

Chelan County Short-Term Rentals

BOCC Hearing Draft December 8, 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>.

BOCC Recommendations

BOCC recommendations are illustrated in Exhibit 1 and described below.

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- **Zones Allowed:** A short-term rental owner/operator would determine if the zoning district permits or conditionally permits a short-term rental. Tier 1 owner-occupied short-term rentals are permitted in most zones as an accessory use in unincorporated County lands provided they meet operational standards and obtain a land use permit. Tier 2 short-term rentals are non-owner occupied, and are permitted in selected zones but are further restricted on smaller lots in certain zones with a grace period, or limited in numbers in areas where there is a high concentration of existing short-term rentals. Tier 3 short-term rentals are those with larger occupancies (over 12 total guests, and no greater than 24 guests) and would require conditional use permits and have similar restrictions on locations and numbers as Tier 2.
 - **Number Allowed:** New non-owner-occupied units (Tier 2) and larger occupancy short-term rentals (13-24 guests; Tier 3) could locate in unincorporated areas except for zip codes and Urban Growth Areas (UGAs) with more than 5% short-term rentals as a share of total units.¹ Also, due to community preferences and concern over neighborhood quality, new short-term rentals would be limited in Peshastin and Manson UGAs particularly in residential zones. Tier 1 includes developments specifically designed for short-term rentals (e.g. Planned Unit Developments and Master Planned Resorts) are not subject to the cap.
 - **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy, parking, noise, solid waste, adequate sewer and water, fire preparedness, access to a qualified person within 60 minutes, establishing a property management plan, etc.
 - **Existing Units:** Existing short-term rentals established prior to the August 25, 2020² would need to meet criteria regarding use allowances in their zones (locating in a zone that allowed for a similar use such as a bed and breakfast), use as a short-term rental, proper payment of taxes, and compliance with operational standards. Permits would need to be obtained as well. Where existing units are in zones on lots less than the acres required, there is a 3-year grace period. Where existing units are in a zone that prohibits them, there is a 3-year grace period.
 - **Permit Process:** All Tier short-term rentals must register and 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%. The first permit would require inspections and more detailed review, but annual renewal would be based on self-certification and a more abbreviated

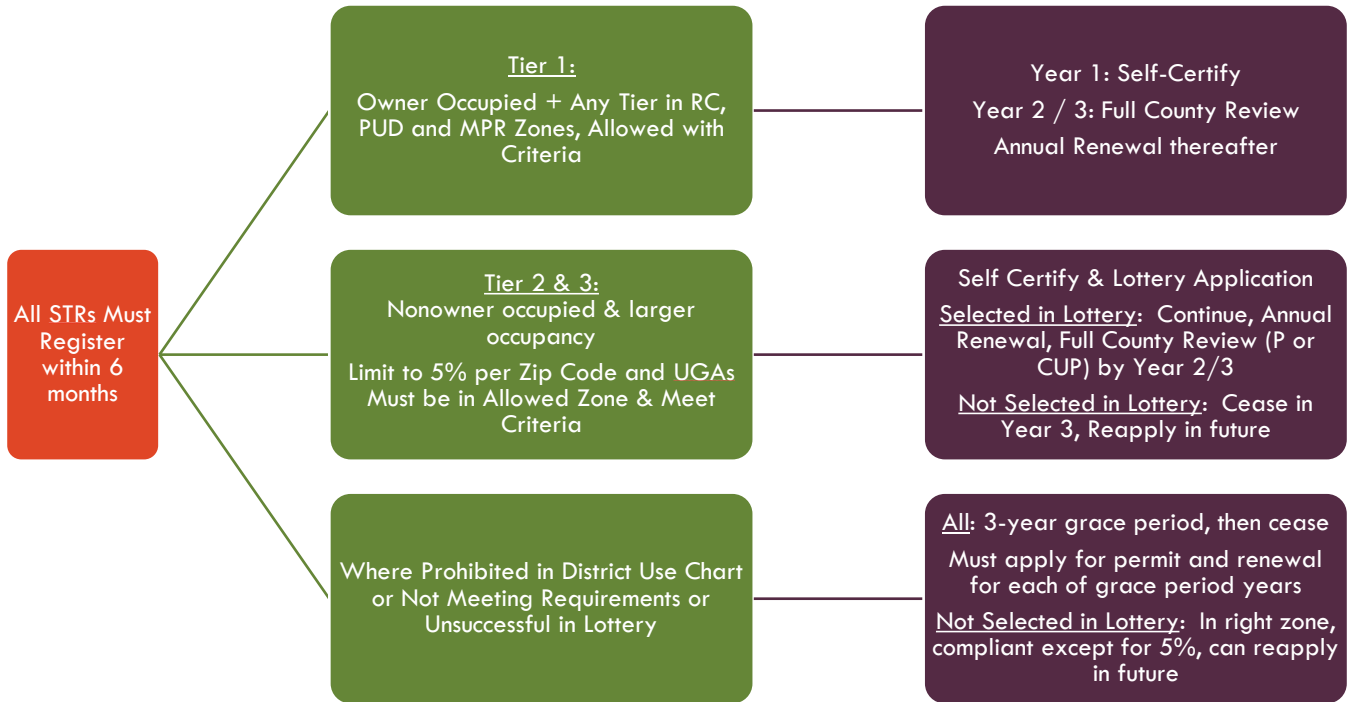
¹ The threshold share of short-term rentals is 5% of the total housing stock which is similar to a recommendation in a study of Oregon jurisdictions that found that where short-term rental growth and household formation is increasing at a faster rate than total housing unit growth there can be a constraint 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>.

