

# Chelan County Short-Term Rentals

BOCC Hearing 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.

This hearing draft is based on the results of the Task Force, consideration of comments received during comment windows, and legislative workshops in May and June,

## 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. Also, due to community preferences, new short-term rentals would be limited in Peshastin UGAs and only allowed in commercial zones.

36 Developments specifically designed for short-term rentals (e.g. Planned Unit Developments and  
37 Master Planned Resorts) are not subject to the cap.

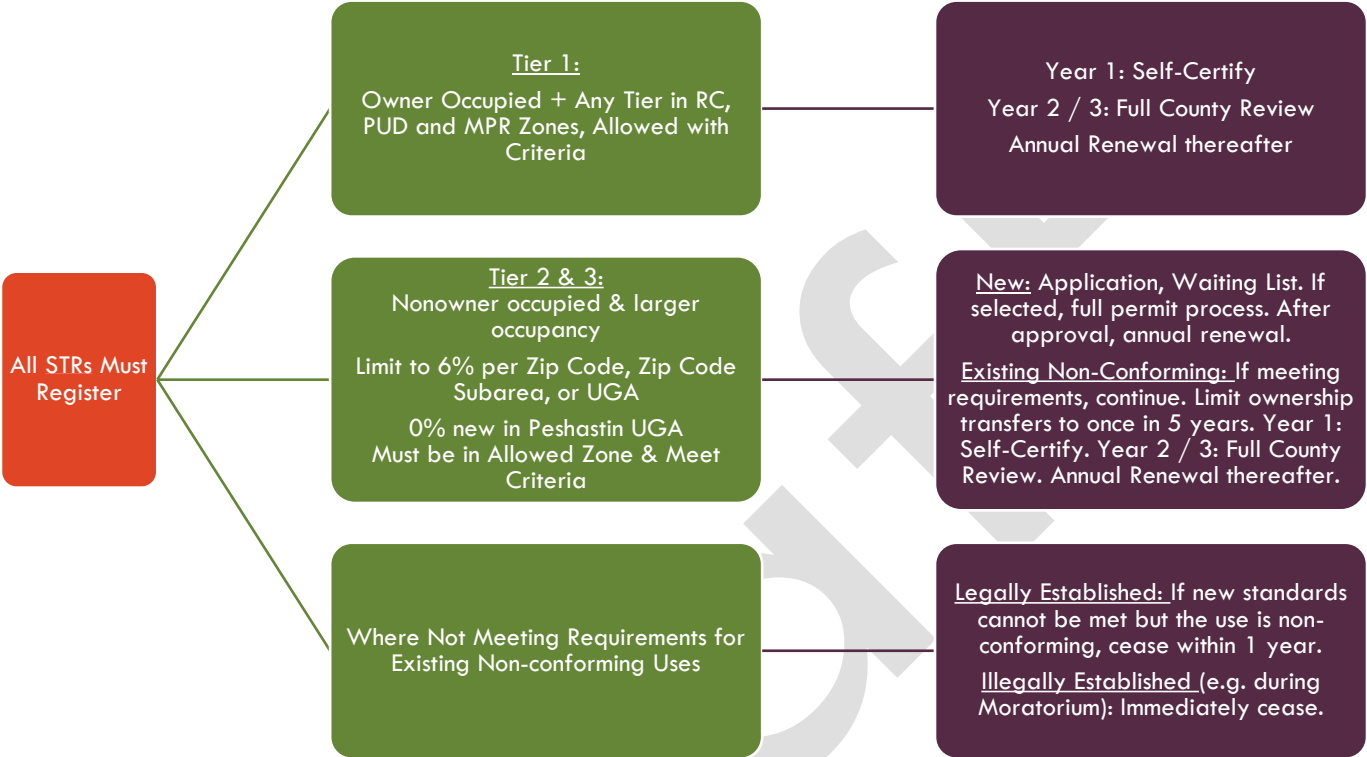
38 ■ **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy,  
39 parking, noise, solid waste, adequate sewer and water, fire preparedness, access to a qualified  
40 person within 60 minutes, establishing a property management plan, etc.

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 a waiting list up to the designated  
50 cap; those received on a first-come, first-served basis would apply for a full permit with required  
51 inspections. To allow time to set up the permit review system, the first permit would include self-  
52 certification regarding compliance. Within the first or second year the County would require  
53 inspections and more detailed review. Thereafter, annual renewal would be based on self-  
54 certification and a more abbreviated review. Fees would be set to recover costs of permit reviews  
55 and inspections such as by 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>



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# Chelan County

## Draft Short-term Rental Code

DRAFT June 2021 | BOCC Hearing 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 |
|----------------------------------|-----------------|-----------------|-----------------|----------------|----------------|----------------|----------------|-------------|----|----|-------------|-------------|----|
| <u>Short-Term Rentals Tier 1</u> | <u>A(1)</u>     | <u>A(1)</u>     | <u>A(1)</u>     | <u>A(1)</u>    | <u>A(1)</u>    | <u>A(1)</u>    | <u>A(1)</u>    | <u>P(2)</u> |    |    | <u>A(1)</u> | <u>A(1)</u> |    |
| <u>Short-Term Rentals Tier 2</u> | <u>P(1)(3)</u>  | <u>P(1)(3)</u>  | <u>P(1)(3)</u>  | <u>P(1)(3)</u> | <u>P(1)(3)</u> | <u>P(1)(3)</u> | <u>P(1)(3)</u> | <u>P(2)</u> |    |    | <u>CUP</u>  |             |    |
| <u>Short-Term Rentals Tier 3</u> | <u>CUP P(3)</u> | <u>CUP P(3)</u> | <u>CUP P(3)</u> |                |                |                |                | <u>P(2)</u> |    |    |             |             |    |

## CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

### 11.22.030 Permitted, Accessory and Conditional Uses

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

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

(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.

