

1 **Exhibit: "ATTACHMENT A" (version with only-code changes, for code publishing use-with scrivener**  
 2 **error corrections shown from BOCC action on September 7, 2021, and BOCC fee correction action**  
 3 **September 14, 2021)**

4 **CHAPTER 11.04 DISTRICT USE CHART**

5 **11.04.020 District Use Chart**

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

7 (2) The following acronyms and notes apply to the following use chart. If a cell in the table is blank, the  
 8 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 September 27, 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

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

11 **District Use Chart**

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

12 **CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA**

13 **11.22.030 Permitted, Accessory and Conditional Uses**

14 (1) A district use chart is established and contained herein as a tool for the purpose of determining the  
 15 specific uses allowed in each use district. No use shall be allowed in a use district that is not listed in the  
 16 use chart as either permitted, accessory or conditional use, unless the administrator determines, by a  
 17 written administrative interpretation that may be appealed to the hearing examiner, that an unlisted use

18 is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the  
 19 requirements associated with that use and all other applicable provisions.

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

22 (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.

23

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

24

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

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

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

27 <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  
 28 boarders, roomers, or lodgers is permitted as an accessory use.

29 **CHAPTER 11.23 MANSON URBAN GROWTH AREA**

30 **11.23.030 DISTRICT USE CHART.**

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

UR1      Urban Residential-1  
 UR2      Urban Residential-2

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

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

34

- 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

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

37

**Table 9.1 – District Use Chart**

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

38

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

39

**11.23.040 STANDARDS.**

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

- 45 (A) ~~Vacation rentals shall maintain the character of the surrounding neighborhood by:~~
  - 46 (i) ~~Providing year-around solid waste receptacles and pickup service. Trash cans, on the right-of-way,~~  
 47 ~~should be removed within twenty-four hours of pickup; and~~
  - 48 (ii) ~~Provide at least one off-street parking space, outside of the required setbacks for each two rented~~  
 49 ~~bedrooms. Where off-street parking requirements cannot be met the number of rented bedrooms shall~~  
 50 ~~be limited; and~~
  - 51 (iii) ~~Noise emanating from any use shall be in conformance with Chapter 7.35; and~~
  - 52 (iv) ~~Occupancy. The maximum number of occupants permitted to stay overnight shall be two people for~~  
 53 ~~each bedroom plus two additional persons, excluding children under the age of six; and~~

<sup>2</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.

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

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

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

## 63 Short-Term Rental Standards

### 64 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

#### 65 11.88.290 Short-Term Rental Regulations

##### 66 (1) PURPOSE

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

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

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

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

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

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

- 91 (ii) Housing Element goals and policies including, but not limited to, appropriate placement  
92 of vacation rentals to avoid impacting neighborhood character<sup>3</sup> and housing stock,  
93 accessibility to affordable housing for all residents, providing for a variety of residential  
94 housing types and densities, and supporting regulatory changes that promote affordable  
95 housing options in all locations in the county,
- 96 (iii) Rural Element goals and policies including, but not limited to, maintaining natural  
97 environment features that support natural resource-based economic activities including  
98 small scale recreation and tourist uses, wildlife habitats, traditional rural lifestyles, outdoor  
99 recreation, and open space.

100 (2) TYPE, NUMBER, AND LOCATION

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

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

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

111 (iii) Tier 3: Short-term rentals may be either non-owner occupied, or owner occupied, and  
112 exceed occupancy limits applicable to Tier 1 and Tier 2 units as identified in CCC  
113 11.88.290(3). No short-term rental may operate as a Tier 3 short-term rental without  
114 meeting all Tier 3 provisions as applicable to their property under the requirements found  
115 within this chapter.

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

118 (B) Tiered Permits and Numbers Allowed.

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

120 (ii) Tier 2 and Tier 3:

121 (a) New Tier 2 and 3 short-term rentals cannot be located where short term rentals  
122 make up more than the maximum share of the total housing stock in residential  
123 zoning districts listed in the table below. This is the maximum share of short-term  
124 rentals in residential zones within zip codes, zip code subareas, or within urban  
125 growth areas where the use is expressly allowed. Leavenworth subareas are  
126 identified based on the boundaries in (b). If the share equals or exceeds this level,

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<sup>3</sup> Relates to Policy H 2.4 that is directly relevant to this proposed code.

no new short-term rentals are allowed until the total number falls below this maximum limit.

