

Chelan County Short-Term Rentals

Planning Commission Recommendations October 15, 2020 | **BOCC Options December 2, 2020**

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 are found across the county, but particularly in the Leavenworth-Peshastin area, Lake Wenatchee, Manson, and Chelan. The number of short-term rentals has increased rapidly in the last six years especially in Leavenworth and Manson areas.

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

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

The Board of County Commissioners desire to look at new code options in 2020. The process includes: development of a situation assessment; development of code options; Planning Commission review, hearing, and recommendations; and Board of County Commissioner review, hearing, and decision.

The Chelan County Planning Commission met seven times over April to July 2020 to develop draft short-term rental regulations, with a hearing on June 17, 2020 and deliberations on June 24 and July 9, 2020.

The Board of County Commissioners met in July and August 2020 to consider the Planning Commission Recommendations. The Board remanded the short-term rental code back to the Planning Commission for reevaluation in September 2020 including a new hearing and deliberation.

The Planning Commission held a public hearing on September 9, 2020 on their recommendations developed July 9, 2020. The Planning Commission held deliberations on September 23, 2020 and on October 15, 2020. They made revised recommendations on October 15, 2020 reflected in this document. **Also reflected in this document are options to address the BOCC discussions over October and November, shaded in yellow.**

Data on short-term rentals and the evolution of the draft code can be found at:

- Project website: <https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals>. Public comments received through the review process are posted at the project website.
- Planning Commission packets are located at this link: <https://www.co.chelan.wa.us/community-development/pages/planning-commission>.

Planning CommissionBOCC Recommendations

Planning CommissionBOCC recommendations are illustrated in Exhibit 1 and described below.

- 34 ■ **Zones Allowed:** A short-term rental owner/operator would determine if the zoning district permits
35 or conditionally permits a short-term rental. Tier 1 owner-occupied short-term rentals are permitted
36 in most zones ~~as an accessory use in the unincorporated~~ County ~~lands~~ provided they meet
37 operational standards and obtain a land use permit. Tier 2 short-term rentals are non-owner
38 occupied, and are permitted ~~in selected zones~~ but are further restricted on smaller lots in certain
39 zones with a ~~sunset clause grace period~~, or limited in numbers in areas where there is a high
40 concentration of existing short-term rentals. Tier 3 short-term rentals are those with larger
41 occupancies (over 12 total guests, ~~and no greater than 24 guests~~) and would require conditional use
42 permits and have similar restrictions on locations and numbers as Tier 2.
- 43 ■ **Number Allowed:** New non-owner-occupied units (Tier 2) and larger occupancy short-term rentals
44 (~~over 12~~ 13-24 guests; Tier 3) ~~would be limited in number to 1% of existing compliant short term~~
45 ~~rentals documented countywide. The Tier 2 and Tier 3 short term rentals~~ could locate in
46 unincorporated areas except for zip codes, ~~overlay zones~~, and Urban Growth Areas (UGAs) with
47 more than 5% short-term rentals as a share of total units.¹ ~~See Attachment A for a map of zip codes,~~
48 ~~and Attachment B for a map of the Leavenworth Lake Wenatchee subareas. These areas are~~
49 ~~referenced in relation to the restrictions on locations where short term rentals make up more than 5%~~
50 ~~of the housing stock.~~ Also, due to community preferences and concern over neighborhood quality,
51 new short-term rentals would be limited in Peshastin and Manson UGAs particularly in residential
52 zones. Tier 1 includes developments specifically designed for short-term rentals (e.g. Planned Unit
53 Developments and Master Planned Resorts) are not subject to the cap.
- 54 ■ **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy,
55 parking, noise, solid waste, ~~pool/hot tub monitoring~~, adequate sewer and water, fire preparedness,
56 access to a qualified person within 60 minutes, establishing a property management plan, etc.
- 57 ■ **Existing Units:** Existing short-term rentals established prior to the ~~effective date of the code~~ August
58 25, 2020² would need to meet criteria regarding use allowances in their zones (locating in a zone
59 that allowed for a similar use such as a bed and breakfast), use as a short-term rental, proper
60 payment of taxes, and compliance with operational standards. Permits would need to be obtained
61 as well. Where existing units are in ~~the RR2.5 and RV~~ zones ~~but are~~ on lots less than ~~2.5~~ the
62 ~~required~~, there is a ~~53~~-year ~~sunset clause~~ grace period. Where existing units are in a zone that
63 prohibits them, there is a ~~23~~-year ~~sunset~~ grace period.
- 64 ■ **Permit Process:** ~~Once compliant numbers of existing units are established through a land use permit~~
65 ~~process, the 1% cap of new units would be determined. All Tier short-term rentals must register and~~

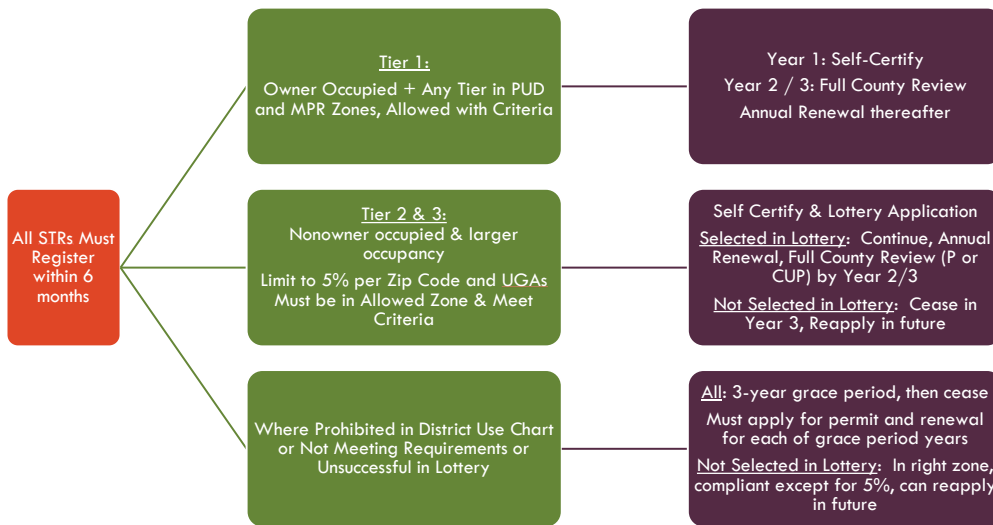
¹ The threshold share of short-term rentals is 5% of the total housing stock which is similar to a recommendation in a study of Oregon jurisdictions that found that where short-term rental growth and household formation is increasing at a faster rate than total housing unit growth there can be a constraint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