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

| 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>         | <u>ACC</u> | <u>ACC</u> | <u>ACC</u> | <u>ACC</u> <sup>1</sup> | <u>ACC</u> <sup>1</sup> |            |            |     |
| <u>Short-Term Rentals Tier 1 or Tier 2</u> <sup>2</sup> |            |            |            | <u>PRM</u>              | <u>PRM</u>              |            |            |     |
| <u>Short-Term Rentals Tier 3</u>                        |            |            |            | <u>PRM</u>              | <u>PRM</u>              |            |            |     |
| Hotels/Motels/ <u>Lodging Facilities</u>                |            |            |            | <u>PRM</u>              | <u>PRM</u>              | <u>PRM</u> | <u>PRM</u> |     |

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

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

<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 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.

## CHAPTER 11.23 MANSON URBAN GROWTH AREA

### 11.23.030 DISTRICT USE CHART.

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

|     |                         |
|-----|-------------------------|
| 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            |

|     |   |
|-----|---|
| 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 |

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

Table 9.1 – District Use Chart

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

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

### 11.23.040 STANDARDS.

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

~~(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.

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

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

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

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

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

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

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

## Short-Term Rental Standards

### CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

#### 11.88.290 Short-Term Rental Regulations

##### (1) PURPOSE

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

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

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

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

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

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

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

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

## (2) TYPE, NUMBER, AND LOCATION

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

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

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

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

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

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



(B) Tiered Permits and Numbers Allowed.

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

(ii) Tier 2 and Tier 3:

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

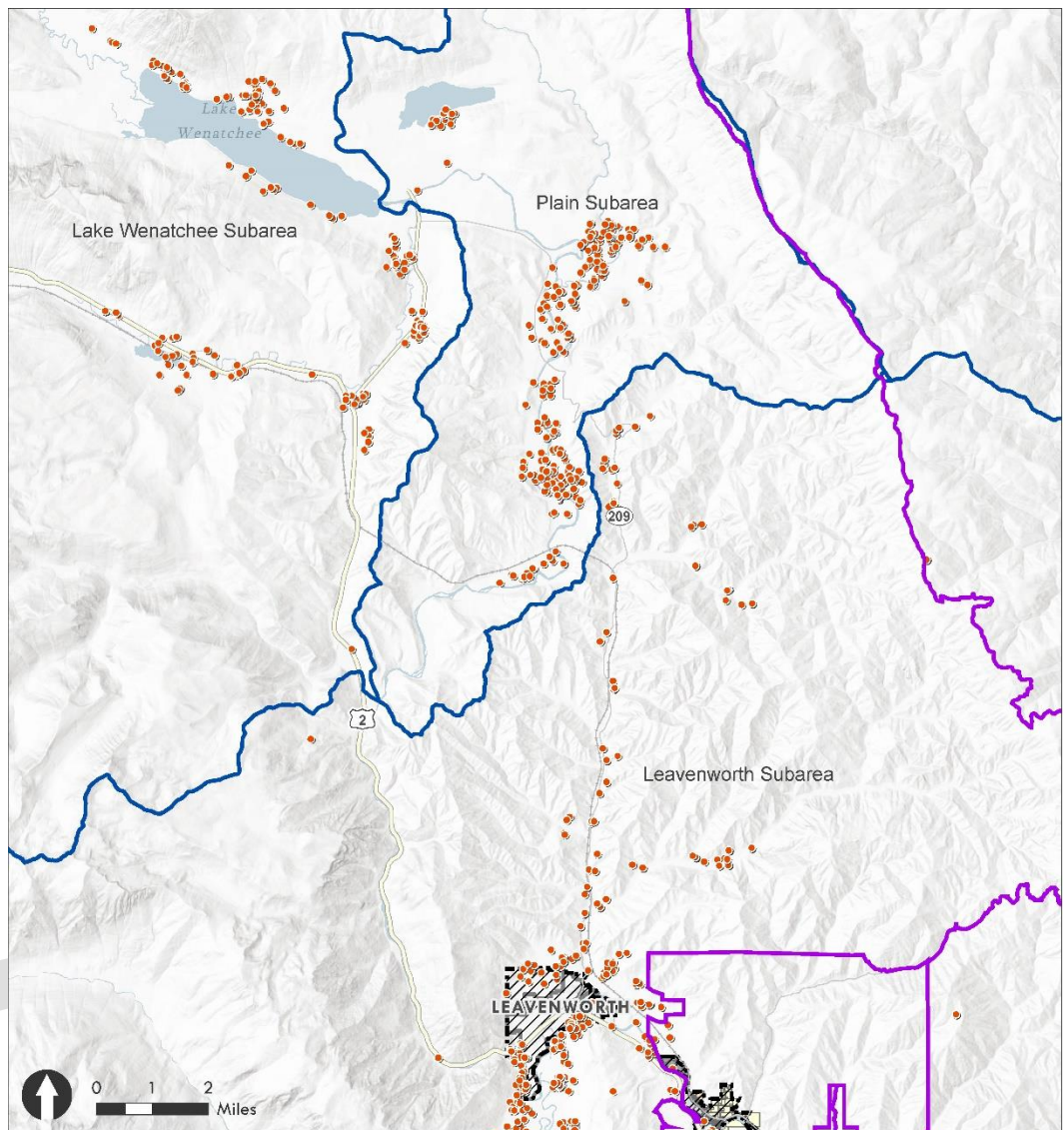
**Maximum Share of Short-Term Rentals**

| <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>6%</u>                                   |
| <u>Urban Growth Area</u>                                       | <u>Peshastin</u>         | <u>0%</u>                                   |
| <u>City Assigned<br/>Unincorporated Urban<br/>Growth Areas</u> | <u>Each individually</u> | <u>6%</u>                                   |

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

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

**Leavenworth Subareas Map – Portions of Zip Code 98826**



**LEGEND**

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

**BERK**  
Map Date: May 2020

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

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

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

(e) Share calculation for Cities and Urban Growth Areas are calculated 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.