65 review. Fees would be set to recover costs of permit reviews and inspections such as by the fire
66 marshal, health district, etc.

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



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69 **Task Force**

70 In addition to the permitting and code compliance standards in the proposed regulations, the Planning
71 Commission has recommended a Task Force be formed to review the effectiveness of the regulations. It
72 would have nine members. The Board of County Commissioners has reviewed and amended the make up
73 of the Task Force.

74 See Draft Resolution under separate cover.

75 **Schedule**

76 The Board of County Commissioners has considered Planning Commission recommendations and conducted
77 their own study sessions and a hearing to determine how to regulate short-term rentals. More information
78 about the schedule can be found at the project website: [https://www.co.chelan.wa.us/community-
79 development/pages/short-term-vacation-rentals](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals).

Evaluation

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 ED 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 11.88.290.

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 117 Draft Short-term Rental Code

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119 Use Allowance Amendments

120 CHAPTER 11.04 DISTRICT USE CHART

121 11.04.020 District Use Chart

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

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

125 (3) The following acronyms and notes apply to the following use chart. If a cell in the table is blank, the
 126 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 the short term rental land use shall be subject to a grace period to cease further operation within 3 years of August 25, 2020. Lot size is considered to be the lot size that existed on August 25, 2020.

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

127 District Use Chart

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

128 CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

129 **11.22.030 Permitted, Accessory and Conditional Uses**

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

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

138 (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.

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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

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

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

142 ² Indoor facility only.

143 ³ Per CCC 11.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two
 144 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.

145 CHAPTER 11.23 MANSON URBAN GROWTH AREA

146 11.23.030 DISTRICT USE CHART.

147 (1) The use chart located on the following pages is made a part of this section. The following acronyms
 148 apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a
 149 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

- 150
- 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

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

153 **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				<u>P¹</u>	<u>P¹</u>		

154 P¹ = Permitted with Standards

155 11.23.040 STANDARDS.

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

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

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

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

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

168 ~~(iv) Occupancy. The maximum number of occupants permitted to stay overnight shall be two people for~~
169 ~~each bedroom plus two additional persons, excluding children under the age of six, and~~
170 ~~(v) Placing, adjacent to the front door (outside), a legible sign clearly visible to the general public listing~~
171 ~~the maximum number of occupants permitted to stay overnight, the maximum number of vehicles allowed~~
172 ~~to be parked on site, and the name and contact information of the local contact person.~~
173 ~~(B) Vacation rentals shall provide a local contact person (within a forty-mile radius) twenty-four hours a~~
174 ~~day seven days a week. Contact information shall be provided to the adjacent properties, the Manson~~
175 ~~community council, District 5 fire chief, and the Chelan County sheriff.~~
176 ~~I Enforcement. Any violation of the provisions of this chapter is punishable pursuant to Title 16.~~
177 ~~Enforcement actions may be brought against the owner of the vacation rental home for the conduct~~
178 ~~constituting the violation.~~

179 Short-Term Rental Standards

180 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

181 11.88.290 Short-Term Rental Regulations

182 (1) PURPOSE

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

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

190 ~~(C) The provisions of this chapter are necessary to meet the overall intent and requirements of the~~
191 ~~Chelan County Comprehensive Plan including but not limited to,~~

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

196 ~~(ii) Housing Element goals and policies including, but not limited to, appropriate placement~~
197 ~~of vacation rentals to avoid impacting neighborhood character⁴ and housing stock,~~
198 ~~accessibility to affordable housing for all residents, providing for a variety of residential~~
199 ~~housing types and densities, and supporting regulatory changes that promote affordable~~
200 ~~housing options in all locations in the county,~~

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

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

204 (2) TYPE, NUMBER, AND LOCATION

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

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

213 (ii) Tier 2: Short-term rentals at a dwelling that is not a Tier 1 or Tier 3 short-term rental.

214 (iii) Tier 3: Short-term rentals exceeding occupancy limits applicable to Tier 1 and Tier 2
215 units as identified in CCC 11.88.290(3) or containing group facilities designed to host
216 events such as weddings, gatherings, or retreats subject to the provisions of CCC
217 11.88.290 (4)(B)(iii).

218 (B) Tiered Permits and Numbers Allowed.

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

220 (ii) Tier 2 and Tier 3:

221 (a) Tier 2 and 3 short-term rentals cannot be located where short term rentals
222 make up 5% or more of the total housing stock in residential zoning districts within
223 zip codes or residential zones within urban growth areas where the use is
224 expressly allowed.

225 (b) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the
226 5% cap: Rural Commercial zoned Districts, Planned Unit Development Overlay
227 Districts expressly permitting short-term rentals, or Master Planned Resorts Overlay
228 Districts.

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

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

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

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

236 (iv) The Board of Chelan County commissioners adopts the cities of Cashmere, Chelan,
237 Entiat, Leavenworth, and Wenatchee land use regulations, development standards and
238 land use designations, as they apply to short term or vacation rentals of 30 days or less,

239 within the county adopted unincorporated urban growth area respecting each city as it is
240 now or is hereafter amended for the cities of Cashmere, Chelan, Entiat, Leavenworth, and
241 Wenatchee, provided that, any city regulation requiring acquisition of a business license
242 is not adopted nor incorporated as a county regulation and that instead a Conditional Use
243 Permit may be required, and the County’s review procedures in this subsection 11.88.290
244 must control.