The rate of short-term rental growth has been occurring faster than new home construction in the Leavenworth Zip Code within unincorporated areas. The Zip Codes with greater than 10% share of short-term rentals compared to total dwellings within unincorporated areas include: Leavenworth (15.6%) and Manson (11.2%). Peshastin Zip Code is at 5.5%. Chelan is 3.9% and others are less than 2%. These percentages are based on whole house rentals and are corrected to exclude housing inside city limits. The number where only a room is offered is < 100. See Attachment D for the updated information.

² The date of the moratorium on short-term rental uses in Resolution 2020-86: <https://www.co.chelan.wa.us/files/community-development/documents/STR/Short-term%20Rental%20Moratorium.pdf>.

provisionally self-certify. Tier 2 and Tier 3 Short-Term Rentals that can comply with the rules fully can enter a lottery up to the 5% cap; those selected would apply for a full permit with required inspections. Those unsuccessful can operate within the 3-year grace period and cease upon that timeframe; they could reapply later when the share of short-term rentals are below 5%. Then new units could be permitted. The first permit would require inspections and more detailed review, but annual renewal would be based on self-certification and a more abbreviated review. Fees would be set to recover costs of permit reviews and inspections such as by the fire marshal, health district, etc.

Exhibit 1. Proposed Short-Term Rental Regulation Process [updated]



Task Force

In addition to the permitting and code compliance standards in the proposed regulations, the Planning Commission has recommended a Task Force be formed to review the effectiveness of the regulations after a 2 to 3 year period. It would have nine members. The Board of County Commissioners has reviewed and amended the make up of the Task Force. See Attachment CDraft Resolution under separate cover.

Schedule

The Board of County Commissioners will take up the has considered Planning Commission recommendations and conducted their own study sessions and a hearing and to determine how to regulate short-term rentals. More information about the schedule can be found at the project website: <https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals>.

Evaluation

Commented [LG1]: Add evaluation per CCC 14.13.040.

86

87

88

89

90

91

92

93

94

95

96

97

98

99

00

01

02

03

04

05

06

07

08

09

10

11

12

13

14

15

16

17

18

19

20

21

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

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

The short-term rental code addresses a public land use issue or problem identified by the County and community to address land use compatibility, rural character and economy, and housing affordability. The community concerns are reflected in the public record for the project with hundreds of residents and landowners participating.

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

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

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

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

*Policy H 2.4: Encourage appropriate placement and use of vacation rentals.
Rationale: Vacation rentals impact the character of a neighborhood and impact housing stock.*

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

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

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

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

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

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

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

The short-term rental code is meant to protect residential quality of life balanced with appropriate locations for economic uses that do not unduly limit affordable housing, or conflict with rural character and environmental quality. See the proposed purpose statement in CCC 11.88.280.

Chelan County Draft Short-term Rental Code

DRAFT ~~October 15~~ December 2, 2020 | Planning Commission Recommendations + BOCC edits

Use Allowance Amendments

CHAPTER 11.04 DISTRICT USE CHART

11.04.020 District Use Chart

The use chart located on the following pages is made a part of this section. 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)~~ On lots smaller than the minimum required to establish a short-term rental shall be subject to a grace period within 3 years of August 25, 2020.
On lots 2.5 acres or smaller the short-term rental shall sunset within 5 years of XXX effective date.
- 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

District Use Chart [fully updated table]

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

Commented [LG2]: Added note (3) to Tier 3. Lot size applies as well.

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) The following acronyms apply to the following use chart:

Uses:

PRM = Permitted use

ACC = Accessory use

CUP = Conditional use

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

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

¹ In existing single-family residences only, as of July 1, 2008.

² Indoor facility only.

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

³ 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.

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

Table 9.1 – District Use Chart

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

P¹ = Permitted with Standards

11.23.040 STANDARDS.

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

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

~~† 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

11.88.280 Short-Term Rental Regulations

(1) PURPOSE

~~(A) The purpose of this section is to establish regulations for the operation of short-term rentals as defined in Chelan County Code (CCC) 14.98-1692, within the unincorporated portions of Chelan County. This chapter also establishes a short-term rental land use permit.~~

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

~~(C) The provisions of this chapter are necessary to meet the overall intent and requirements 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 character⁴ 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, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.~~

Commented [LG3]: We have multiple terms defined - STR's STR operator, STR operator. Suggest making cross reference more universal.

⁴ Relates to Policy H 2.4 that is directly relevant to this proposed code.

(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 primary principal residence, 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.

Commented [LG4]: Match state definition language.

(ii) Tier 2: Short-term rentals at a dwelling that is not the owner's principal residence or that is rented more than 15 total days in a calendar year a Tier 1 or Tier 3 short-term rental.

(iii) Tier 3: Short-term rentals exceeding occupancy limits applicable to Tier 1 and Tier 2 units as identified in CCC of 11.88.280(3) or containing group facilities designed to host events such as weddings, gatherings, or retreats.

Commented [LG5]: Now that Tier 3 has a cap on occupancy, need to adjust.

(B) Number and Density.