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

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

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

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

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

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

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

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

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

(D) Lot Size and Lot Location Standards

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

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

| <b><u>Zone</u></b> | <b><u>Tier 2</u></b> | <b><u>Tier 3</u></b> |
|--------------------|----------------------|----------------------|
| <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>RW</u>          | <u>0.275</u>         | <u>Not allowed</u>   |
| <u>RV</u>          | <u>0.275</u>         | <u>Not allowed</u>   |

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

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

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

(E) Existing Short-Term Rentals:

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

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

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

(c) That the short-term rental meets all requirements of Subsection (3) within one year of the effective date of this ordinance, provided that all legally required health and safety provisions are met within 90 days of the effective date of this ordinance, except that in the Manson Urban Growth Area, all health and safety provisions consistent with Section 11.23.040 as it existed on August 25, 2020 shall be met on the effective date of this ordinance; and

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

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

(f) If located inside of the Manson Urban Growth Area, documentary evidence that the short-term rental was properly registered as a vacation rental with Chelan County per 11.23.040 as of August 25, 2020, or that the short-term rental owner held a vacation rental permit at any time since inception of the Manson UGA vacation rental permitting process and actually operated as a short-term rental in the years 2018, 2019, or 2020. For short-term rentals without a consistent vacation rental permit history, but which operated in the years 2018, 2019, or 2020, the County shall require the payment of double permit fees for each prior year of rental operation without a vacation rental license within the Urban Growth Area. This documentary evidence also satisfies the requirements found in (2)(E)(i)(a) above provided, failure to accurately represent and disclose a property's short-term rental history is grounds for immediate permit denial or revocation, and loss of all existing non-conforming status.

(g) Any property owner claiming existing non-conforming status as a short-term rental within any zip code, subarea, or urban growth area shall resolve any existing county code violations on the property as required under 11.88.290(4)(A)(ii) and shall have complied with all other relevant provisions of 11.88.290 and apply for and have received an initial short-term rental administrative land use permit and any all required conditional use permits under subsection (4) by December 31, 2022, or by failing to do so shall waive all claim to having existing non-conforming status.

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

(a) Except as provided in (2)(E)(iii) and (iv) below, an existing short-term rental operating as of XXX, 2021 is considered non-conforming when one or more of the following conditions is met:

(1) the cap of the zip code, zip code subarea, or urban growth area is exceeded in 11.88.290(2)(B), or

(2) a zone does not expressly allow new short-term rental units per 11.88.290(2)(C) and CCC Sections 11.04.020, 11.22.030, 11.23.030, or

(3) the short-term rental is located on a parcel that does not meet the lot size and/or lot location standards of 11.88.290(2)(D), or

(4) the short-term rental does not comply with the operating standards of 11.88.290(3).

Only those short-term rentals that existed pursuant to (2)(E)(i), meet all criteria in Subsection (2)(E)(i), and meet the occupancy requirements of Subsection (2)(A), are allowed to continue to operate as legally non-conforming.

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

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

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

(e) Any short-term rental property that has an unresolved written notice of violation for short-term rental use, received on or before August 25, 2020, or that operated as a short-term rental contrary to the August 25, 2020 Chelan County short-term rental moratorium Resolution 2020-86, or subsequent rental moratorium resolutions 2020-104 and 2021-20, or upon permit application is found to have an existing zoning, land use, or building permit violation, shall not be considered a legally non-conforming use as follows:

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

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



(3) Under either case in subsection (e)(1) or (e)(2), the short-term rental property is subject to the 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.

(iv) Non-conforming Short-Term Rental Units in Peshastin UGA. Existing non-conforming short-term-rental units of any Tier within the residential zones in the Peshastin UGA are subject to the provisions of 11.88.290(2)(E)(i) and (2)(E)(ii).

(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.

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

(a) If any provision applicable to existing non-conforming short-term rentals within this chapter is not expressly exempted by the written communication referenced herein, the short term rental is subject to all requirements for existing non-conforming short-term rentals as provided in 11.88.290, except as stated in (2)(E)(vi)(b) below.

(b) If the written communication referenced herein expressly permits and is authorized by septic permitting at the time of that written communication regarding limit on overnight and daytime occupancy, the property shall not be subject to the occupancy limits found within 11.88.290(3)(B)(ii) and (3)(B)(iii).

(c) Provision (2)(E)(vi) sunsets on December 31, 2022.

### (3) SHORT-TERM RENTAL STANDARDS

#### (A) Primary or Accessory Residence.

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

(ii) A short-term rental owner may operate only one short-term rental per parcel, which may be in either the primary dwelling 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 11.04.020, 11.22.030, or 11.23.030.

(B) Occupancy.

(i) The number of rented or occupied bedrooms shall not exceed the number approved in relation to the on-site sewage system approved by the Chelan-Douglas Health District, or strictly follow the requirements of any sewer district or other waste management provider that is being utilized by the rental.

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

(ii) Tier 1 and Tier 2 Occupancy limits.

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

Tier 1: a total of 8 guests including children greater than 2 years old.

Tier 2: a total of 12 guests including children greater than 2 years old.

Tier 3: a total of 16 guests including children greater than 2 years old.

(b) Daytime Occupancy.