245 (D) Short term rental minimum lot sizes set forth in this subsection are the minimum necessary and
246 shall not be subject to reduction pursuant to Chapter 11.95 variances, Chapter 11.97 non-
247 conforming lots, structures, and uses, Chapter 11.98 reasonable use, nor subject to administrative
248 modification, provided that a lot size may be increased by acquiring fee title to adjoining parcels
249 or segments of adjoining parcels and completing any required boundary line adjustments and
250 associated recording and tax payment processes, prior to permit application. The following
251 minimum lot sizes shall be required to establish a Tier 2 or Tier 3 short-term rental in zoning
252 districts where short-term rentals are permitted or conditionally permitted:

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

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

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

258
259 (E) Short-term rental use is a commercial use and where excess rental units exist in residential
260 communities, it has been shown to be detrimental to the affordable residential housing inventory
261 and adversely affect the residential character of those neighborhoods. New Tier 2 and Tier 3
262 short-term rentals may be established in the locations cited in subsection (2)(B) and (2)(C) if the
263 combined percentage of Tier 2 and Tier 3 short-term rentals as a share of total dwelling units is
264 less than five percent (5%) in residential zones and the applications meet all requirements of this
265 section 11.88.290 as determined by the Director.⁵ Total dwelling units must be determined based
266 on the latest annual count of total housing units by the State of Washington Office of Financial
267 Management. Short-term rental percentages must be determined at the time the number of
268 allowed short-term rentals is determined per subsection (4) of this section.

269 (F) Existing Short-Term Rentals:

270 (i) A use shall not be considered lawfully established and existing as of August 25, 2020
271 unless the owner proves all of the following:

⁵ 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.

272 (a) That similar uses were expressly allowed in the subject zones at the time the
273 short-term rental was established, including but not limited to: bed and breakfast,
274 guest inn, boarding house, lodging facility, hotel/motel, or other transient
275 accommodation; and⁶

276 (b) That a location was actually, physically used for short-term rental purposes
277 during any time between January 1, 2019 to August 25, 2020 and that proof of
278 income generated is also required. The Director may permit homes with approved
279 building permits after January 2019 where the applicant noted on the building
280 permit application form that it was intended to be used as a short term or vacation
281 rental, and was constructed and issued a certificate of occupancy within six months
282 of the effective date of this ordinance to be considered as an existing short-term
283 rental; and

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

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

288 (e) That the short-term rental operator has obtained the required land use permits
289 in subsection (4); and

290 (f) If located inside of the Manson Urban Growth Area, documentary evidence that
291 the short-term rental was properly registered as a vacation rental with Chelan
292 County per 11.23.040 as of August 25, 2020.

293 (ii) Provisional Short-Term Rental Units in Restricted Zones: Where a zone does not
294 expressly allow short-term rental units as of August 25, 2020 according to CCC Sections
295 11.04.020, 11.22.030, or 11.23.030, only those short-term rentals that existed as of
296 August 25, 2020 and are compliant with criteria in subsection (i) above, will be allowed to
297 operate provisionally under a grace period. Such uses may not be significantly changed,
298 altered, extended, or enlarged and must cease at the end of the grace period after three
299 years from August 25, 2020. After expiration of the grace period or permit or revocation
300 of the permit authorizing a provisional short-term rental, no operator shall operate a
301 short-term rental, subject to appeal under Title 16 and Chapter 14.12.

302 (a) A short-term rental property that has an unresolved written notice of violation
303 for short-term rental use, received on or before August 25, 2020, or that operated
304 as a short term rental contrary to the August 25, 2020 moratorium shall not be
305 considered a non-conforming or provisional use. Such short term rental is not
306 subject to a grace period and must immediately cease all short-term rental uses of
307 the property on the effective date of adoption of this code and are subject to the
308 provisions of Title 16 CCC, provided that the appeal provisions of Title 16 and
309 chapter 14.12 apply.

⁶ 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.

310 (iii) Nonconforming 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 (i)(b) through (f) shall be considered
313 legal nonconforming according to Chapter 11.97 CCC. Those vacation rentals that cannot
314 meet criteria in subsection (i)(b) through (f) shall be subject to the grace period in
315 paragraph (ii).

316 (3) SHORT-TERM RENTAL STANDARDS

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

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

325 (ii) A short-term rental owner may exceed the limits placed on short-term rentals in (i)
326 above on a parcel subject to the district zoning requirements of a Rural Commercial county
327 zone or similar Urban Growth Area zone, provided the short-term rental must comply with
328 the provisions of 11.22.020, 11.22.030, or 11.23.030.

329 (B) Occupancy.

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

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

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

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

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

337 (b) Daytime Occupancy.

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

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

342 (iii) Tier 3 Occupancy limits.

343 (a) Exceeding Nighttime or Daytime Occupancy. In order to exceed total daytime or
344 nighttime occupancy limits contained in section (3)(B)(ii) above, an operator must obtain
345 a Conditional Use Permit provided that the zone allows short-term rentals as an
346 accessory, permitted, or conditionally permitted use and meets all other short-term
347 rental requirements of this section provided that overnight occupancy is limited to 16

348 persons including children, and shall not have more than two guests per bedroom. All
349 applicable criteria of CCC Chapter 11.93 shall be met.