(i) Tiered Permits and Numbers Allowed.⁵

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

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

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

(2a) The number of short-term rentals subject to the cap Tier 2 and 3 short-term rentals cannot be located where short-term rentals make up 5% or more of the total housing stock in zip codes or urban growth areas, or the Leavenworth-Lake Wenatchee Overlay or any subarea within the overlay. If allowed in the future by paragraph (D), the number of short-term rentals subject to the cap cannot exceed 1% of the total countywide short-term rentals or exceed 1% of those located in the Leavenworth-Lake Wenatchee Overlay or any subarea within the overlay.

Commented [LG6]: Clarify with BOCC that simplification to zip codes and avoiding the overlays is desired. Or is it desired to break down the Leavenworth-Lake Wenatchee Zip code as we have mapped?

(2b) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the 5% cap: Planned Unit Development Overlay Districts expressly permitting short-term rentals, or Master Planned Resorts Overlay Districts.

(3) Leavenworth-Lake Wenatchee Overlay: An overlay district co-terminus with Zip Code 98826 encompassing Leavenworth-Lake Wenatchee. [See Attachment A.] It is further subdivided into three sub-areas for Lake Wenatchee, Plain, and Leavenworth, as well as lands abutting Fish Lake areas. [See Attachment B.]

⁵ Editorial: Could move the (B)(i) to become title of (B) and renumber subsections accordingly.

(C) Zones Allowed. In order to operate, short-term rentals must be permitted, accessory permitted, conditionally permitted, or prohibited-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 unincorporated urban growth areas assigned to the cities Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee, in city-assigned Urban Growth Areas, pursuant to a city's land use regulations, development standards, and land use designations, where the County has adopted such pursuant to the County-City Memorandum of Understanding filed with the Chelan County Auditor July 8, 1997, provided that, the County's review procedures in this subsection 11.88.280 must control.

Commented [LG7]: Clarified it applies to the unincorporated UGAs assigned to the cities.

(D) 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 Required to Accommodate Short-Term Rental

Zone	Minimum Lot Area (Acres)
RR20	10
RR10	5
RR5	5
RR2.5	5

(E) Tier 2 Short-Term rental units shall be setback one hundred feet from each property line, front, rear, and side when proposed on a property with AC zoning.

(F) New Tier 2 and Tier 3 short-term rentals may be established in the locations cited in subsection (2)(B) and (2)(C) if the combined percentage of Tier 2 and Tier 3 short-term rentals as a share of total dwelling units is less than five percent (5%) and the applications meet all requirements of this section 11.88.280 as determined by the Director.⁶ 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. Short-term rental percentages must be determined at the time the number of allowed short-term rentals is determined per subsections (2)(B) and (4) of this section.

⁶ Per 14.98.580 Director. "Director" means the director of the Chelan County department of community development or designee. This term is synonymous with administrator.

(EG) Existing Short-Term Rentals:

(i) A use shall not be considered lawfully established and existing as of the effective date of this ordinance ~~XXX [effective date]~~ August 25, 2020 unless the owner proves all of the following:

(a) That similar uses were expressly allowed in the subject zones at the time the short-term rental was established, including but not limited to: bed and breakfast, guest inn, boarding house, lodging facility, hotel/motel, or other transient accommodation; and⁷

(b) That a location was used for short-term rental purposes during January 1, 2019 to ~~XXX [effective date]~~ August 25, 2020. The Director may permit homes with approved building permits after January 2019, constructed within six months of the effective date of this ordinance to be considered as an existing short-term rental; and

(c) That all applicable state and local taxes were fully and timely paid for all short-term rental use that occurred prior to ~~XXX [effective date]~~ August 25, 2020, which at a minimum includes sales tax and hotel/motel taxes; and

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

(e) That the short-term rental operator has obtained the required land use permits in subsection (4); 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 ~~December 31~~ August 25, 2020.

(ii) Nonconforming Short-Term Rental Units in Restricted Zones: Where a zone does not expressly allow short-term rental units as of ~~XXX [effective date]~~ August 25, 2020 according to CCC Sections 11.04.020, 11.22.030, or 11.23.030, only those short-term rentals that exist as of ~~XXX [effective date]~~ August 25, 2020 and are compliant with criteria in subsection (i) above, will be allowed as nonconforming uses provisionally. Such uses may not be significantly changed, altered, extended, or enlarged and must cease after two-three years from ~~XXX [effective date]~~ August 25, 2020. After expiration or revocation of the permit authorizing a legal nonconforming provisional short-term rental, no operator shall operate a short-term rental.

(iii) See CCC 11.04.020. Within the RR2.5 and RV zones, short-term rentals on lots 2.5 acres or smaller shall sunset within 5 years of ~~XXX [effective date]~~.⁸

Commented [LG8]: Nonconforming term applies to legally established STRs. Not all may be legally established. Suggest use of "temporarily" or "provisionally."

⁷ See CCC 11.04. Generally Bed and Breakfasts are allowed in all rural residential zones and resource zones as accessory uses, and guest houses are conditional use permits in the same zones except they are not allowed in commercial forest zones (FC). Lodging facilities are allowed in the RC zone.

⁸ To match Planning Commission's recommendations on the use chart in CCC 11.04.020.

304 (3) SHORT-TERM RENTAL STANDARDS

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

309 (i) A short-term rental owner may operate only one short-term rental per parcel, which
310 may be in either the main house or the accessory dwelling unit but not both. If the short-
311 term rental occurs in a multifamily dwelling the same owner may not rent more than one
312 unit in the development.⁹

Commented [LG9]: Moved this to its own paragraph and added second sentence to address a BOCC discussion in the past about avoiding defacto hotels/transient lodging that differs from a dwelling's function. If in the RC zone and renting more than one unit they would need to meet other transient lodging types (e.g. guest inns, lodging facilities).

313 (B) Occupancy.

314 (i) The number of bedrooms shall not exceed the number approved in relation to the on-
315 site sewage system approved by the Chelan-Douglas Health District.

316
317 (i) Tier 1 and Tier 2 Occupancy limits.