Tier 1: At no time shall the total number of persons at a short-term rental exceed 8 persons, including children greater than 2 years old, but excluding the owner.

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

Tier 3: At no time shall the total number of persons at a short-term rental exceed 16 persons, including children greater than 2 years old, but excluding the owner, if one resides on the property.

(iii) Exceeding Daytime Occupancy limits.

(a) In order for any short-term rental of any Tier level to exceed total daytime occupancy limits contained in section (3)(B)(ii) above, or to host events such as weddings, gatherings, or retreats an operator must first obtain a Conditional Use Permit and satisfy all the Conditions of Approval consistent with CCC 11.93.315 Places of Public and Private Assembly before operation, provided that the zone allows short-term rentals as a permitted, or conditionally permitted use and meets all other short-term rental requirements of this section provided that overnight occupancy is limited to 16 persons including children greater than 2 years old, and shall not have more than two guests per bedroom. All other applicable criteria of CCC Chapter 11.93 shall be met.



(1) For new conforming short-term rentals to exceed the daytime occupancy under a Conditional Use Permit, in addition to the requirements in (a) above, the operator must either take access from a highway consistent with 11.88.290(2)(D)(iii), or be located in a commercial zone.

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

(C) Parking.

(i) One off-street patron parking space in addition to the residential parking requirements, not located within a setback and not within any recorded access easement shall be provided for each bedroom consistent with the provisions of Chapter 11.90.<sup>5</sup>

(ii) The number of vehicles allowed at the short-term rental must be limited to the number required per 11.90.060; this requirement must be included in the Property Management Plan per Section (3)(K) provided that a Tier 3 rental may exceed these limits for hosted events if a Conditional Use Permit has been obtained and all Conditions of Approval have been satisfied consistent with CCC 11.93.315.

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

(iv) Repeat violations. Two verified violations within six months of parking violations on or adjacent to the same property may be subject to additional penalties under Chapter 16.20, up to and including revocation of the short-term rental land use permits under 16.20.040.

(D) Garbage.

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

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<sup>5</sup> BOCC had requested some review of whether an existing shared driveway agreement should be reviewed in the application process. Staff researched this, and found it is not practical, and hard to confine. It may place county in place of enforcing civil matters via this code. Thus, a provision to review it was not included in this draft.

470 (E) Noise.

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

473 (ii) Public disturbance noise complaints. Renters are subject to the provisions of Chapter  
474 7.35. Owners of short term rental properties notified of complaints are responsible to  
475 promptly abate public disturbance noise complaints on their property. If the owner fails  
476 to cause the noise to be abated within 60 minutes of notification of the complaint, he is  
477 subject to compliance with Chapter 7.35 and the enforcement penalties jointly and  
478 severally with the renter creating the public disturbance noise.

479 (iii) Repeat violations. Two verified violations within six months of public disturbance noise  
480 violations on the same property may be subject to additional penalties under Chapter  
481 16.20, up to and including revocation of the short term rental land use permits under  
482 Section 16.20.040.

483 (F) Trespass.

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

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

495 (iii) Repeat violations. Two verified violations within six months of trespass violations on or  
496 adjacent to the same property may be subject to additional penalties under Chapter  
497 16.20, up to and including revocation of the short term rental land use permits under  
498 16.20.040.

499 (G) Signs.

500 (i) All owners or operators must display and maintain the address of the residence so that  
501 it is clearly visible from the street or access road in compliance with CCC 10.20.520  
502 requirements. The rental must also display and maintain an additional sign outside  
503 identifying the property as short-term rental and displaying the Chelan County short-term  
504 rental registration number and central phone number required by the County. The sign  
505 must not exceed eight square feet in area and if illuminated, must be indirectly  
506 illuminated, and letters and numbers must at a minimum four inches in height.

507 (ii) Placement of the sign.

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

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

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

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

522 (H) Consumer Safety.

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

526 (I) Fire Safety and Outdoor Burning.

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

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

539 (J) Qualified Person.

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

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

(ii) Repeat violations. A second subsequent violation within 12 months of the previous violation of failing to have a qualified person available or to respond to a complaint, is grounds for revocation of the short-term rental permit under 16.20.040.

(K) Property Management Plan.

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

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

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

(c) Designate a qualified person and provide contact information consistent with (3)(i) ; and

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

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

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

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

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

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

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

(L) Annual Permit Number.

(i) The owner or operator must include the Chelan County land use permit number for the short-term rental in all advertisements and ensure its prominent display on platforms and

591 other forums for rental (AirBnB, VRBO, Craigslist, poster, etc.) and on marketing materials  
592 such as brochures and websites.

593 (M) Good Neighbor Guidelines.

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

599 (N) Liability Insurance.

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

602 (O) Taxes.

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

606 (4) LAND USE PERMITS

607 (A) Land Use Permit Required.

608 (i) No short-term rental owner or operator may advertise, offer, operate, rent, or  
609 otherwise make available or allow any other person to make available for occupancy or  
610 use as a short-term rental without a valid short-term rental administrative land use permit  
611 issued by the Director or a Conditional Use Permit approved by the Hearing Examiner  
612 pursuant to this Chapter 11.88, and Chapter 14.10. All dwelling units on a single parcel  
613 shall be reviewed concurrently in the same application.

614 (ii) All uses on the property must fully comply with CCC Title 11 and the property may not  
615 have existing unresolved Chelan County code permitting, land use, or other violations  
616 under Titles 3, 11, 15, or 16 in order to be eligible to apply for an administrative short  
617 term rental land use permit or conditional use permit under this chapter. Existing  
618 properties claiming non-conforming short-term rentals may be issued a provisional short  
619 term rental permit and are provided the time of their respective grace period pursuant to  
620 11.88.290(E)(i)(c), but no later than December 31, 2022 to address all violations. No  
621 provisional or other short-term rental land use permits shall be issued until these violations  
622 are resolved. The Director may extend the timeframe for up to six additional months to  
623 obtain compliance upon a showing of a good faith effort.