350 (b) Short-term rentals may exceed occupancy limits of 11.88.290(3)(B)(ii) above and
351 may contain group facilities designed to host events such as weddings, gatherings, or
352 retreats provided a Conditional Use Permit has been obtained and all Conditions of
353 Approval have been satisfied consistent with CCC 11.93.315.

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

356 (C) Parking.

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

360 (ii) The number of vehicles allowed at the short-term rental must be limited to the number
361 of bedrooms plus one; this requirement must be included in the Property Management Plan
362 per Section (3)(K) provided that a Tier 3 rental may exceed these limits for hosted events
363 if a Conditional Use Permit has been obtained and all Conditions of Approval have been
364 satisfied consistent with CCC 11.93.315. (D) Garbage. Trash containers must be provided.
365 Trash must be in proper containers on collection day. Trash must be managed in
366 compliance with CCC Chapter 4.04 Garbage. This requirement must be included in the
367 Property Management Plan per Section (3)(K) and good neighbor guidelines per subsection
368 (3)(M).

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

371 (i) Public disturbance noise complaints. Renters are subject to the provisions of Chapter
372 7.35. Owners of short term rental properties notified of complaints are responsible to
373 promptly abate public disturbance noise complaints on their property. If the owner fails
374 to cause the noise to be abated within 60 minutes of notification of the complaint, he is
375 subject to compliance with Chapter 7.35 and the enforcement penalties jointly and
376 severally with the renter creating the public disturbance noise.

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

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

384 (G) Signs. All owners or operators must display and maintain the address of the residence so that
385 it is clearly visible from the street or access road in compliance with CCC 10.20.520 requirements.
386 The rental must also display and maintain an additional sign outside identifying the property as
387 short-term rental and displaying the name and contact phone number of the qualified person
388 listed in subsection (4)(J) below. The sign must be made of natural materials not exceeding two

389 square feet in area and if illuminated, must be indirectly illuminated, and letters and numbers
390 must at a minimum four inches in height.

391 (i) Placement of the sign.

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

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

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

401 (iii) The Director may allow annual mailings to neighboring properties and an interior
402 posted notice for tenants in lieu of an exterior sign where a property's size and visibility
403 make an exterior sign ineffective.

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

407 (I) Fire Safety and Outdoor Burning. Each owner or operator must include a fire protection plan in
408 their property management plan in subsection (3)(K) to alert renters to respect firewise efforts on
409 a property, or to comply with travel or activity restrictions of CCC Chapter 7.52, Fire Hazard
410 Areas. The fire protection plan shall demonstrate consistency with a Ready Set Go program or
411 equivalent; this includes, but is not limited to, restricting the use of fireworks, outdoor fires, open
412 flame devices, portable fireplaces, fire pits, chimeneas, or BBQ devices. All permanently installed
413 outdoor flame devices, as well as portable burning devices shall have the ability to be secured
414 from use in accordance with CCC 7.52 Fire Hazard Areas.

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

417 (J) Qualified Person. The owner or operator must provide the name, telephone number, address,
418 and email of a qualified person (which can be a person or company) who can be contacted
419 concerning use of the property and/or complaints and can respond to the property within 60
420 minutes to complaints related to the short-term rental consistent with the requirements of this
421 section. The owner or operator must provide a valid telephone number where qualified person
422 can be reached 24 hours per day, every day the property is rented.

423 (K) Property Management Plan. Short-term rentals must maintain an up-to-date property
424 management plan on file with the Chelan County Community Development Department. The
425 property management plan must include the following:

426 (i) Provide a floor plan and site map clearly depicting the property boundaries of the
427 short-term rental, and the escape route in case of an emergency. The map must indicate if
428 there is an easement that provides access to a shoreline; if so, the boundaries of the

- 429 easement must be clearly defined. If there is no access, this must be indicated together
430 with a warning not to trespass;
- 431 (ii) Provide the unified business identifier number, and the names and addresses of the
432 property owner;
- 433 (iii) Designate a qualified person and provide contact information consistent with (3)(j) ;
434 and
- 435 (iv) Provide information required for Consumer Safety per (3)(H) and RCW 64.37.030
436 and fire protection plan per (3)(I).
- 437 (v) All units must have an operable landline telephone installed to aid in emergency
438 response, and the dwelling recorded in “Rivercom” data base. The address of the
439 property and the contact phone number for the qualified person shall be prominently
440 displayed near the phone.
- 441 (vi) The plan must identify the method by which the owner/operator will notify renters of
442 emergency or temporary conditions such as burn bans.
- 443 (vii) The plan must specify the maximum number of guests and number of bedrooms.
- 444 (viii) The plan must include the maximum number of vehicles allowed, and the designated
445 parking space locations allocated for each vehicle.
- 446 (ix) The plan must be kept up to date at the time of the annual permit and include the
447 annual permit number per subsection (L).
- 448 (x) The plan must include the Good Neighbor Guidelines per subsection (M).
- 449 (L) Annual Permit Number. The owner or operator must include the Chelan County land use permit
450 number for the short-term rental in all advertisements (AirBnB, VRBO, Craigslist, poster, etc.) and
451 marketing materials such as brochures and websites.
- 452 (M) Good Neighbor Guidelines. Owners and operators must acknowledge receipt and review of
453 a copy of the good neighbor guidelines. Owners and operators must provide evidence that the
454 good neighbor guidelines have been effectively relayed to short-term rental tenants, by
455 incorporating it into the property management plan, and rental contract, posting it online,
456 providing it in a conspicuous place in the dwelling unit, or a similar method.
- 457 (N) Liability Insurance. A short-term rental owner or operator must maintain primary liability
458 insurance consistent with RCW 64.37.050.
- 459 (O) Taxes. The owner or operator must comply with CCC Chapter 6.30 Lodging Tax, and other
460 local sales taxes and state hotel/motel and sales taxes in accordance with the Department of
461 Revenue.