**Maximum Share of Short-Term Rentals**

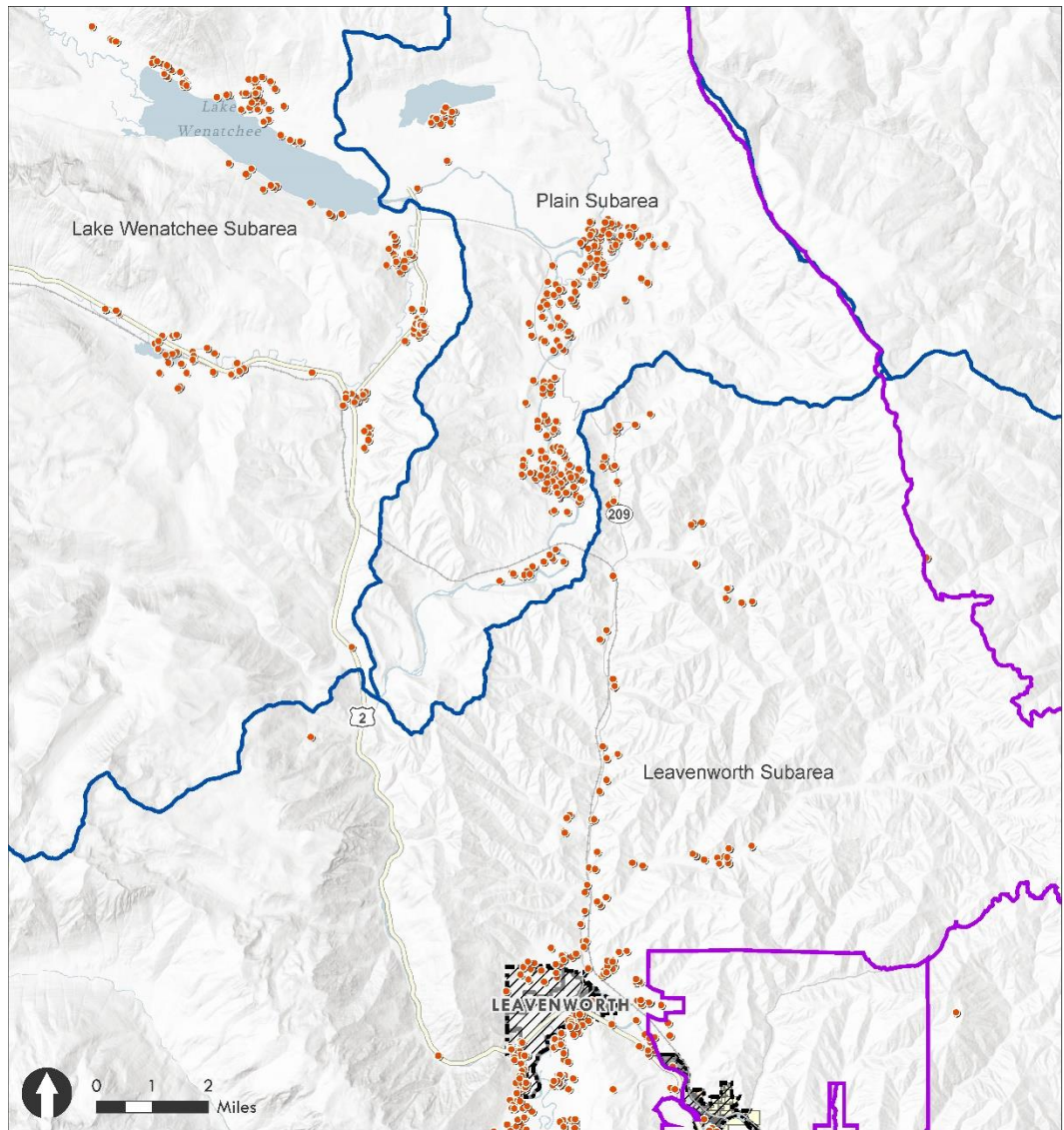
<b>Area</b>	<b>Name of Area</b>	<b>Maximum Share of Short-Term Rentals*</b>
Zip Code 98826	Leavenworth	6%
Subarea 1	Lake Wenatchee	6%
Subarea 2	Plain	6%
Subarea 3	Leavenworth	6%
Other Zip Codes	Each individually	6%
Urban Growth Area	Manson	9%
Urban Growth Area	Peshastin	0%
City Assigned Unincorporated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

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

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(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.

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(c) To calculate the maximum share of short-term rentals in subsection (2)(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.

140 (d) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the  
141 maximum cap in (a): Rural Commercial zoned districts, Manson and Peshastin  
142 Urban Growth Areas' Commercially zoned districts, Planned Unit Developments  
143 existing on the date of adoption of this chapter with recorded plat notes expressly  
144 permitting short-term rentals, or Master Planned Resorts.

145 (e) Share calculation for Cities and Urban Growth Areas are calculated separate  
146 and independently from other areas within the same zip code or a designated  
147 subarea of a zip code, and one calculation does not affect the maximum allowed  
148 share of short-term rentals for the other.

