

Chelan County Short-Term Rentals

BOCC Hearing Draft December 23, 2020

(NON-CONFORMING ALLOWANCE OPTION-with no change or transfer, and NO LOTTERY, and STANDARDS applied to all, significant ENFORCEMENT penalties)

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 and availability. The community concerns are reflected in the public record for the project with hundreds of residents and landowners participating. Various studies, papers, and reports on the impacts to housing stock, economic, social, and other implications of short-term rentals in communities from several locales were researched by staff and consultants, along with those provided within public commenting, and were subsequently considered in formulating several of the regulatory strategies used within the rental code.

(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.

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

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

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

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

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

Chelan County

Draft Short-term Rental Code

DRAFT December 23, 2020 | BOCC Hearing Draft

Use Allowance Amendments

CHAPTER 11.04 DISTRICT USE CHART

11.04.020 District Use Chart

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

(2) The following acronyms and notes apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

P — Permitted use

P(1) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards

P(2) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence

P(3) For short-term rentals newly permitted and first established after December 29, 2020 the minimum lot size requirement to establish a short-term rental is as provided in 11.88.290(2)(D).

A — Accessory use

A(1) — Accessory use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards

CUP — Conditional use permit —Subject to development standards in Chapter 11.93 and/or within this chapter

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

District Use Chart

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

57 CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

58 **11.22.030 Permitted, Accessory and Conditional Uses**

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

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

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

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

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² Indoor facility only.

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³ Per CCC 11.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two boarders, roomers, or lodgers is permitted as an accessory use.

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

74 CHAPTER 11.23 MANSON URBAN GROWTH AREA

75 11.23.030 DISTRICT USE CHART.

76 (1) The use chart located on the following pages is made a part of this section. The following acronyms
 77 apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a
 78 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

- 79
- 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

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

82 **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>		

83 P¹ = Permitted with Standards

84 11.23.040 STANDARDS.

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

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

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

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

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

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

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

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

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

108 Short-Term Rental Standards

109 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

110 11.88.290 Short-Term Rental Regulations

111 (1) PURPOSE

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

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

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

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

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

133 (ii) Housing Element goals and policies including, but not limited to, appropriate placement
134 of vacation rentals to avoid impacting neighborhood character² and housing stock,
135 accessibility to affordable housing for all residents, providing for a variety of residential
136 housing types and densities, and supporting regulatory changes that promote affordable
137 housing options in all locations in the county.

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

141 (2) TYPE, NUMBER, AND LOCATION

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

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

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

151 (iii) Tier 3: Short-term rentals exceeding occupancy limits applicable to Tier 1 and Tier 2
152 units as identified in CCC 11.88.290(3) or containing group facilities designed to host
153 events such as weddings, gatherings, or retreats subject to the provisions of CCC
154 11.88.290 (3)(B)(iii), provided they obtain conditional use permits to operate pursuant to
155 the applicable provisions of 11.88.290(3)(B)(iii) and (4)(D)(ii) before operation as a Tier 3
156 short-term rental.

157 (a) No short-term rental may operate as a Tier 3 short-term rental without first
158 meeting all Tier 3 provisions, or as allowed under nonconforming use grace
159 periods as applicable to their property under the requirements found within this
160 chapter.

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

163 (B) Tiered Permits and Numbers Allowed.

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

165 (ii) Tier 2 and Tier 3:

166 (a) New Tier 2 and 3 short-term rentals cannot be located where short term
167 rentals make up 5% or more of the total housing stock in residential zoning districts
168 within zip codes or residential zones within urban growth areas where the use is
169 expressly allowed until the total number falls below this 5% limit.

² Relates to Policy H 2.4 that is directly relevant to this proposed code.

(b) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the 5% cap: Rural Commercial zoned Districts, Manson and Peshastin Urban Growth Areas Commercially zoned districts, Planned Unit Development Overlay Districts expressly permitting short-term rentals, or Master Planned Resorts Overlay Districts.

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

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

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

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

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

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

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

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

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

<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>

<u>Zone</u>	<u>Tier 2</u>	<u>Tier 3</u>
<u>RW</u>	<u>1</u>	<u>Not allowed</u>

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

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

(E) Number of Short-term rentals.

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

(a) 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%) in residential zones and the applications meet all requirements of 11.88.290 as determined by the Director.³ Total dwelling units must be determined based on the latest annual count of total housing units by the State of Washington Office of Financial Management, or another state or county agency that tracks Chelan county housing inventory. Short-term rental percentages must be determined at the time the number of allowed short-term rentals is determined per Subsection (4) of this section.

(F) Existing Short-Term Rentals:

(i) A short-term rental use shall not be considered lawfully established and existing as of August 25, 2020, and allowed to continue to operate as a legally non-conforming use unless the owner proves all of the following:

(a) That a location was actually, physically used for short-term rental purposes on August 24, 2020 and that proof of rental listing and income generated is also required. The Director may permit dwellings with approved unexpired building permits issued before August 25, 2020 where the applicant noted on the building permit application form that it was intended to be used as a short term or vacation rental, and was constructed and issued a certificate of occupancy within six months of the effective date of this ordinance to be considered as an existing short-term rental; and

³ 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.