318 (a) Overnight Occupancy. The owner or operator must limit overnight occupancy to no
319 more than two guests per bedroom, not to exceed a total of 12 guests including
320 children. Occupancy limits must comply with the International Residential Code.

321 (b) ~~iii~~ Daytime Occupancy. At no time shall the total number of persons at a short-
322 term rental exceed 12 persons, including children.

323 (iii) Exceeding Nighttime or Daytime Occupancy. In order to exceed daytime or
324 nighttime occupancy limits an operator must obtain a Conditional Use Permit provided
325 that the zone allows short term rentals as an accessory, permitted, or conditionally
326 permitted use and meets all other short-term rental requirements of this section. All
327 applicable criteria of CCC Chapter 11.93 shall be met.

Commented [LG10]: Moved below to consolidate Tier 3.

328 (iii) Tier 3 Occupancy limits.

329 (a) Exceeding Nighttime or Daytime Occupancy. In order to exceed daytime or
330 nighttime occupancy limits an operator must obtain a Conditional Use Permit provided
331 that the zone allows short-term rentals as an accessory, permitted, or conditionally
332 permitted use and meets all other short-term rental requirements of this section. All
333 applicable criteria of CCC Chapter 11.93 shall be met.

334 (b) Short-term rentals may exceed occupancy limits of 11.88.280(3)(B)(ii) and may
335 contain group facilities designed to host events such as weddings, gatherings, or
336 retreats, provided that no Tier 3 short term rental may exceed overnight occupancy of
337 24 persons, including children. Facilities exceeding such occupancies are considered
338 lodging facilities that must meet the requirements of that zone and use.

339
⁹ Consider allowing in a condominium/multifamily development except that the same owner may not rent more than one condominium in a structure. This is meant to avoid a defacto hotel.

~~(iv) The number of bedrooms shall not exceed the number approved in relation to the on-site sewage system approved by the Chelan-Douglas Health District.~~

Commented [LG11]: Moved above for all tiers.

(C) Parking.

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

(ii) The number of vehicles allowed at the short-term rental must be limited to the number of bedrooms plus one; this requirement must be included in the Property Management Plan per Section (3)(K).¹⁰

(D) Garbage. Trash containers must be provided. Trash must be in proper containers on collection day. ~~Where curbside recycling is available to the unit receptacles must be provided. Receptacles must be set out on the right-of-way and removed within twenty-four hours of pickup. 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).~~

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

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

(ii) Repeat violations. Repeated public disturbance noise violations on the same property may be subject to additional penalties under Chapter 16.20, up to and including revocation of the owner's short term rental land use permits under Section 16.20.030.

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

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

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

¹⁰ Consider cross referencing to parking code and placing parking requirement in Chapter 11.90.

377 (I) Fire Safety and Outdoor Burning. Each owner or operator must include a fire protection plan in
378 their property management plan in subsection (3)(K) to alert renters to respect firewise efforts on
379 a property, or to comply with travel or activity restrictions of CCC Chapter 7.52, Fire Hazard
380 Areas. The fire protection plan shall demonstrate consistency with a Ready Set Go program or
381 equivalent; this includes, but is not limited to, restricting the use of fireworks, outdoor fires, open
382 flame devices, portable fireplaces, fire pits, chimeneas, or BBQ devices. All permanently installed
383 outdoor flame devices, as well as portable burning devices shall have the ability to be secured
384 from use in accordance with CCC 7.52 Fire Hazard Areas. This includes, but is not limited to,
385 restricting use of outdoor fire places or grills and to properly secure and restrict portable
386 barbeques.

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

389 (J) Qualified Person.

390 (i) The owner or operator must provide the name, telephone number, address, and email
391 of a qualified person (which can be a person or company) who can be contacted
392 concerning use of the property and/or complaints and can respond to the property within
393 60 minutes to complaints related to the short-term rental consistent with the requirements
394 of this section. The owner or operator must provide a valid telephone number where
395 qualified person can be reached 24 hours per day, every day.

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

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

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

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

416 (iii) Designate a qualified person and provide contact information consistent with (3)(i);
417 and

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

420 (v) All units must have an operable landline telephone installed to aid in emergency
421 response, and the dwelling recorded in "Rivercom" data base. The address of the
422 property and the contact phone number for the qualified person shall be prominently
423 displayed near the phone.

424 (vi) The plan must identify the method by which the owner/operator will notify renters of
425 emergency or temporary conditions such as burn bans.¹¹

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

427 (viii) The plan must be kept up to date at the time of the annual permit and include the
428 annual permit number per subsection (L).

429 (ix) The plan must include the Good Neighbor Guidelines per subsection (M).

430 (L) Annual Permit Number. The owner or operator must include the Chelan County land use permit
431 number for the short-term rental in all advertisements (AirBnB, VRBO, Craigslist, poster, etc.) and
432 marketing materials such as brochures and websites.

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

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

440 (O) Taxes. The owner or operator must be in compliance with CCC Chapter 6.30 Lodging Tax,
441 and other local sales taxes and state hotel/motel and sales taxes in accordance with the
442 Department of Revenue.

443 (4) LAND USE PERMITS

444 (A) Land Use Permit Required. No short-term rental owner or operator may advertise, offer,
445 operate, rent, or otherwise make available or allow any other person to make available for
446 occupancy or use a short-term rental without a valid short-term rental land use permit issued by
447 the Director. All dwelling units on a single parcel shall be reviewed concurrently in the same
448 application.

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

450 (C) Permit Applications. Short-term Rental owners must apply for a land use permit to establish
451 compliance with this code. Fees consistent with CCC 3.24.010 must be paid. Applicable fees shall

¹¹ The Planning Commission discussed adherence to health guidelines such as 24 hours between guests and determined that standards of cleanliness are likely beyond the scope of a land use permit (and may be self-regulating as guests would likely use short-term rentals where an owner/operator strives to demonstrate voluntary measures to provide for health). This provision to ensure that emergency or temporary conditions are communicated to guests by the owner/operator/qualified person could encompass health if there was an emergency health district order.

reflect costs for review of different short-term rental tiers, and inspections at the appropriate stage. The Director may waive the initial conditional use permit fee if the applicant provides written and notarized proof that an approval was granted by Chelan County prior to the effective date of this code. All other permit costs apply.