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

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

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

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

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

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

(b) Permit renewal applications received after December 31 will not be accepted, and the short term rental must immediately cease operations on January 1 of the following year. The owner and property loses any vesting to continue operation as a legally conforming or non-conforming short term rental under this chapter. Expired short term rentals under this Subsection are then subject to the housing cap provisions of 11.88.290(2)(B) and must apply as a new 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) Beginning on September XX, 2021 and by December 31, 2021, all existing non-conforming Tier 1, Tier 2, or Tier 3 conforming Tier 1 short term rentals, and conforming 2021 permitted Manson UGA 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, wishing to operate as a short-term rental for the remainder of 2021 shall pay a fee equal to one quarter of the annual permit fee established for their Tier per the table in Chapter 3.24, and register on a department registration provisional self-certification form. This self-certification form serves as the first provisional short term rental permit application. Those owners and properties failing to register within this time period will not be considered as an existing and non-conforming short-term rental use for 2021 under this Section and forfeit any claim of non-conforming short term rental use status for 2021 under this Section, and any short-term rental that occurred during this period is considered to have been in violation of this Chapter, subject to appeal provisions under Title 16 and Chapter 14.12.

(ii) Application for, or issuance of any provisional short-term rental permit does not guarantee future issuance of a short-term rental administrative land use permit under 11.88.290(4). The provisional permit is intended to be temporary and is only in effect while the department reviews all permits applications for compliance with all Chelan County regulations, including this chapter, for the 2021 and 2022 permit years before

issuance or denial of issuance of a short-term rental administrative land use permit. This single (4)(D)(ii) provision ceases to exist on December 31, 2022.

(a) All existing non-conforming short-term rental owners wishing to continue short term rental land use operation past the 2021 year registration for the 2022 calendar year, shall apply for a short term rental permit on a provisional self-certification form no later than December 31, 2021. This self-certification form serves as the 2022 provisional short term rental permit application. The applicant may continue provisional operation until the review, found below in (4)(D)(ii), has been completed and an administrative determination has been made, and the owner has been notified whether their short-term rental is in lawful compliance with this chapter and they may continue to operate in 2022.

(iii) For urban growth areas or zip codes below the cap as of the date of adoption, owners may apply for a new short-term rental application per (D)(v).(iv) By not later than June 30, 2022,, the Director shall upon review for accuracy, completeness, and code compliance, provisionally approve a Tier 1 short-term rental property, or any existing 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, provided that any owner who has been found to be ineligible for continued operation under this chapter, that has been notified by the Department, shall have 30 days to cease all operation as a short-term rental and must reapply under all applicable provisions of Chapter 11.88., subject to appeal provisions under Title 16 and Chapter 14.12.

(v) 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).

(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 for Tier 2 and Tier 3 short-term rentals has been reached, the window of time for submission shall be closed for that year. Provided that Tier 1 applications do not have a limit on the number of applications.

(b) The Director shall annually by March 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.

(c) Applications for new short-term rentals in urban growth areas or zip codes below the cap at the adoption of the code in XXX 2021 may apply for a land use



715 permit application. Applications will be taken on a first-come first served basis per  
716 (1).

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

721 (e) An application must be complete before a permit is issued. Any applicant who  
722 does not complete the required application forms, complete any required  
723 inspections or other processes contained within this chapter, and fully submit any  
724 required supplemental information, or within 30 days correct any application  
725 documentation submission deficiencies as requested by the department by any  
726 required deadlines, including application for any required Conditional Use Permits,  
727 or upon application review is found to have knowingly provided false information,  
728 or the applicant or property is found to be out of compliance with this or other  
729 titles of Chelan County land use or development codes, is ineligible for a short  
730 term rental permit. The applicant shall not receive any further processing of their  
731 application. Once denied, the applicant shall not be eligible for rental permit  
732 application until such time as the owner can show compliance with Chelan County  
733 regulations, and then must reapply to restart the process.

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

735 (E) Term.

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

740 (F) Forms and Procedures.

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

744 (G) Nonuse.

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

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

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



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

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

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

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

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

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

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

(ii) A non-conforming short term rental permitted according to the provisions of Subsection (2)(E), is allowed to transfer to a new owner one time within five years of the effective date of the ordinance (XXXX, 2021) consistent with (I)(iii) below, and the new owner may continue to operate under the existing short-term rental permit for the remainder of the current registration year provided that within 30 days of closing the subject owner has provided their contact name and registration with the Department.<sup>6</sup> The owner shall provide signage and notification consistent with (3)(G).

(iii) A transfer occurs when the property is sold to a person or when officers of corporations are changed to remove former officers and add new officers, except that a transfer does not occur when officers are changed due to death where title is held in survivorship with a spouse or a transfer on the owner's death to a trust which benefits only

<sup>6</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.

a spouse or child(ren) for the lifetime of the spouse or child(ren). The survivor may not sell or transfer title, except that title may transfer among the survivors. A transfer also does not occur when due to divorce a former spouse's name is removed from the deed or corporation.

(J) Approval Criteria.

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

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

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

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

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

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

(f) The short-term rental is considered non-conforming and is in full compliance with Subsection (2)(E) above.

(g) The short-term rental has not been transferred in violation of Subsection (4)(I) above.

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

(5) ENFORCEMENT

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

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

(6) MONITORING

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

(A) The Director may utilize a commercial monitoring and/or response service to assist with implementation of this chapter.