462 (4) LAND USE PERMITS

- 463 (A) Land Use Permit Required. No short-term rental owner or operator may advertise, offer,
464 operate, rent, or otherwise make available or allow any other person to make available for
465 occupancy or use as a short-term rental without a valid short-term rental administrative land use
466 permit issued by the Director or a Conditional Use Permit approved by the Hearing Examiner

467 pursuant to Chapter 14.10. All dwelling units on a single parcel shall be reviewed concurrently in
468 the same application.

469 (i) All uses on the property must fully comply with CCC Title 11 and the property may not
470 have existing unresolved Chelan County code violations under Title 16 in order to be
471 eligible to apply for a short term rental land use permit or apply to participate in a
472 lottery under this chapter.

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

474 (i) The department will by September 1 of each year, mail a renewal reminder notice to
475 the owner or operator sent to the postal address or the email address on file reminding of
476 the renewal requirement of the rental permit requirement.

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

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

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

481 (a) At his discretion the Director may, upon showing of a hardship reason for
482 applicant's delay, accept permit renewal applications received after October
483 31 but before December 31 of the same year and may assess double the
484 normal fees for permitting, provided the short-term rental may not continue
485 operation past December 31 until the permit application is approved and a
486 permit issued.

487 (b) Permit renewal applications received after December 31 will not be accepted,
488 and the short term rental must immediately cease operations on January 1 of
489 the following year. The owner loses any vesting to continue operation as a
490 short term rental under this chapter. The permit also ceases to be transferable
491 under provisions of section (4)(l). Expired short term rentals under this
492 subsection are subject to the provisions of 11.88.290(2)(B) for continued
493 operation and must apply as a new short term rental if those provisions allow.

494 (C) Permit Applications. Short-term Rental owners must apply for an administrative land use
495 permit to establish compliance with this code. Fees consistent with CCC 3.24.010 must be paid.
496 Applicable fees shall reflect costs for review, inspections, and permitting of different short-term
497 rental tiers, and inspections at the appropriate stage. The Director may waive the initial
498 conditional use permit fee if the applicant provides written and notarized proof that an approval
499 for the same use was granted by Chelan County prior to the effective date of this code. All other
500 permit costs apply. Fees are due at the time permit application.

501 (D) Application Acceptance and Evaluation.

502 (i) All short-term rentals operating as of August 25, 2020 and subject to Resolution 2020-
503 104, shall pay a fee and register on a department registration form within 6 months of
504 the effective date of this ordinance (effective date XXX, 2020).

505 (a) All short-term rental owners wishing to continue short term rental land use
506 operation past the first 6 months, shall also apply on a provisional self-certification

507 form within 6 months of the effective date of this ordinance (effective date XXX,
508 2020). This self-certification form serves as the first provisional short term rental
509 permit application.

510 (ii) Within the first calendar year of adoption of this code (effective date XXX, 2020), the
511 Director may upon review for accuracy, completeness, and code compliance, provisionally
512 approve an initial Tier 1 short-term rental administrative land use permit subject to the
513 owner completing a self-certification form in (i)(a) above provided that inspections in
514 subsection (4)(H) are accomplished prior to the first renewal thereafter.

515 (a) Tier 3 short term rentals requiring a Conditional Use Permit to operate must
516 also apply for the conditional use permit within the first calendar year of
517 provisionally permitted operation. At the discretion of the Director a Tier 3
518 short term rental requiring a Conditional Use Permit may obtain a provisional
519 land use permit for a second consecutive year if the owner can demonstrate
520 that he has an accepted complete Conditional Use Permit application under
521 review and consideration by October 31 of the first year.

522 (b) At the discretion of the Director a Tier 3 short term rental may receive a third
523 and final provisional land use permit if a Conditional Use Permit has been
524 issued, but the owner is currently in the process of complying with all the
525 conditions of approval, provided all Conditions of Approval of the use permit
526 must be satisfied by October 31 of the third year of operation in order to be
527 eligible to apply for subsequent year short term rental land use permits.

528 (iii) Compliant Tier 2 and Tier 3 self-certification land use permit holders in residentially
529 zoned districts may apply to be entered into a lottery.

530 (a) The lottery must be conducted at a public meeting after the publishing of a
531 legal notice a minimum of 10 days prior to the lottery. The number of issued
532 permits selected by lottery will not exceed the number allowed per the applicable
533 cap in subsection (2)(B).

534 (b) After the inaugural lottery is completed, the Director shall annually by March
535 15 determine the share of short-term rentals to the overall housing stock in
536 unincorporated zip codes and UGAs, and accordingly schedule subsequent
537 lotteries, to be held only once annually between June 1 and July 31, to allow new
538 short-term rental applications for the following year where the cap in subsection
539 (2)(B) is not exceeded.

540 (c) If a lottery is to be held that year, applications are accepted from April 1
541 through the last business day in May.