Commented [LG12]: Identify fees vary by level of review and whether inspections are needed at appropriate stage.

(D) Application Acceptance and Evaluation.

(i) All short-term rentals operating as of August 25, 2020 and subject to Resolution 2020-104, shall register within 6 months of the effective date of this ordinance (effective date XXX, 2020). All short-term rentals shall also apply for a provisional self-certification form within 6 months of the effective date of this ordinance (effective date XXX, 2020).

(ii) Within the first calendar year of adoption of this code (effective date XXX, 2020), the Director may provisionally approve initial Tier 1 short-term rental land use permits subject to the owner completing a self-certification form provided that inspections in subsection (4)(H) are accomplished prior to the first renewal thereafter.

Commented [LG13]: Remove Tier 1 - apply to all

Commented [LG14]: Annually reapply

(iii) From September 1 to October 31 each year, existing short-term rental owners must submit a Short-Term Rental Land Use Application. By February 1 of each following year the Director must report the baseline number of authorized existing short-term rentals and identify the number of new short-term rentals allowed pursuant to subsection (2)(B). From February 15 to March 15, the Director must accept new applications for short-term rentals. Compliant Tier 2 and Tier 3 self-certification permits may apply to be entered will be entered into a lottery by June 1.

(a) The lottery must be conducted at a public meeting after the publishing of a legal notice a minimum of 10 days prior to the lottery. The number of issued permits selected by lottery will not exceed the number allowed per the applicable cap in subsection (2)(B). Selected permits remain valid until such time as an annual renewal is required.

Commented [LG15]: Covered below.

(b) After the inaugural lottery is completed, the Director shall annually determine the share of short-term rentals to the overall housing stock in unincorporated zip codes and UGAs, and accordingly schedule subsequent lotteries to allow new short-term rental applications where the cap in subsection (2)(B) is not exceeded.

Commented [LG16]: Added so that there is explicitly an ongoing process similar to the lines removed above. The dates would be determined based on whether there is room to add more.

(iv) Within 90 days of successful selection in the lottery, Tier 2 and Tier 3 applications must submit a complete application and fee for a full application and review including inspections in subsection (4)(H). After review and approval of compliant Tier 2 and Tier 3 short-term rental applications by the Director, and where applicable Hearing Examiner, the owner shall annually complete a self-certification form.

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

(v) If a short-term rental application is not selected in the lottery or is an existing non-compliant short-term rental in accordance with Subsection (2)(G) above, the owner shall register and complete an annual self-certification form per (4)(D)(i), but shall cease operation within three years of August 25, 2020.

494
495 (E) Term. A short-term rental land use permit must be issued for a period of one year, with its
496 effective date running from the date the application is due as set forth in subsection (4)(D) above,
497 and must be renewed annually by the owner or operator provided all applicable standards of
498 this section are met.

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

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

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

506 (i) Fire and Emergency Safety. Prior to approving the initial short-term rental permit, the
507 applicable fire district or fire marshal/community development personnel must perform a
508 life-safety inspection, except as provided under subsections (H)(iv) and (H)(v).

509 (ii) Water and Wastewater. Each applicant for a short-term rental shall provide
510 documentation indicating they shall demonstrate to the satisfaction of the Director they have
511 a proper onsite sewage system meeting Health District standards for the occupancy has
512 been properly serviced or inspected in the prior year by a qualified person. The
513 applicant shall also ensure that there is a verifiable legal source of water that meets
514 applicable standards.

515 (iii) Hot Tubs or Pools. The Chelan-Douglas Health District must inspect new hot tubs or
516 pools. Existing and new hot tubs and pools shall be annually monitored by either the
517 District or a third-party inspector. Water quality shall be consistent with Chapter 246-260
518 WAC and Chapter 246-262 WAC.

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

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

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

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

532 (I) A short-term rental permit for compliant short-term rentals permitted according to (4)(D) is
533 transferable to a new owner, shall not transfer; new owners may apply for a short-term rental

534 permit pursuant to the provisions of this code. A transfer occurs when the property is sold to a
535 person or when officers of corporations are changed to remove former officers and add new
536 officers. All permits shall include the following provision: "This permit shall automatically expire
537 upon sale or transfer of the property." The operator must obtain a new short-term rental permit
538 compliant with this section following expiration or cease operation. New owners must certify
539 compliance with the conditions of permit approval within 90 days after the closing date of the
540 sale of the property. Written certification must be submitted to the Community Development
541 Department on forms specified by the Director. New owners must apply for a new permit by the
542 annual deadline.

543 (i) If a short-term rental application is not selected in the lottery in (4)(D) or is an existing
544 non-compliant short-term rental in accordance with Subsection (3)(G), the registration and
545 annual permit is not transferable during the 3-year grace period.

546 (ii) A transfer occurs when the property is sold to a person or when officers of corporations
547 are changed to remove former officers and add new officers. A transfer does not occur
548 when officers are changed due to death where title is held in survivorship with a spouse or
549 a transfer on the owner's death to a trust which benefits only a spouse or child(ren) for the
550 lifetime of the spouse or child(ren). The survivor may not sell or transfer title, except that
551 title may transfer among the survivors. A transfer also does not occur when due to divorce
552 a former spouse's name is removed from the deed or corporation.

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

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

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

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

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

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

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

564 (5) ENFORCEMENT

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

568 (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.

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.

(2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may be compact spaces and shall be marked "COMPACT ONLY."