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

(1) Parking space shall be provided as shown in Table 11.90-3 for the land uses listed. The number of required parking spaces shall be rounded upward to the nearest whole number if the calculation results in a fractional space requirement of one-half space or more.

826 (2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may  
827 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  |
| Accessory dwelling unit, guest houses(*)  | 1 additional space  |
| Multifamily (3 or more units)   | 1-1/2 spaces per dwelling unit  |
| Bed and Breakfasts, 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 <u>any onsite manager</u>                     |
| 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 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>   |   |

**Table 11.90-3**

| Land Use  | Required Off-Street Parking   |
|---|---|
| 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                                       |
| 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  |

(\*) Where a single-family residence or accessory dwelling unit is used as a short-term rental in conformity with CCC 11.88.290, the parking standards for short-term rentals shall supersede.

## Chapter 11.93 Conditional Use Permits

### 11.93.450

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

## Chapter 3.24 Community Development Department Fees

### 3.24.010 FEE SCHEDULE.

#### (a) Planning.

| Application Type   | Fee             |
|--|-----------------|
| Conditional use permit   | \$1,520         |
| <u>Short-term rental Tier 1 and 2, 2021 provisional registration</u>   | <u>\$125</u>    |
| <u>Short-term rental Tier 3 2021 provisional registration</u>  | <u>\$187.50</u> |
| <u>Short-term rental (Tier 1, first permit)</u>  | <u>\$500</u>    |
| Short-term rental ( <u>Tier 2, inspection not required, provisional first permit</u> )   | \$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 (new Tier 3 first permit, includes CUP application)</u>                                   | <u>\$2,270</u>  |
| <u>Short-term rental (Tier 1 annual and renewal)</u>   | <u>\$500</u>    |
| <u>Short-term rental (Tier 2 annual and renewal, no inspections)</u>   | <u>\$500</u>    |

| Application Type  | Fee                                    |
|---|--|
| <u>Short-term rental (Tier 3 second provisional, annual and renewal, if no new CUP is required)</u>     | <u>\$750</u>                           |
| <u>Short-term rentals of any type that did not properly register per CCC 11.88.290(2)(E) or (4)(B).</u> | <u>Assessed double applicable fees</u> |

*1 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.*

## Definitions

### 14.98 DEFINITIONS

#### 14.98.1410 Person.

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

#### 14.98.265 Bed and breakfast.

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

#### 14.98.625 Dwelling unit.

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

#### 14.98.915 Guest inn.

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

#### 14.98.1105 Lodging facilities.

"Lodging facilities" means establishments providing transient sleeping accommodations and may also provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may include, but are not limited to, hotels, motels, and lodges greater than six rooms, and any overnight accommodation that is rented nightly for 30 days or less and has an occupancy of greater than 16 persons, including children greater than 2 years old.

#### 14.98.1110 Lodging unit.

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

### **14.98.1632 Bedroom**

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

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

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

### **14.98.1692 Short-Term Rental**

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

### **14.98.1693 Short-Term Rental Operator**

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

### **14.98.1694 Short-Term Rental Owner**

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

### **14.98.1695 Owner Occupied**

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

## 16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS

### 16.20.010 Compliance

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

### 16.20.020 Enforcement Procedures, Notices, and Citations

(1) Enforcement Procedures. Unless specified otherwise in this chapter, all enforcement procedures in this title apply to short-term rental owners, operators, and properties.

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

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

(4) No provision within this section limits the application of any other applicable enforcement section within Title 16 for a violation involving a short-term rental use, or for any other use of the property.

### 16.20.030 Civil Penalties

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

(2) Any additional violation of 11.88.290(3) Standards or 11.88.290(4) Permits within 12 months of any preceding violation of the same type of standard or permit requirement within those same subsections, is subject to a penalty of double the prior violation penalty amount.

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

### 16.20.040 Revocation

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

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

(A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.290 short-term rental regulations and Title 14 is grounds for immediate revocation of the permit.

(B) Failure to meet the criteria of CCC 11.88.290 Short-Term Rental Regulations is grounds for immediate denial of issuance or revocation of the short-term rental land use permit.

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

940 (D) Such other violations of Titles 11, 14, and 16 in the reasonable judgment of the  
941 Administrator,<sup>7</sup> so as to provide reasonable grounds for immediate revocation of the land use  
942 permit.