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

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

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

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

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

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

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

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

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



181 (b) All existing non-conformance claims within a UGA will be subject to joint review  
182 by the county and the affected city.

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

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

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

198 (D) Lot Size and Lot Location Standards

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

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

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

206 (ii) New conforming Tier 2 short-term rentals in all residential zones cited in subsection (D)  
207 and within the Manson UGA shall be located a minimum of 200 feet apart as measured  
208 from all points of the existing short-term rental dwelling structures to proposed short-term  
209 rental dwelling structures. This distance shall not be subject to reduction pursuant to  
210 Chapter 11.95 variances, Chapter 11.97 non-conforming lots, structures, and uses,  
211 Chapter 11.98 reasonable use, nor subject to administrative modification.  
212

213 (iii) Proposals for new conforming Tier 3 short-term rentals shall be located on sites with  
214 direct access off of functionally classified highways consistent with the Chelan County  
215 Transportation Element of the Comprehensive Plan. Access shall be consistent with CCC  
216 15.30.330. Direct access means either parcel frontage or driveway access from the  
217 classified highway right of way.

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

221 (E) Existing Short-Term Rentals:

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

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

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

230 (c) That the short-term rental immediately meets all requirements of Subsection (3),  
231 provided that the requirements for Parking and Signs shall be met within one year  
232 of the effective date of this ordinance, ~~provided that and~~ all legally required  
233 health and safety provisions within subsection (3) including, Garbage, Consumer  
234 Safety, Fire Safety and Outdoor Burning, and Property Management Plan  
235 communications provisions are met within ninety (90) days of the effective date of  
236 this ordinance, except that in the Manson Urban Growth Area, all provisions  
237 consistent with Section 11.23.040 as it existed on August 25, 2020 shall be met on  
238 the effective date of this ordinance; and

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

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

243 (f) If located inside of the Manson Urban Growth Area, documentary evidence that  
244 the short-term rental was properly registered as a vacation rental with Chelan  
245 County per 11.23.040 as of August 25, 2020, or that the short-term rental owner  
246 held a vacation rental permit in the Manson UGA as of July 28, 2019 or in 2020  
247 prior to August 25, 2020. This documentary evidence also satisfies the  
248 requirements found in (2)(E)(i)(a) above provided, failure to accurately represent  
249 and disclose a property's short-term rental history is grounds for immediate permit  
250 denial or revocation, and loss of all existing non-conforming status.

251 (g) Any property owner claiming existing non-conforming status as a short-term  
252 rental within any zip code, subarea, or urban growth area shall resolve any  
253 existing county code violations on the property as required under  
254 11.88.290(4)(A)(ii) and shall have complied with all other relevant provisions of

255 11.88.290 and apply for and have received an initial short-term rental  
256 administrative land use permit and any ~~all~~ required conditional use permits under  
257 subsection (4) by December 31, 2022, or by failing to do so shall waive all claim  
258 to having existing non-conforming status.

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

261 (a) Except as provided in (2)(E)(iii) and (iv) below, an existing short-term rental  
262 operating as of September 27, 2021 is considered non-conforming when one or  
263 more of the following conditions is met:

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

266 (2) a zone does not expressly allow new short-term rental units per  
267 11.88.290(2)(C) and CCC Sections 11.04.020, 11.22.030, 11.23.030, or

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

270 (4) the short-term rental does not comply with the operating standards of  
271 11.88.290(3).

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

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

284 (c) If the non-conforming short-term rental cannot comply with criteria, grace  
285 period, and timelines in Subsection (2)(E)(i) above, it must cease operating no later  
286 than one year from the effective date of this Ordinance (September 27, 2021)  
287 and any issued county permit to operate as a short-term rental immediately  
288 becomes null and void, subject to appeal under Title 16 and Chapter 14.12

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

292 (e) Any short-term rental property that has an unresolved written notice of  
293 violation for short-term rental use, received on or before August 25, 2020, or that  
294 operated as a short-term rental contrary to the August 25, 2020 Chelan County  
295 short-term rental moratorium Resolution 2020-86, or subsequent rental moratorium

296 resolutions 2020-104 and 2021-20, or upon permit application is found to have  
297 an existing zoning, land use, or building permit violation, shall not be considered a  
298 legally non-conforming use as follows;

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

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

307 (3) Under either case in Subsection (2)(ii)(e)(1) or (2)(ii)(e)(2), the short-term  
308 rental property is subject to all provisions of Title 16 CCC, provided that  
309 the appeal provisions of Title 16 and Chapter 14.12 apply.