542 (d) A lottery application or selection in a lottery does not guarantee that the
543 applicant will receive a permit to operate a short term rental. Selection only
544 guarantees participation in the permit application process under the regulations in
545 existence at time of selection.

546 (e) Any applicant selected under a lottery who does not complete the required
547 application forms or process by any required deadlines, including application for
548 any required Conditional Use Permits, or upon application review is found to have

549 knowingly provided false information, or the applicant or property is found to be
550 out of compliance with this or other titles of Chelan County land use or
551 development codes, is ineligible for a short term rental permit. The applicant shall
552 not receive any further processing of their application. Once denied, the applicant
553 shall not be eligible for future lottery application or participation until such time as
554 the owner can show compliance with Chelan County regulations.

555 (f) All lottery fees are non-refundable.

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

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

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

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

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

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

577 (ii) Wastewater. Each applicant shall demonstrate to the satisfaction of the Director they
578 have a proper onsite sewage system meeting Health District standards for the occupancy.

579
580 (iii) The Director may waive inspections under subsections (H)(i) and (H)(ii) and (H)(iii)
581 associated with the initial short-term rental permit if the owner provides a notarized
582 affidavit from the applicable fire district or fire marshal or Chelan-Douglas Health District
583 that the short-term rental complies with applicable requirements in subsections (H)(i) and
584 (H)(ii).

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

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

591 (vi) Owners applying for or receiving a valid short term rental land use permit or a
592 Conditional Use Permit for short term rental or event venue use must allow the Director or
593 designee to inspect or reinspect the property at reasonable times to determine initial
594 compliance with subsections (3) and (4)(H) of this chapter. If complaints are received, or
595 evidence is encountered indicating non-compliance with this chapter the department may
596 reinspect the property at reasonable times. Denial of entry for inspection is grounds for
597 immediate permit denial or revocation of all permits for short term rental land use under
598 this chapter pursuant to CCC Title 16.20.030.

599 (I) A short-term rental permit for compliant short-term rentals permitted according to (4)(D) is
600 transferable to a new owner. The owner must obtain a new short-term rental permit compliant
601 with this section following expiration or cease operation. New owners must certify compliance with
602 the conditions of permit approval within 90 days after the closing date of the sale of the
603 property. Written certification must be submitted to the Community Development Department on
604 forms specified by the Director. New owners must apply for a new permit by the annual deadline.

605 (i) If a short-term rental application is not selected in the lottery in (4)(D) or is an existing
606 non-compliant short-term rental in accordance with Subsection (2)(F), the registration and
607 annual permit is not transferable during the 3-year grace period.

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

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

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

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

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

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

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

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

- 626 (5) ENFORCEMENT
- 627 (A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid
- 628 Short-Term Rental Permit. Evidence of operation includes, but is not limited to, advertising, online
- 629 calendars showing availability, guest testimony, online reviews, rental agreements, or receipts.
- 630 (B) Enforcement of this section will be in accordance with Title 16 CCC.
- 631 (6) MONITORING
- 632 The Director shall report to the Board of County Commissioners on the status of short-term rental
- 633 regulation implementation annually at the time the existing short-term baseline is reported per (4)(D). The
- 634 County may initiate a review or amendment pursuant to Chapter 14.13.

635 **11.90.060 Required off-street parking.**

- 636 (1) Parking space shall be provided as shown in Table 11.90-3 for the land uses listed. The number of
- 637 required parking spaces shall be rounded upward to the nearest whole number if the calculation results in
- 638 a fractional space requirement of one-half space or more.
- 639 (2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may
- 640 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, <u>and Tier 1 and Tier 2, and Tier 3-overnight-lodging use-only, Short-Term Rentals</u>	1 space per bedroom and 1 space for manager
Institutional or group homes: nursing home, correctional, retirement	1 space per 5 beds and 1 space per staff person
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, <u>Tier 3 short term rental event venues</u>	1 space per 4 seats or 8 feet of bench
Churches, funeral homes	1 space per 4 seats or 8 feet of bench
Libraries, museums, galleries, municipal	1 space per 300 square feet
Schools	
Pre-school, daycare, kindergarten	0.07 pickup/drop-off spaces per enrolled student and 1 space per staff person

Table 11.90-3

Land Use	Required Off-Street Parking
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
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
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

641 Chapter 11.93 Conditional Use Permits

642 [11.93.450](#)

643 [All short-term rental applications requiring a conditional use permit shall comply with and are subject to](#)
644 [the provisions of this chapter in addition to chapter 11.88.](#)

645 Chapter 3.24 Community Development Department Fees

646 3.24.010 FEE SCHEDULE.

647 (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>
Short-term rental (<u>Tier 2, inspection not required, provisional first</u> permit)	\$500
<u>Short-term rental (Tier 2, inspection required second provisional permit and first time new Tier 2 permits)¹</u>	<u>\$900</u>
<u>Short-term rental if CUP required (Tier 3 first permit, includes CUP application)</u>	<u>\$2,270</u>
<u>Short-term rental (Tier 1 annual renewal)</u>	<u>\$500</u>
<u>Short-term rental (Tier 2 annual renewal, no inspections)</u>	<u>\$500</u>
<u>Short-term rental (Tier 3 annual renewal, if no new CUP is required)</u>	<u>\$750</u>

648 *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.*

649 Definitions

650 14.98 DEFINITIONS

651 **14.98.1410 Person.**

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

654 **14.98.265 Bed and breakfast.**

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

658 **14.98.625 Dwelling unit.**

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

662 **14.98.915 Guest inn.**

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

666 **14.98.1105 Lodging facilities.**

667 “Lodging facilities” means establishments providing transient sleeping accommodations and may also
668 provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may
669 include, but are not limited to, hotels, motels, and lodges greater than six rooms.