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

243 (c) That the short-term rental meets all requirements of Subsection (3), provided
244 that short-term rentals consistent with Paragraph (ii) and (iii) below, may continue
245 to operate provisionally for the time of their grace period while they obtain
246 compliance under Subsection (3); and

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

249 (e) If located inside of the Manson Urban Growth Area, documentary evidence
250 that the short-term rental was properly registered as a vacation rental with Chelan
251 County per 11.23.040 as of August 25, 2020. This documentary evidence also
252 satisfies the requirements found in (F)(i)(a) above.

253 (ii) Non-conforming Short-Term Rental Units Restricted Zones, or by Parcel Size, Numbers
254 Allowable, or Rental Standards, and maintaining legal non-conformance.

255 (a) Except as provided in (2)(F)(iii) and (iv) below, where a zone, parcel size, or
256 percentage of overall housing inventory cap by zip code or urban growth area
257 does not expressly allow new short-term rental units as of December 29, 2020
258 according to CCC Sections 11.04.020, 11.22.030, 11.23.030, 11.88.290(2)(B),
259 (2)(D), and (3) only those short-term rentals that existed as of August 25, 2020 will
260 be allowed to operate provisionally under a grace period. If before expiration of
261 the grace period the short-short term rental fully satisfies compliance with all
262 criteria in Paragraph (i)(c) above and meet the occupancy requirements of
263 Subsection (2)(A), they may continue to operate as legally non-conforming beyond
264 the grace period.

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

276 (c) If the non-conforming short-term rental cannot comply with criteria in Paragraph
277 (F)(i)(c) above by the end of the grace period, it must cease operating at the end
278 of the grace period, no later than three years from August 25, 2020, subject to
279 appeal under Title 16 and Chapter 14.12.

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

283 (e) Any short-term rental property that has an unresolved written notice of
284 violation for short-term rental use, received on or before August 25, 2020, or that
285 operated as a short term rental contrary to the August 25, 2020 Chelan county
286 short-term rental moratorium Resolution 2020-104 shall not be considered a
287 legally non-conforming use. Such short term rental is not subject to a grace period
288 and must immediately cease all short-term rental uses of the property on the
289 effective date of adoption of this code and are subject to the provisions of Title 16
290 CCC, provided that the appeal provisions of Title 16 and Chapter 14.12 apply.

291 (iii) Nonconforming Short-Term Rental Units in Manson UGA. Where a short-term rental is
292 located in the Manson UGA, only those short-term rentals that were properly registered as
293 a vacation rental and meet criteria in Paragraph (i), shall be considered legal
294 nonconforming according to Chapter 11.97 CCC, provided the short-short term rental is
295 allowed a grace period of operation in which to fully attain compliance with all current
296 rental standards as provided in Paragraph (F)(i)(c) above. Any vacation rentals that
297 cannot meet criteria in Paragraph (i) by the end of the grace period shall be subject to
298 permit termination under the grace period provisions found in Paragraph (ii) above, and
299 lose their legally non-conforming status, subject to appeal provisions under Title 16 and
300 Chapter 14.12.

301 (iv) Non-conforming Short-Term Rental Units in Peshastin UGA. Existing non-conforming
302 short-term-rental units of any Tier are not an allowed use within the residential zones in
303 the Peshastin UGA. Any existing non-conforming short-term rental in the Peshastin UGA
304 must immediately cease operation upon adoption of this code.

305 (3) SHORT-TERM RENTAL STANDARDS

306 (A) Primary or Accessory Residence.

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

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

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

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(B) Occupancy.

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

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

(ii) Tier 1 and Tier 2 Occupancy limits.

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

Tier 1: a total of 12 guests including children, but excluding owner

Tier 2: a total of 12 guests including children.

(b) Daytime Occupancy.

Tier 1: At no time shall the total number of persons at a short-term rental exceed 12 persons, including children, but excluding owner.

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

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

(iii) Tier 3 Occupancy limits.

(a) Exceeding Nighttime or Daytime Occupancy. In order to exceed total daytime or nighttime occupancy limits contained in section (3)(B)(ii) above, an operator must first obtain a Conditional Use Permit and satisfy all the Conditions of Approval before operation, provided that the zone allows short-term rentals as a permitted, or conditionally permitted use and meets all other short-term rental requirements of this section provided that overnight occupancy is limited to 16 persons including children, and shall not have more than two guests per bedroom. All applicable criteria of CCC Chapter 11.93 shall be met.

(b) Short-term rentals may exceed occupancy limits of 11.88.290(3)(B)(ii) above and may contain group facilities designed to host events such as weddings, gatherings, or retreats provided an operator must first obtain a Conditional Use Permit and satisfy all Conditions of Approval consistent with CCC 11.93.315.