310 (iii) Non conforming Short-Term Rental Units in Manson UGA. Where a short-term rental is  
311 located in the Manson UGA, only those short-term rentals that were properly registered as  
312 a vacation rental and meet criteria in Subsection (2)(E)(i), shall be considered legal non-  
313 conforming according to Chapter 11.97 CCC, provided the short-~~short~~-term rental is  
314 allowed a grace period of operation in which to fully attain compliance with all current  
315 rental standards as provided in Subsection (2)(E)(i) above.

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

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

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

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

336 (b) If the written communication referenced herein expressly permits and is  
337 authorized by septic permitting at the time of that written communication

338 regarding limit on overnight and daytime occupancy, the property shall not be  
339 subject to the occupancy limits found within 11.88.290(3)(B)(ii) and (3)(B)(iii).  
340 (c) Provision (2)(E)(vi) sunsets on December 31, 2022.

341 (3) RENTAL STANDARDS APPLICABLE TO ALL SHORT-TERM RENTALS

342 (A) Primary or Accessory Residence.

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

346 (ii) A short-term rental owner may operate only one short-term rental per parcel as  
347 designated on their permit application form, which may be in either the primary dwelling  
348 or the accessory dwelling unit but not both. If the short-term rental occurs in a multifamily  
349 dwelling the same owner may not rent more than one unit in the development.

350 (iii) A short-term rental owner may exceed the limits placed on short-term rentals in (ii)  
351 above on a parcel subject to the district zoning requirements of a Rural Commercial county  
352 zone or similar Urban Growth Area commercial zone, provided the short-term rental must  
353 comply with the provisions of 11.04.020, 11.22.030, or 11.23.030.

354 (B) Occupancy.

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

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

361 (b) Occupancy of bedrooms is limited to two persons per bedroom, including  
362 children.

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

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

366 Tier 1: a total of 8 persons including children.

367 Tier 2: a total of 12 persons including children.

368 Tier 3: a total of 16 persons including children.

369 (b) Daytime Occupancy.

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

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

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

377 (c) For purposes of (3)(B)(ii) and (iii) occupancy after 10:00 PM and before 7:00 AM is  
378 considered Overnight Occupancy and all rental use must fully comply with the  
379 overnight occupancy limitations found within 11.88.290.

380 (iii) Exceeding Daytime Occupancy limits.

381 (a) In order for any existing non-conforming or new short-term rental of any Tier level  
382 to exceed total daytime occupancy limits contained in section (3)(B)(ii) above, or to  
383 host events such as weddings, gatherings, or retreats an operator must first obtain  
384 a Conditional Use Permit and satisfy all the Conditions of Approval consistent with  
385 CCC 11.93.315 Places of Public and Private Assembly before operation,  
386 provided that the zone allows short-term rentals as a permitted, or conditionally  
387 permitted use and meets all other short-term rental requirements of this section  
388 provided that overnight occupancy is limited to the provisions of (3)(B)(ii)(a) and  
389 (c). All other applicable criteria of CCC Chapter 11.93 shall be met.

390 (1) For new conforming short-term rentals to exceed the daytime occupancy under  
391 a Conditional Use Permit, in addition to the requirements in (a) above, the  
392 operator must either take access from a classified highway consistent with  
393 11.88.290(2)(D)(iii), or be located in a Master Planned Resort, or in a  
394 commercial zone.

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

397 (C) Parking.

398 (i) Provide residential parking, not located within a setback and not within any recorded  
399 access easement, consistent with the provisions of Chapter 11.90.<sup>4</sup>

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

406 (iii) Unlawful or unsafe parking by short-term rental tenants and guests, owner or operator  
407 joint liability if violation not abated. Qualified Persons or Owner or Operators of short-  
408 term rental properties notified of unlawful or unsafe complaints related to their short-term  
409 rental tenants, or their guests are responsible to promptly abate the parking complaints  
410 emanating from their property for non-compliance with (i) and (ii) above, or for parking  
411 on the property of a neighbor without express permission, or blocking the access to that

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<sup>4</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.

412 neighboring driveway, or preventing their unobstructed use of that neighboring property.  
413 If the owner fails to cause the parking complaint to be abated within 60 minutes of  
414 notification of the complaint, he is subject to the enforcement penalties jointly and  
415 severally with the renter, or guest creating the parking violation under this Chapter and  
416 Title 16.

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

421 (D) Garbage.

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

426 (E) Noise.

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

429 (ii) Public disturbance noise complaints. Renters are subject to the provisions of Chapter  
430 7.35. Owner or operators of short term rental properties notified of complaints are  
431 responsible to promptly abate public disturbance noise complaints on their property. If  
432 the owner or operator fails to cause the noise to be abated within 60 minutes of  
433 notification of the complaint, he is subject to compliance with Chapter 7.35 and the  
434 enforcement penalties jointly and severally with the renter creating the public disturbance  
435 noise.

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

440 (F) Trespass.