670 **14.98.1110 Lodging unit.**

671 “Lodging unit” means one self-contained unit designated by number, letter or some other method of
672 identification.

673 **14.98.1632 Bedroom**

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

677 **14.98.1691 (Short-Term Rental) Grace Period**

678 “Grace Period” means, the additional time allocated to continue operation as a short term rental until the
679 set date that the short term rental use must cease operation.

680 **14.98.1692 Short-Term Rental**

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

690 **14.98.1693 Short-Term Rental Operator**

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

695 **14.98.1694 Short-Term Rental Owner**

696 “Owner” means any person who, alone or with others, has title or interest in any building, property,
697 dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including

698 any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or
699 control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building,
700 dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an
701 owner.

702 **14.98.1695 Owner Occupied**

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

706 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

707 **16.20.010 Compliance**

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

711 **16.20.020 Enforcement Procedures, Notices, and Citations**

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

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

719 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site
720 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and
721 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

722 **16.20.030 Civil Penalties**

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

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

728 **16.20.030 Revocation**

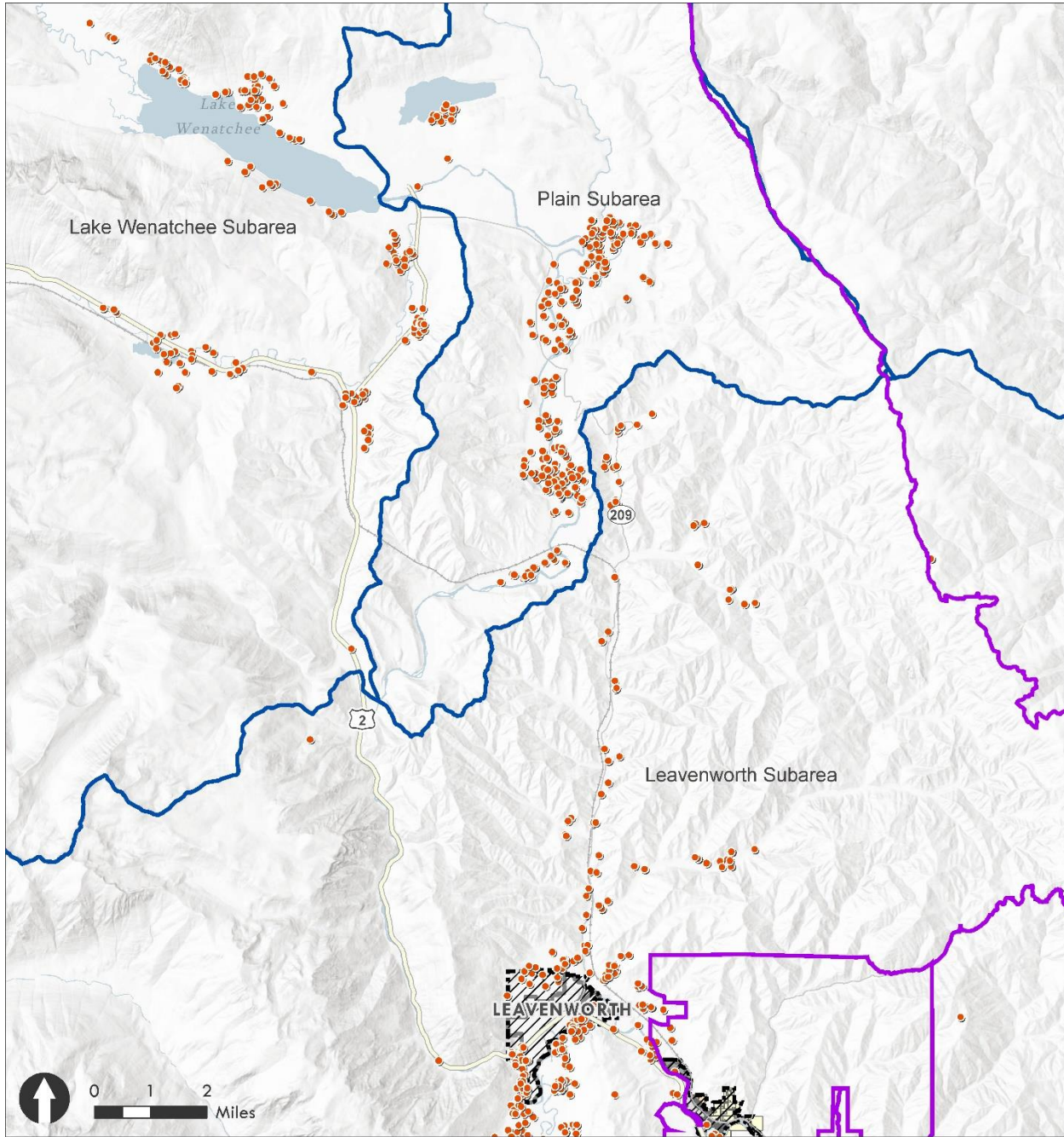
729 (1) Repeated failure of the owner or operator to timely and reasonably respond to a complaint(s)
730 relayed by code compliance officers are grounds for civil fines, revocation, or other penalties consistent
731 with Title 16.

