, or deny a development regulation amendment application, whether initiated by private applicants or the County. Each is listed below with discussion of concurrence with the criterion:

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987

(1) The amendment is necessary to resolve a public land use issue or problem.

988

*The short-term rental code addresses a public land use issue or problem identified by the County and community to address land use compatibility, rural character and economy, and housing affordability and availability. The community concerns are reflected in the public record for the project with hundreds of residents and landowners participating including testifying at hearings, providing letters, or participating in the Task Force. Various studies, papers, and reports on the impacts to housing stock, economic, social, and other implications of short-term rentals in communities from several locales were researched by staff and consultants, along with those provided within public commenting, and were subsequently considered in formulating several of the regulatory strategies used within the rental code.*

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(2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

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*The short-term rental code balances Growth Management Act goals and requirements to locate growth in urban and rural areas in a manner that encourages the preservation of existing housing stock, encourages the availability of affordable housing, allows for economic development consistent with the Comprehensive Plan, protects rural character, ensures appropriate public services, protects environmental quality, and provides for fair/timely permits. Zones that limit short-term rentals continue to provide a range of reasonable uses consistent with the district intents such as long-term residential uses, compatible home occupations, and others. (See RCW 36.70A.020 and 070)*

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(3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

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1005

The amendment is consistent with the following County Comprehensive Plan policies:

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*Policy H 2.4: Encourage appropriate placement and use of vacation rentals.*

1007

*Rationale: Vacation rentals impact the character of a neighborhood and impact housing stock.*

1008

*Goal H 3: Encourage the appropriate preservation of existing housing stock.*

1009

*Goal ED 2: Encourage the retention and growth of recreational and tourist based industries consistent with the comprehensive plan.*

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1011

*Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, small scale recreation and tourist uses, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.*

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1014

Countywide Planning Policies promote interlocal land use cooperation: "City and county planning efforts will be coordinated within urban growth areas."

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1016

(4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

1017

**Commented [JB58]:** STR group request add since it is in fact, in the actual goal.

1018 *Short-term rentals are limited in resource zones and treated similar to similar uses such as bed and breakfasts and*  
1019 *guest houses.*

1020 **(5) The amendment is based on sound land use planning practices and would further the general public**  
1021 **health, safety and welfare.**

1022 *The short-term rental code is meant to protect residential quality of life balanced with appropriate locations for*  
1023 *economic uses that do not unduly limit affordable housing, or conflict with rural character and environmental*  
1024 *quality. See the proposed purpose statement in CCC 11.88.290.*

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