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

445 (ii) Trespass by short-term rental tenants and guests, owner or operator joint liability.  
446 Qualified Persons or Owner or operators of short-term rental properties notified of  
447 trespassing complaints related to their short-term rental tenants, or their guests are  
448 responsible to promptly abate trespass complaints emanating from their property. If the  
449 owner or operator fails to cause the trespass to be abated within 60 minutes of  
450 notification of the complaint, he is subject to the enforcement penalties jointly and  
451 severally with the renter, or guests creating the trespass under Chapter 7.32.030 and Title  
452 16.

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

457 (G) Signs.

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

465 (ii) Placement of the sign.

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

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

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

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

480 (H) Consumer Safety.

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

484 (I) Fire Safety and Outdoor Burning.

485 (i) Each owner or operator must include a fire protection plan within their property  
486 management plan in Subsection (3)(K) to alert renters to respect firewise efforts on a  
487 property, or to comply with travel or activity restrictions of CCC Chapter 7.52, Fire  
488 Hazard Areas. The fire protection plan shall demonstrate consistency with a Ready Set Go  
489 program or equivalent; this includes, but is not limited to, restricting the use of fireworks,  
490 outdoor fires, open flame devices, portable fireplaces, fire pits, chimeneas, or BBQ  
491 devices. All permanently installed outdoor flame devices, as well as portable burning  
492 devices shall have the ability to be secured from use in accordance with CCC 7.52 Fire



493 Hazard Areas and these devices must be secured during all periods of regulated burning  
494 restrictions banning the use of that device.

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

497 (J) Qualified Person.

498 (i) The owner or operator must provide the name, telephone number, address, and email  
499 of a qualified person or their designee (which can be a person or company) who can be  
500 contacted concerning use of the property and/or complaints and can respond, personally  
501 or through a designee, to the property within sixty (60) minutes to complaints related to  
502 the short-term rental consistent with the requirements of this section. The owner or operator  
503 must provide a valid telephone number where qualified person can reliably be reached  
504 24 hours per day, every day the property is rented.

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

510 (iii) Repeat violations. A second subsequent violation within 12 months of the previous  
511 violation of failing to have a qualified person available, or failing to respond to a  
512 complaint once notified by the Sheriff, County staff, or by any monitoring service  
513 employed by the county, is grounds for revocation of the short-term rental permit under  
514 16.20.040.

515 (K) Property Management Plan.

516 (i) Short-term rentals must maintain an up-to-date property management plan on file with  
517 the Chelan County Community Development Department and be prominently displayed  
518 within the common living area portion of the rental. The property management plan must  
519 include the following:

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

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

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

530 (d) Provide information required for Consumer Safety per (3)(H) and RCW  
531 64.37.030 and fire protection plan per (3)(I).

532 (e) All units must have an operable landline or Voice Over Internet Protocol (VOIP)  
533 telephone installed to aid in emergency response, and the dwelling recorded in  
534 "Rivercom" data base. The address and phone number of the property and the  
535 contact phone number for the qualified person shall be prominently displayed  
536 near the phone. If land line or VOIP is not available at the site, the Director may  
537 at his discretion allow the owner or operator of the short-term rental to use an  
538 alternative means of direct phone communication, as long as the communication  
539 device is fixed at the location and the phone number is not changed within the  
540 annual permitting period. This phone number shall be noted on the permit  
541 application and the property management plan which shall also include any  
542 special instructions and list any local emergency services calling numbers required  
543 for use of the communication device in an emergency.

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

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

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

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

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

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

556 (L) Annual Permit Number.

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

561 (M) Good Neighbor Guidelines.

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

567 (N) Liability Insurance.

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

570 (O) Taxes.

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

574 (4) LAND USE PERMITS

575 (A) Land Use Permit Required.

576 (i) On, or after September 27, 2021, and except as provided in subsection (3)(D)(i)  
577 below, no short-term rental owner or operator may advertise, offer, operate, rent, or  
578 otherwise make available or allow any other person to make available for occupancy or  
579 use as a short-term rental without a valid short-term rental administrative land use permit  
580 issued by the Director or a Conditional Use Permit approved by the Hearing Examiner  
581 pursuant to this Chapter 11.88, and Chapter 14.10. All dwelling units on a single parcel  
582 shall be reviewed concurrently in the same application, and the dwelling to be used as a  
583 short-term rental shall be clearly identified.

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

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

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

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

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

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

602 (a) At their discretion the Director may, upon showing of a hardship reason for  
603 applicant's delay, accept permit renewal applications received after October  
604 31 but before December 31 of the same year and may assess double the  
605 normal fees for permitting, provided the short-term rental may not continue  
606 operation past December 31 until the permit application is approved and a  
607 permit issued.