Table 11.90-3

Land Use	Required Off-Street Parking
Residential	
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 and Guest Inns, and Short-Term Rentals	1 space per bedroom and 1 space for manager
Institutional or group homes: nursing home, correctional, retirement	1 space per 5 beds and 1 space per staff person
Medical Facilities	
Hospitals	1-1/2 spaces per bed
Medical or dental clinics and offices	1 space per 200 square feet
Public Assembly	
Auditoriums, gyms, clubs, lodges	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
Schools	
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
Commercial and Public Recreation	
Archery, gun, swimming and tennis clubs or similar use	0.3 parking spaces for every attendee

Table 11.90-3

Land Use	Required Off-Street Parking
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
Commercial	
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
Industrial	
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

Chapter 11.93 Conditional Use Permits

11.93.450

All short-term rental applications requiring a conditional use permit shall be consistent with CCC 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 registration.</u>	<u>\$75</u>
<u>Short-term rental lottery application.</u>	<u>\$150</u>
<u>Short-term rental (Tier 1, first permit)</u>	<u>\$500</u>

Commented [LG17]: Clarify that fees are not doubled up inadvertently for years having inspection / not having inspection.

Application Type	Fee
Short-term rental (Tier 2, inspection not required, annual first permit)	\$500
Short-term rental (Tier 2, inspection required first-second permit)	\$900
Short-term rental (Tier 3 first permit, includes CJR)	\$1,520 \$2,020
Short-term rental (Tier 1 annual renewal)	\$75 \$500
Short-term rental (Tier 2 annual renewal)	\$150 \$500
Short-term rental (Tier 3 annual renewal)	\$225 \$750

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.

Commented [LG18]: Added to indicate process if an inspection is voluntarily completed with the first permit or is not required/is waived (e.g. for recently constructed home with recent inspections).

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.

607 **Option 2:** "Lodging facilities" means establishments providing transient sleeping accommodations and
608 may also provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses
609 may include, but are not limited to, hotels, motels, and lodges greater than six rooms.

610 **14.98.1110 Lodging unit.**

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

613 **14.98.1632 Bedroom**

614 For the purposes of CCC 11.88, a "bedroom" means either enclosed or open areas within a structure
615 being used as a Short Term Rental that provides sleeping accommodations such as mattresses, beds, sofa
616 sleepers, roll away beds, day/trundle beds, bunkbeds, murphy beds, etc.

617 **14.98.1691 (Short-Term Rental) Grace Period**

618 Additional time scheduled or allocated to complete a task, such as complying with a regulation, meeting
619 an obligation, or obtaining an agreement. (from Black's Law Dictionary)

620 **14.98.1692 Short-Term Rental**

621 "Short-Term Rental" means a dwelling unit, or portion thereof, that is offered or provided to a guest by a
622 short-term rental owner or operator for a fee for fewer than thirty consecutive nights. They are commonly
623 referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental
624 units may be whole house rentals, apartments, condominiums, or individual rooms in homes. They are
625 rented as a single lodging unit, do not provide food service, and retain the form and function of a
626 dwelling unit. For the purpose of administration and enforcement of this title, the terms "overnight rental,"
627 "nightly rental," and "vacation rental" are interchangeable with short-term rentals. Subleasing or
628 subletting of units for short-term rental is prohibited if the underlying zone prohibits such use.

629 **14.98.1693 Short-Term Rental Operator**

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

634 **14.98.1694 Short-Term Rental Owner**

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

641 **14.98.1695 Owner Occupied**

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

646 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

647 **16.20.010 Compliance**

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

650 **16.20.020 Enforcement Procedures, Notices, and Citations**

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

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

658 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site
659 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and
660 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

661 **16.20.030 Civil Penalties**

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

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

667 **16.20.030 Revocation**

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

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

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

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

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

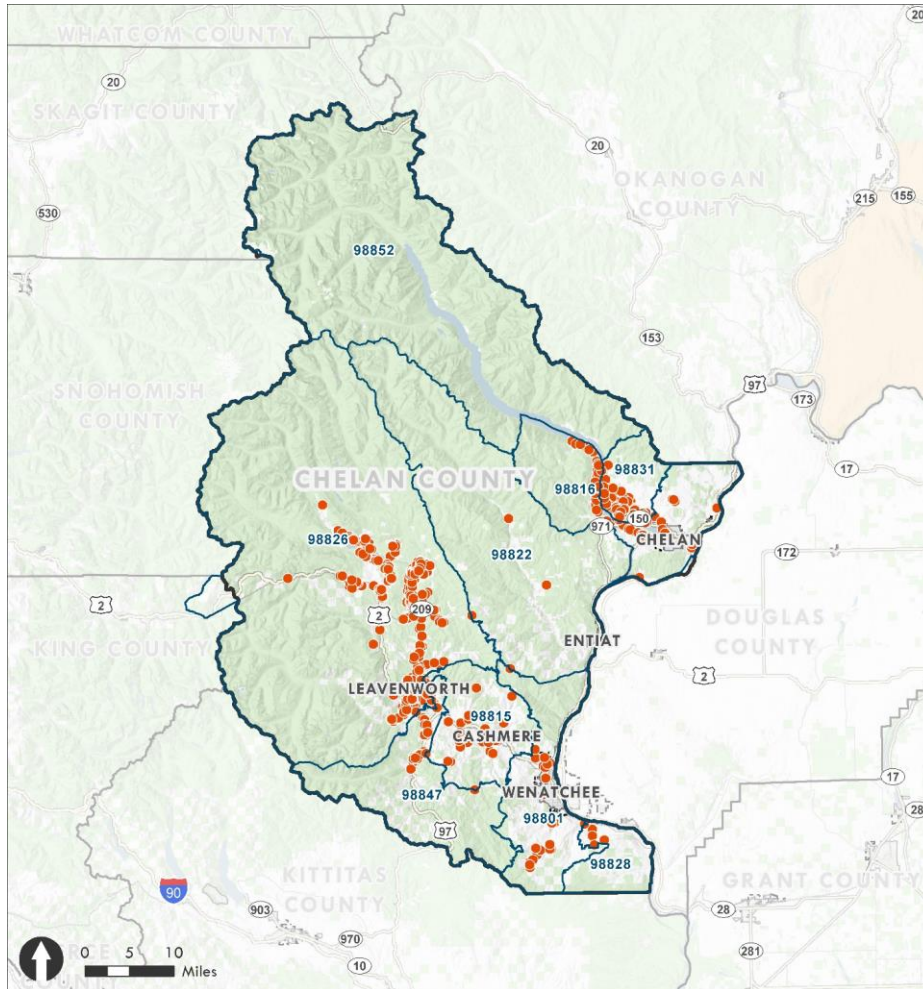
680 (D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment
681 of the Administrator,¹² so as to provide reasonable grounds for immediate revocation of the land
682 use permit.