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

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

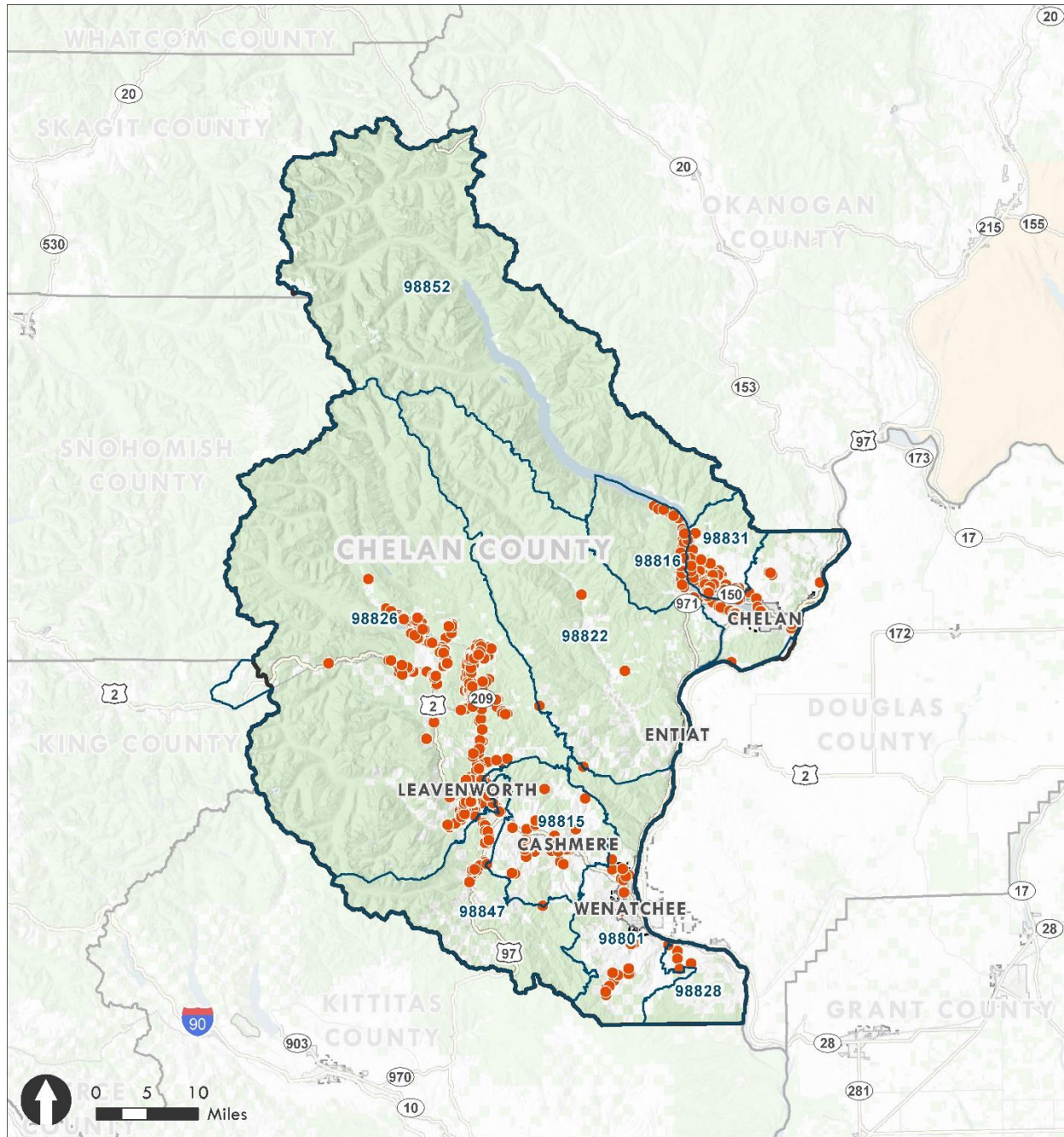
950 (G) Revocation or denial of a permit is subject to the appeal provisions of Chapters 14 .12 and  
951 16.12 CCC.

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<sup>7</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

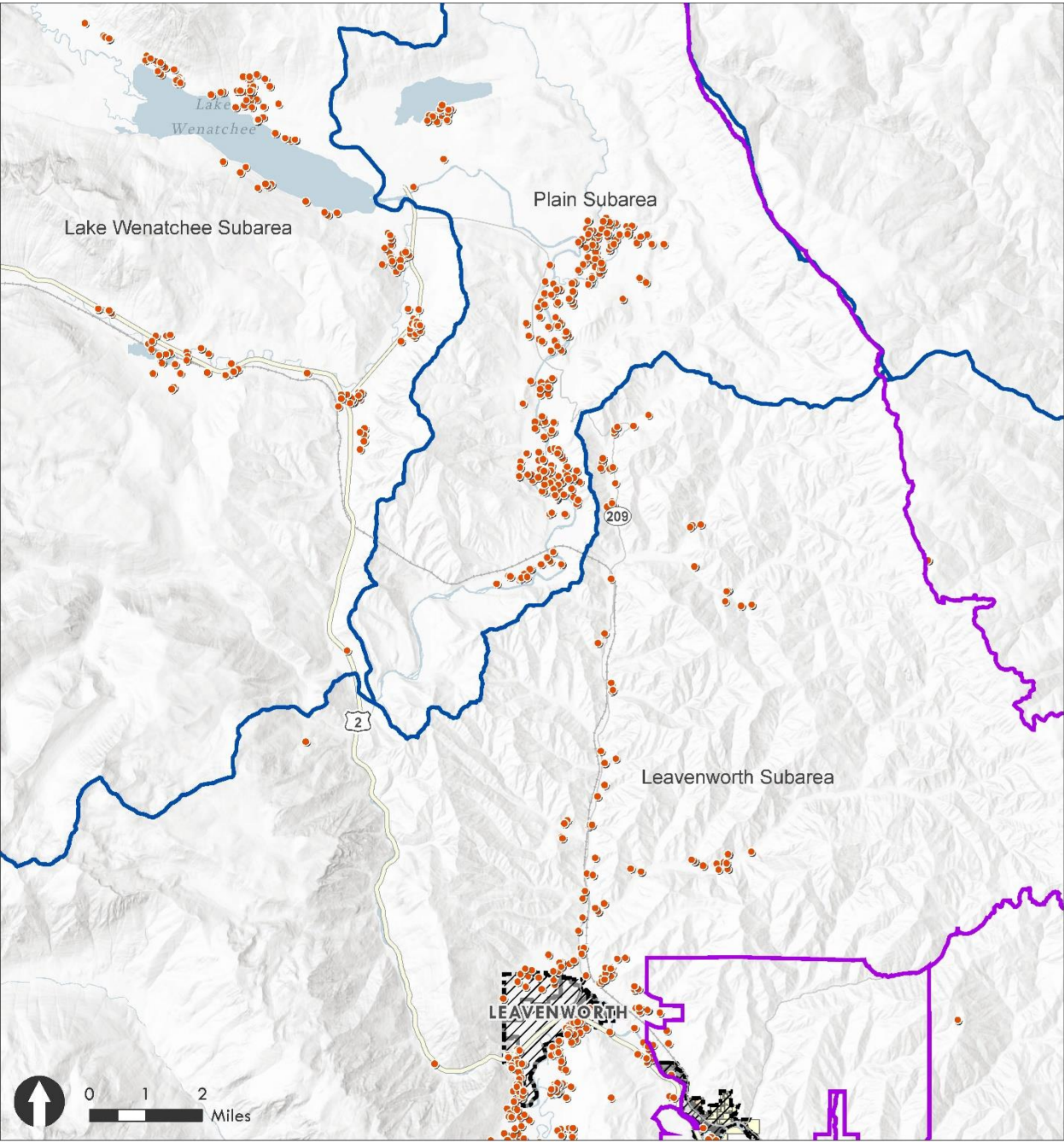
- Short-term Rentals (est. 1,200 active)
- ZIP Code Boundaries