608 (b) Permit renewal applications received after December 31 will not be accepted,  
609 and the short term rental must immediately cease operations on January 1 of  
610 the following year. The owner and property loses any vesting to continue

611 operation as a legally conforming or non-conforming short term rental under  
612 this chapter. Expired short term rentals under this Subsection are then subject  
613 to the housing cap provisions of 11.88.290(2)(B) and must apply as a new  
614 short term rental if all other provisions of 11.88.290 allow, and consistent with  
615 the applicable district use chart.

616 (C) Permit Applications.

617 (i) Short-term Rental owners must apply for an administrative land use permit to establish  
618 compliance with this code. Fees consistent with CCC 3.24.010 must be paid. Applicable  
619 fees shall reflect costs for review, inspections, and permitting of different short-term rental  
620 tiers, and inspections at the appropriate stage. All other permit costs apply. Fees are due  
621 at the time permit application.

622 (D) Application Acceptance and Evaluation.

623 (i) Existing non-conforming short term rentals. Beginning on September 27, 2021 and by  
624 December 31, 2021, all existing short-term rentals operating as of dates established in  
625 (2)(E) and subject to the provisions of (2)(E) wishing to operate as a short-term rental for  
626 the remainder of 2021 shall pay a fee equal to one quarter of the annual permit fee  
627 established for their Tier per the table in Chapter 3.24, and register on a department  
628 registration provisional self-certification form. This self-certification form serves as the first  
629 provisional short term rental permit application. Those owners and properties failing to  
630 register within this time period shall not be considered as an existing and non-conforming  
631 short-term rental use for 2021 under this Section and shall forfeit any claim of continuing  
632 existing non-conforming short term rental use status for 2022 and beyond under this  
633 Section, and any short-term rental that occurred during this period is considered to have  
634 been in violation of this Chapter, subject to appeal provisions under Title 16 and Chapter  
635 14.12.

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

645 (ii) Application for, or issuance of any provisional short-term rental permit does not  
646 guarantee future issuance of a short-term rental administrative land use permit under  
647 11.88.290(4). The provisional permit is intended to be temporary and is only in effect  
648 while the department reviews all permits applications for compliance with all Chelan  
649 County regulations, including this chapter, for the 2021 and 2022 permit years before  
650 issuance or denial of issuance of a short-term rental administrative land use permit. This  
651 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 so they may continue to operate in 2022.~~

(iii) For urban growth areas or zip codes below the cap as of the date of permit application, owners may apply for a new short-term rental application per (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 thirty (30) calendar days to provide any correction to the information that led to that determination of ineligibility, if a correction is possible, or cease all operation as a short-term rental. They must reapply for permitting under all applicable provisions of Chapter 11.88.290, subject to appeal provisions under Title 16 and Chapter 14.12.

(v) New compliant short-term rentals. Beginning on December 1, 2021, new compliant Tier 1, Tier 2, and Tier 3 land use permit applicants may apply to obtain a new conforming short-term rental permit pursuant to the provisions and limitations of 11.88.290(2).

(a) New short-term rental applications are not allowed for 2021. Applications for 2022 new compliant short-term rentals in urban growth areas or zip codes below the cap based upon available data may apply for a short-term rental land use permit application starting December 1, 2021 and by no later than July 29, 2022, as provided herein. No new 2022 permit applications will be accepted after July 29, 2022. 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. After the 2022 permitting year, permit applications for subsequent years are only accepted on the published dates allowing permit submission. The number of permit applications accepted shall not exceed the number of short-term rentals allowed per the applicable housing cap within each zip code and Urban Growth Area as provided in Subsection (2)(B). 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

695 urban growth areas, and accordingly schedule a permit application time window,  
696 to be held only once annually between June 1 and July 31, to allow new short-  
697 term rental applications for the following year in each zip code and urban growth  
698 area where the cap in Subsection (2)(B) is not exceeded.

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

703 (d) An application must be deemed complete before a permit is issued. Any  
704 applicant who does not complete the required application forms, complete any  
705 required inspections or other processes contained within this chapter, and fully  
706 submit any required supplemental information or who within thirty (30) calendar  
707 days of notification fails to correct any application documentation submission  
708 deficiencies as requested by the department by any required deadlines, including  
709 submitting a complete application for any required Conditional Use Permits, or  
710 who upon application review is found to have knowingly provided false  
711 information, or if the applicant or property is found to be out of compliance with  
712 this or other titles of Chelan County land use or development codes, is therefore  
713 ineligible for a short term rental permit. The applicant shall not receive any  
714 further processing of their application. Once denied, the applicant shall not be  
715 eligible for rental permit application until such time as the owner can show  
716 compliance with Chelan County regulations, and then must reapply to restart the  
717 process.

718 (vi) All application fees are non-refundable.

719 (E) Term.