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

¹² 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.

685

Attachment A: Countywide Zip Code Map



LEGEND

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



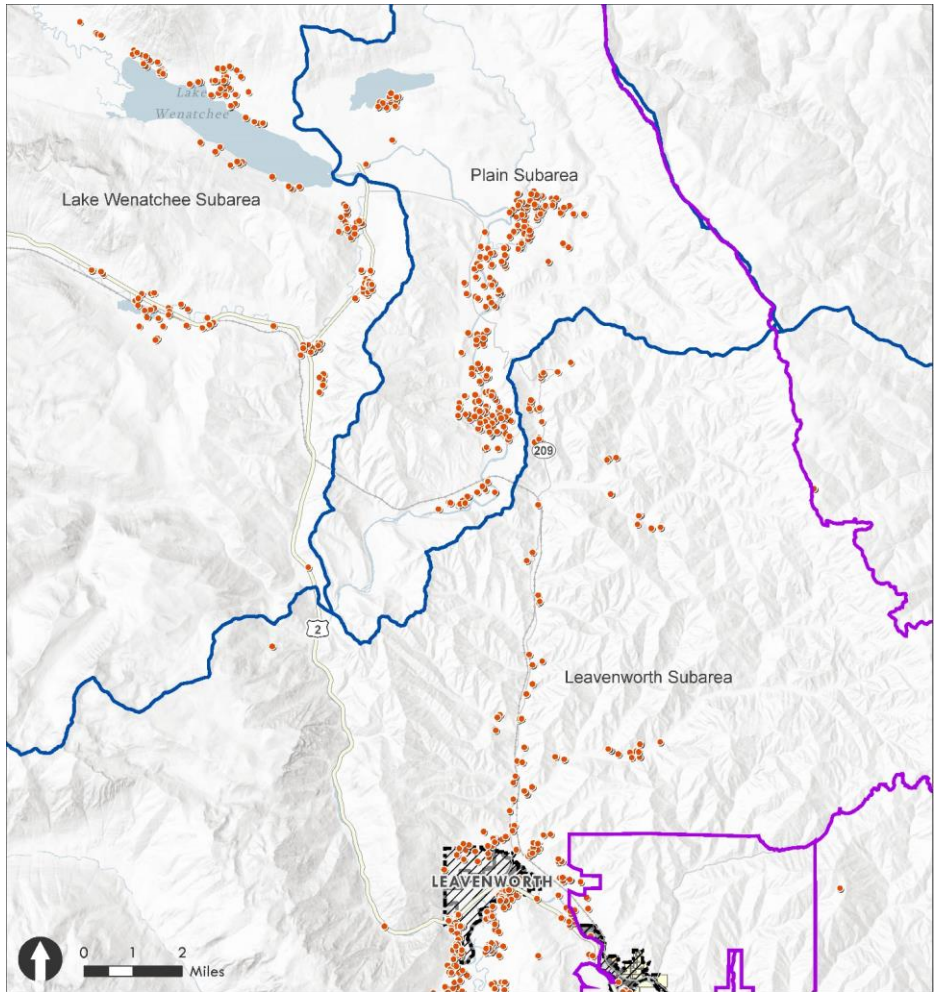
Source: AirDNA, 2020.
 Data notes: This data tracks individual short-term rental property level from AirBNB and HomeAway. The location data on individual properties is within 500 meters of accuracy. It shows only properties that are assumed to be in unincorporated areas and are listed as an entire home/apartment.

686

687

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

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



689

LEGEND

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



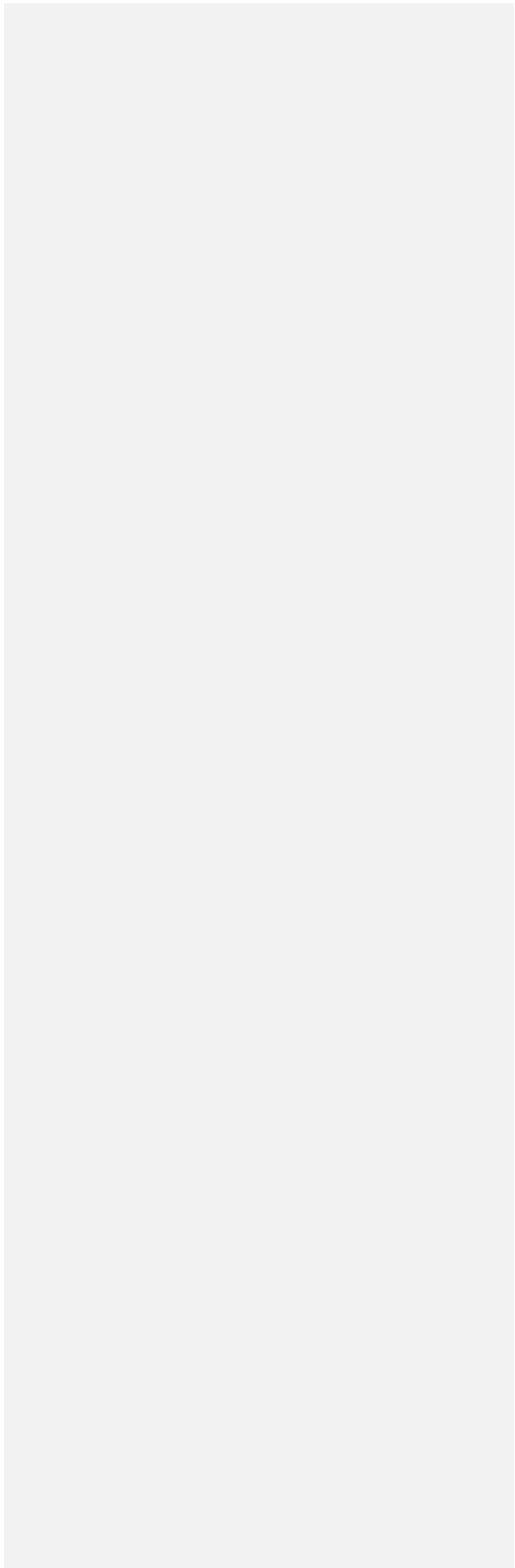
Source: AirDNA, 2020.
 Data notes: This data tracks individual short-term rental property level from AirBNB and HomeAway. The location data on individual properties is within 500 meters of accuracy. It shows only properties that are assumed to be in unincorporated areas and are listed as an entire home/apartment.