**BERK**  
Map Date: March 2020

Source: AirDNA, 2020.

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

Attachment B: Leavenworth-Lake Wenatchee Subareas



LEGEND

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

**BERK**  
Map Date: May 2020

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.



## Attachment C: Short-Term Rental Data

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

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

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

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

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

| Location                      | Whole Home<br>(Tier 2 and Tier 3) | Private Room<br>(Tier 1) | Total Whole Home<br>& 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%     |
| Total Unincorporated and City | 2,002                             | 147                      | 2,149                         | 100%    |

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

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

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

| Zip Code<br>Community<br>Name | Zip<br>Code | Total<br>Dwellings<br>2019 | Total<br><u>Unincorporated</u><br>Dwellings 2019 | January<br>2020<br>Active<br>STRs | % short-term<br>rentals -<br>Unincorporated | Zip Codes<br>Excl Units<br>on Tribal<br>Land<br>(Wapato) | Alternative<br>% |
|-------------------------------|-------------|----------------------------|--|-----------------------------------|---|--|------------------|
| 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>      |

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

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

983 **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>     |

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

986

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

988 **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%    |

989 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 990 \* 2 units are zoned UR2 but mapped outside the UGA. It would not change the 16% share of short-term rentals in the UGA.  
 991 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

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

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

996 **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%   |

997 **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%                |

998 \* 2 units are geolocated outside the Manson UGA but are noted as UR2. If included the whole homes would be 220 and the share  
 999 of county short-term rental units would be 18%.

1000 **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%    |

1001 NOTE: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 1002 Source: AirDNA Property Data, Whole House Rentals Jan 2020 AirDNA STRs: 1,247

1003  
 1004  
 1005

## Attachment D: STR Task Force Report

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

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

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

Draft

1012

1013 **Attachment E: Code Evaluation**

1014 Chelan County Code Section 14.13.040 includes evaluation criteria regarding the decision to approve,  
1015 modify, or deny a development regulation amendment application, whether initiated by private  
1016 applicants or the County. Each is listed below with discussion of concurrence with the criterion:

1017 (1) The amendment is necessary to resolve a public land use issue or problem.

1018 *The short-term rental code addresses a public land use issue or problem identified by the County and community to*  
1019 *address land use compatibility, rural character and economy, and housing affordability and availability. The*  
1020 *community concerns are reflected in the public record for the project with hundreds of residents and landowners*  
1021 *participating including testifying at hearings, providing letters, or participating in the Task Force. Various studies,*  
1022 *papers, and reports on the impacts to housing stock, economic, social, and other implications of short-term rentals*  
1023 *in communities from several locales were researched by staff and consultants, along with those provided within*  
1024 *public commenting, and were subsequently considered in formulating several of the regulatory strategies used*  
1025 *within the rental code.*

1026 (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

1027 *The short-term rental code balances Growth Management Act goals and requirements to locate growth in urban*  
1028 *and rural areas in a manner that encourages the preservation of existing housing stock, encourages the availability*  
1029 *of affordable housing, allows for economic development consistent with the Comprehensive Plan, protects rural*  
1030 *character, ensures appropriate public services, protects environmental quality, and provides for fair/timely permits.*  
1031 *Zones that limit short-term rentals continue to provide a range of reasonable uses consistent with the district intents*  
1032 *such as long-term residential uses, compatible home occupations, and others. (See RCW 36.70A.020 and 070)*

1033 (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide  
1034 planning policies.

1035 The amendment is consistent with the following County Comprehensive Plan policies:

1036 *Policy H 2.4: Encourage appropriate placement and use of vacation rentals.*

1037 *Rationale: Vacation rentals impact the character of a neighborhood and impact housing stock.*

1038 *Goal H 3: Encourage the appropriate preservation of existing housing stock.*

1039 *Goal ED 2: Encourage the retention and growth of recreational and tourist based industries consistent with the*  
1040 *comprehensive plan.*

1041 *Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic*  
1042 *activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.*

1043 Countywide Planning Policies promote interlocal land use cooperation: "City and county planning efforts  
1044 will be coordinated within urban growth areas."

1045 (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term  
1046 commercial significance or critical areas in ways that cannot be mitigated.

1047        *Short-term rentals are limited in resource zones and treated similar to similar uses such as bed and breakfasts and*  
1048        *guest houses.*

1049        (5) The amendment is based on sound land use planning practices and would further the general public  
1050        health, safety and welfare.

1051        *The short-term rental code is meant to protect residential quality of life balanced with appropriate locations for*  
1052        *economic uses that do not unduly limit affordable housing, or conflict with rural character and environmental*  
1053        *quality. See the proposed purpose statement in CCC 11.88.290.*

Draft