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

724 (F) Forms and Procedures.

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

728 (G) Nonuse.

729 (i) All short-term rentals must operate under a current short-term rental land use permit  
730 regardless of nonuse. If a property has not been rented in a twelve-month period,  
731 renewal of short-term rental land use permit must still be met to maintain the validity of  
732 the permit and to retain eligibility for renewal in immediately subsequent years.

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

735 (i) Fire and Emergency Safety and Short Term Rental Standards. Prior to approving the  
736 initial short-term rental permit, the applicable fire district, Fire Marshal/Department of  
737 Fire Prevention and Investigations, or community development personnel must perform a  
738 life-safety and applicable short term rental or conditional land use permit standards  
739 inspection, except as provided under Subsections (H)(iv) and (H)(v).

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

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

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

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

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

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

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

766 (ii) A non-conforming short-term rental permitted according to the provisions of Subsection  
767 (2)(E), is allowed to transfer the existing permitted non-conforming status and currently  
768 issued operating permit to continue under a new owner one time within five years, except  
769 three years within the Manson Urban Growth Area, of the effective date of the ordinance  
770 (September 27, 2021) consistent with (I)(iii) below, and the new owner may continue to  
771 operate under the existing short-term rental permit for the remainder of the current  
772 registration year and renew permits and operate in subsequent years under the  
773 permitting requirements applicable to the original owner, provided that within thirty (30)  
774 calendar days of closing the ~~subject~~ new owner has provided their contact name and

775 registration information with the Department.<sup>5</sup> The new owner shall provide signage and  
776 notification consistent with (3)(G).

777 (iii) A transfer occurs when the property is sold by a person or corporation, to another  
778 person or corporation, or when officers of corporations are changed to remove former  
779 officers and add new officers, except that a transfer does not occur when officers are  
780 changed due to death where title is held in survivorship with a spouse or a transfer on the  
781 owner's death to benefit only a spouse or child(ren) for the lifetime of the spouse or  
782 child(ren). The survivor may not sell or transfer title, except that title may transfer among  
783 the survivors. A transfer also does not occur when due to divorce a former spouse's name  
784 is removed from the deed or corporation.

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

793 (J) Approval Criteria.

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

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

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

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

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

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

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

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

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

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



810 (5) ENFORCEMENT

811 (A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid

812 Short-Term Rental Permit. Evidence of operation includes, but is not limited to, advertising, online

813 calendars showing availability, guest testimony, online reviews, rental agreements, or receipts.

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

815 (6) MONITORING

816 The Director shall report to the Board of County Commissioners on the status of short-term rental

817 regulation implementation annually at the time the existing short-term baseline is reported per (4)(D). The

818 County may initiate a review or amendment pursuant to Chapter 14.13.

819 (A) The Director may utilize a commercial monitoring and/or response service to assist with

820 implementation of this chapter.

821 **11.90.060 Required off-street parking.**

822 (1) Parking space shall be provided as shown in Table 11.90-3 for the land uses listed. The number of

823 required parking spaces shall be rounded upward to the nearest whole number if the calculation results in

824 a fractional space requirement of one-half space or more.

825 (2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may

826 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, and Tier 1 and Tier 2, and Tier 3-overnight-lodging use-only, Short-Term Rentals	1 space per bedroom and 1 space for any onsite manager
Institutional or group homes: nursing home, correctional, retirement	1 space per 5 beds and 1 space per staff person
<b>Medical Facilities</b>	
Hospitals	1-1/2 spaces per bed
Medical or dental clinics and offices	1 space per 200 square feet
<b>Public Assembly</b>	
Auditoriums, gyms, clubs, lodges, any Tier short term rental event venue or exceeding daytime occupancy uses	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>	

**Table 11.90-3**

Land Use	Required Off-Street Parking
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, lodging facilities	1 space per guest room or suite and 1/2 space per employee
Outdoor amusement area	0.3 spaces for every attendee
Sports field	1 space per participant (est. 45 participants per ball field)
Stadiums, arenas, theaters, race tracks	1 space per 4 seats or 8 feet of bench
Swimming pools, skating rinks, dance halls	0.3 spaces for every attendee
<b>Commercial</b>	
Banks, personal and professional services	1 space per 300 square feet of floor area
Eating and drinking establishments	1 space per 100 square feet of floor area
Retail	1 space per 300 square feet of floor area
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

827  
828

(\*) 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.

829 Chapter 11.93 Conditional Use Permits

830 11.93.450

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

833 Chapter 3.24 Community Development Department Fees

834 3.24.010 FEE SCHEDULE.

835 (a) Planning.