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

- 734 (A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.290 short-term
735 rental regulations and Title 14 is grounds for immediate revocation of the permit.
- 736 (B) Failure to meet the criteria of CCC 11.88.290 Short-Term Rental Regulations is grounds for
737 immediate denial of issuance or revocation of the short-term rental land use permit.
- 738 (C) The discovery of material misstatements or providing of false information in the short-term
739 rental land use permit application or renewal process is grounds for immediate revocation of the
740 permit.
- 741 (D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment
742 of the Administrator,⁷ so as to provide reasonable grounds for immediate revocation of the land
743 use permit.
- 744 (E) If three violations are verified under subsection (D) at any time during a twelve-month period,
745 the penalty shall be revocation in addition to any required civil penalties under 16.20.030.
- 746 (F) Denial of entry for required inspection, reinspection, or interference with an inspection or
747 reinspection of a short term rental property under CCC 11.88.290 is grounds for immediate
748 denial of issuance or revocation of the short term rental land use permit.
- 749

⁷ In Title 16, reference is made to “Administrator” whereas in Title 11 reference is made to “Director”. Both have a similar meaning in Title 14 definitions.

Attachment B: Leavenworth-Lake Wenatchee Subareas



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.

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

756 ATTACHMENT C: STR TASK FORCE

757 [Under Separate Cover](#)

758 ATTACHMENT D: UPDATED SHORT-TERM RENTAL INFORMATION

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

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

762 ▪ Leavenworth (higher)

763 ▪ Manson (no change)

764 ▪ Peshastin (no change)

765 **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 <u>Unincorporated</u> 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%

766
767

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

768 **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

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

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

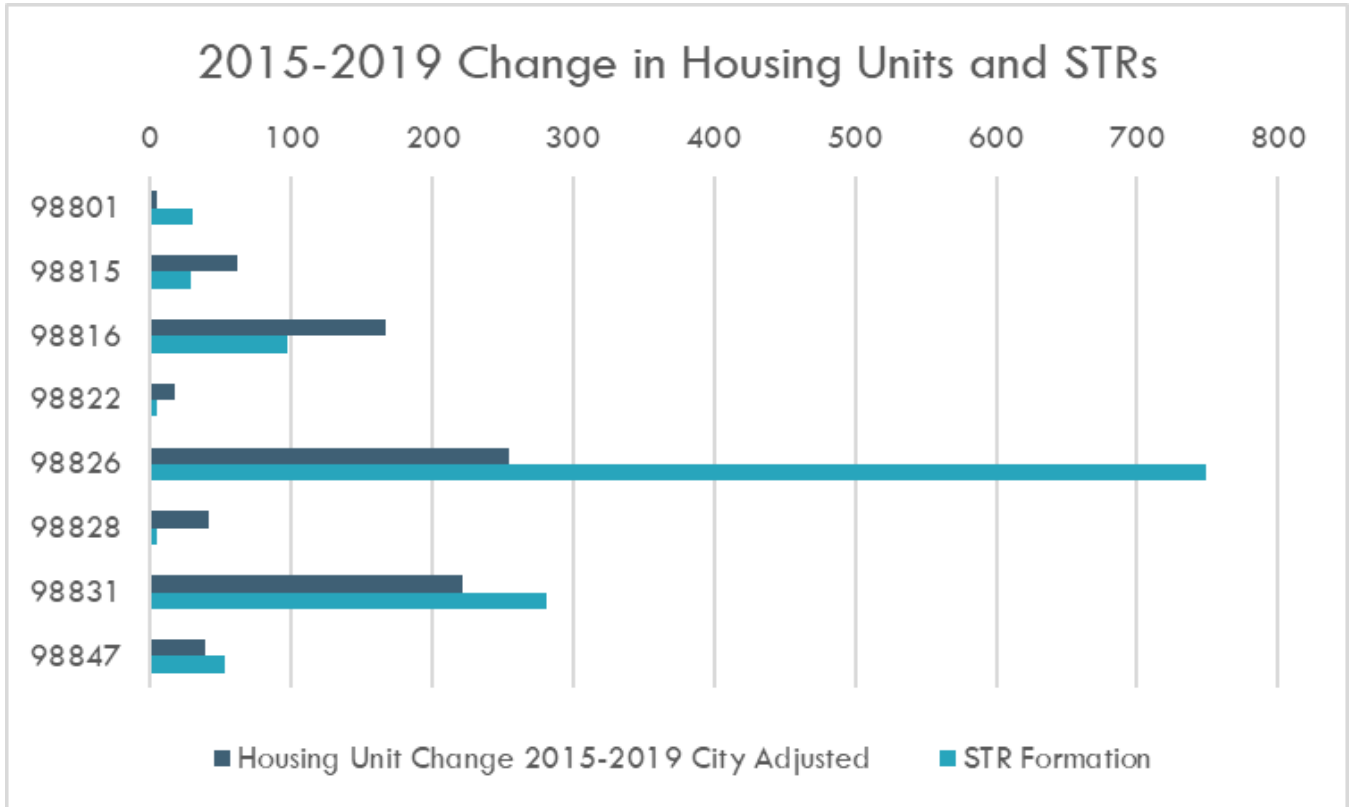
772 Results show a higher formation of short-term rentals compared to new housing stock in Zip Codes:

- 773 ■ Leavenworth (previously identified)
- 774 ■ Manson (new)
- 775 ■ Peshastin (new)

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

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

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



779
780

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