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

November 20, 2020

691 ATTACHMENT C: STR TASK FORCE

692 Under Separate Cover



ATTACHMENT D: UPDATED SHORT-TERM RENTAL INFORMATION

Correct March 30, 2020 Situation Assessment: Account for city housing units: Exhibit 11, page 12

Does not change overall conclusions. While correcting for city dwellings, same Zip Codes exceed 5% share of short-term rentals:

- Leavenworth (higher)
- Manson (no change)
- Peshastin (no change)

Table D-1. Shares of Short-Term Rentals by Zip Code: Whole Home Short-Term Rentals

Zip Code Community Name	Zip Code	Total Dwellings 2019	Total Unincorporated Dwellings 2019	January 2020 Active short- term rentals	% short-term rentals - Unincorporated
Leavenworth	98826	6,099	4,811	749	15.6%
Manson	98831	2,519	2,519	281	11.2%
Chelan	98816	5,333	2,492	97	3.9%
Peshastin	98847	956	956	53	5.5%
Wenatchee	98801	17,989	3,607	30	0.8%
Cashmere	98815	2,977	1,785	28	1.6%
Malaga	98828	908	908	5	0.6%
Entiat	98822	1,138	551	4	0.7%
Various	Various	836	836	0	0.0%
Total		38,672	18,466	1,247*	6.8%

Note: * Entire home/apartment.

Sources: Powered by AirDNA: <https://www.airdna.co>, 2020. State Office of Financial Management, 2019. BERK 2020.

703 **Table D-2. Zip Codes with No Short-Term Rentals per AirDNA**

Zip Code Community Name	Zip Code	Total Dwellings 2019 (Unincorporated)
Ardenvoir	98811	37
Chelan Falls	98817	158
Dryden	98821	212
Monitor	98836	227
Stehekin	98852	203
Total		836

704 Sources: Powered by AirDNA: <https://www.airdna.co>, 2020. State Office of Financial Management, 2019. BERK 2020.

705 Correct March 30, 2020 Situation Assessment Exhibit 12, page 13. Compare new housing units to short-term rentals and correct for homes in city limits.

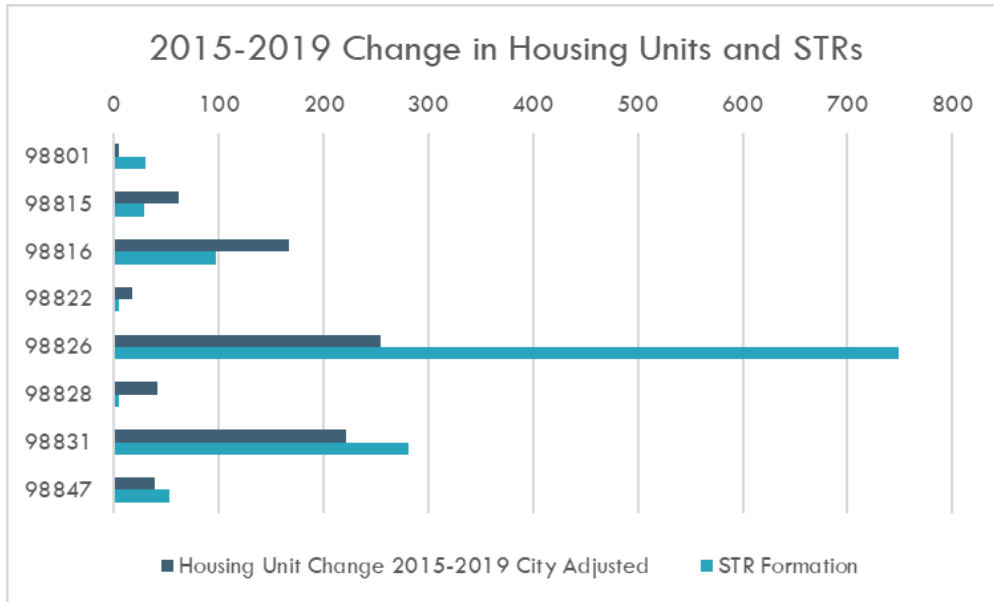
707 Results show a higher formation of short-term rentals compared to new housing stock in Zip Codes:

- 708 ■ Leavenworth (previously identified)
- 709 ■ Manson (new)
- 710 ■ Peshastin (new)

711 In Wenatchee, small formation of both dwelling units and short-term rentals.

712 These results are in line with other information about short-term rentals as a share of total housing stock.

713 **Figure D-1. Change in Housing Units and Short-Term Rentals: Whole Home Rentals**



714
715

Sources: Powered by AirDNA: <https://www.airdna.co>, 2020. State Office of Financial Management, 2019. BERK 2020.