Application Type	Fee
Conditional use permit	\$1,520
Short-term rental Tier 1 and 2, 2021 provisional registration	\$125
Short-term rental Tier 3 2021 provisional registration	\$187.50
Short-term rental Tier 1, 2022 provisional, annual, or renewal permit	\$500
Short-term rental Tier 2, 2022 provisional, annual, or renewal permit	\$500
Short-term Tier 3 rental if CUP required (new Tier 3 first permit, includes CUP application)	\$2,270
Short-term rental (Tier 3 2022 provisional, annual and renewal, and includes annual CUP renewal, if no new CUP is required)	\$750
Short-term rentals of any type that did not properly register as provided per CCC 11.88.290(2)(E) or (4)(B).	Assessed double applicable fees
Required Short -term rental fire and life safety inspections, or re-inspections performed by Fire Marshal, or designee, or by Community Development (in addition to permit fees)	\$100
Application Type	Fee
Conditional use permit	\$1,520
Short term rental Tier 1 and 2, 2021 provisional registration	\$125
Short term rental Tier 3 2021 provisional registration	\$187.50
Short term rental (Tier 1, first permit)	\$500
Short term rental (Tier 2, inspection not required, provisional first permit)	\$500
Short term rental (Tier 2, inspection required second provisional permit and first time new Tier 2 permits) <sup>†</sup>	\$900
Short term rental if CUP required (new Tier 3 first permit, includes CUP application)	\$2,270
Short term rental (Tier 1 annual and renewal)	\$500
Short term rental (Tier 2 annual and renewal, no inspections)	\$500
Short term rental (Tier 3 second provisional, annual and renewal, and includes annual CUP renewal, if no new CUP is required)	\$750

Application Type	Fee
Short term rentals of any type that did not properly register per CCC 11.88.290(2)(E) or (4)(B).	Assessed double applicable fees
Short term rental fire and life safety inspections by Fire Marshal, or designee	\$100

*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.*

836

## Definitions

837

### 14.98 DEFINITIONS

838

#### 14.98.1410 Person.

839

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

#### 14.98.265 Bed and breakfast.

842

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

#### 14.98.625 Dwelling unit.

846

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

#### 14.98.915 Guest inn.

850

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

#### 14.98.1105 Lodging facilities.

854

855 "Lodging facilities" means establishments providing transient sleeping accommodations and may also  
856 provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may  
857 include, but are not limited to, hotels, motels, and lodges greater than six rooms, and any overnight  
858 accommodation that is rented nightly for fewer than thirty (30) consecutive nights or days and has an  
859 occupancy of greater than 16 persons, including children.

#### 14.98.1110 Lodging unit.

860

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

863 **14.98.1632 Bedroom**

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

870 **14.98.1691 (Short-Term Rental) Grace Period**

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

874 **14.98.1692 Short-Term Rental**

875 “Short-Term Rental” means a commercial use utilizing a dwelling unit, or portion thereof, that is offered or  
876 provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty (30)  
877 consecutive nights or days, by intent or net effect of nights or days rented. They are commonly referred  
878 to as vacation rentals. They are a form of commercial tourist or transient accommodations. Short-term  
879 rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. They  
880 are rented as a single lodging unit, do not provide food service, and retain the form and function of a  
881 dwelling unit. For the purpose of administration and enforcement of this title, the terms “overnight rental,”  
882 “nightly rental,” “daily rental,” and “vacation rental” are interchangeable with short-term rentals.  
883 Subleasing or subletting of units for short-term rental is prohibited.

884 **14.98.1693 Short-Term Rental Operator**

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

889 **14.98.1694 Short-Term Rental Owner**

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

896 **14.98.1695 Owner Occupied**

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

900 **14.98.1696 Verified Violation**

901 “Verified violation” means a violation of a provision of this chapter in which a code enforcement official,  
902 short-term rental division staff, or a law enforcement officer has investigated and confirmed or  
903 substantiated through direct observation or through the collection of evidence, that the violation occurred  
904 and is attributable to an owner or operator, or person directly renting, or associated with renting a short-  
905 term rental property use, whether the property is permitted as a short-term rental use, or is not permitted  
906 for the use, provided the owner or operator has been issued written notification by the Department or  
907 Code Enforcement staff advising of the verified violation. This notification can take the form of a letter,  
908 civil or criminal citation, a Notice and Order, Notice of Violation, or some other official form of written  
909 communication as approved by the Department Director.

910

911 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

912 **16.20.010 Compliance**

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

916 **16.20.020 Enforcement Procedures, Notices, and Citations**

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

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

924 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site  
925 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and  
926 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

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

929 **16.20.030 Civil Penalties**

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

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

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

## 938 **16.20.040 Revocation**

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

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

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

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

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

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

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

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

960 (G) Revocation or denial of a permit is subject to the appeal provisions of Chapters 14 .12 and  
961 16.12 CCC.

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