(c) Non-conforming Tier 3 short term rentals operating under Subsection (2)(F) are allowed to operate under their initial administrative permit, and for up to two additional and subsequent annual permits issued under this chapter subject to the grace period provisions and limitations contained within 11.88.290(4)(ii) while they obtain any required Conditional Use Permits and satisfy all Conditions of Approval. If

360 the Tier 3 administrative permit holder fails to obtain any required Conditional Use
361 Permits or fails to satisfy all of the Conditions of Approval for any such permit as
362 required in Subsection (4) by the end of the grace period, the non-conforming Tier 3
363 use must revert to the requirements of a non-conforming Tier 2 short-term rental use
364 permit, provided that all other code compliance requirements of a non-conforming Tier
365 2 rental can be immediately satisfied. If the grace period has passed and the Tier 3
366 has not completed Conditional Use Permitting compliance, the short-term rental can no
367 longer ever operate as a legally non-conforming Tier 3 short term rental. After losing
368 non-conforming status to operate as a Tier 3 short-term rental after the grace period
369 has expired the owner must reapply subject to the process, provisions, and limitations
370 applicable to a new Tier 3 short term rental as provided within 11.88.290(2) and (4),
371 subject to appeal provisions of Title 16 and Chapter 14.12.

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

374 (C) Parking.

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

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

383 (iii) Unlawful or unsafe parking by short-term rental tenants and guests, owner joint
384 liability if violation not abated.

385 (a) Qualified Persons or Owners of short-term rental properties notified of
386 unlawful or unsafe parking complaints related to their short-term rental tenants, or
387 their guests are responsible to promptly abate the parking complaints emanating
388 from their property for non-compliance with (ii) above, or for parking on the
389 property of a neighbor without express permission, or blocking the access to a
390 neighboring driveway, or preventing the unobstructed use of that neighboring
391 property. If the owner fails to cause the parking complaint to be abated within 60
392 minutes of notification of the complaint, he is subject to the enforcement penalties
393 jointly and severally with the renter, or guest creating the parking violation under
394 this Chapter and Title 16.

395 (b) Repeat violations. Repeated parking violations on or adjacent to the same
396 property may be subject to additional penalties under Chapter 16.20, up to and
397 including revocation of the short-term rental land use permits under 16.20.030.

398 (D) Garbage.

399 (i) Trash containers must be provided.

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

404
405 (E) Noise.

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

408 (ii) Public disturbance noise complaints.

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

415 (b) Repeat violations. Repeated public disturbance noise violations on the same
416 property may be subject to additional penalties under Chapter 16.20, up to and
417 including revocation of the short term rental land use permits under Section
418 16.20.030.

419 (F) Trespass.

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

424 (ii) Trespass by short-term rental tenants and guests, owner joint liability.

425 (a) Qualified Persons or Owners of short-term rental properties notified of
426 trespassing complaints related to their short-term rental tenants, or their guests are
427 responsible to promptly abate trespass complaints emanating from their property.
428 If the owner fails to cause the trespass to be abated within 60 minutes of
429 notification of the complaint, he is subject to the enforcement penalties jointly and
430 severally with the renter, or guests creating the trespass under Chapter 7.32.030
431 and Title 16.

432 (b) Repeat violations. Repeated trespass violations on or adjacent to the same
433 property may be subject to additional penalties under Chapter 16.20, up to and
434 including revocation of the short term rental land use permits under 16.20.030.

435
436 (G) Signs.

437 (i) All owners or operators must display and maintain the address of the residence so that
438 it is clearly visible from the street or access road in compliance with CCC 10.20.520
439 requirements. The rental must also display and maintain an additional sign outside

440 identifying the property as short-term rental and displaying the name and contact phone
441 number of the qualified person listed in Subsection (4)(J) below. The sign must be made of
442 natural materials not exceeding two square feet in area and if illuminated, must be
443 indirectly illuminated, and letters and numbers must at a minimum four inches in height.

444 (ii) Placement of the sign.

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

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

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

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

458 (H) Consumer Safety.

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

462 (I) Fire Safety and Outdoor Burning.

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

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

475 (J) Qualified Person.

476 (i) The owner or operator must provide the name, telephone number, address, and email
477 of a qualified person (which can be a person or company) who can be contacted
478 concerning use of the property and/or complaints and can respond to the property within
479 60 minutes to complaints related to the short-term rental consistent with the requirements

480 of this section. The owner or operator must provide a valid telephone number where
481 qualified person can be reached 24 hours per day, every day the property is rented.

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

486 (ii) Repeat violations. A second subsequent violation within 12 months of the previous
487 violation of failing to have a qualified person available or to respond to a complaint, is
488 grounds for revocation of the short-term rental permit under 16.20.030.

489 (K) Property Management Plan.

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

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

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

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

502 (d) Provide information required for Consumer Safety per (3)(H) and RCW
503 64.37.030 and fire protection plan per (3)(I).

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

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

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

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

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

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

523 (L) Annual Permit Number.

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

527 (M) Good Neighbor Guidelines.

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

533 (N) Liability Insurance.

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

536 (O) Taxes.

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

540 (4) LAND USE PERMITS

541 (A) Land Use Permit Required.

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

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

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

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

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

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

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

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

564 (b) Permit renewal applications received after December 31 will not be accepted,
565 and the short term rental must immediately cease operations on January 1 of the
566 following year. The owner and property lose any vesting to continue operation as
567 a legally conforming or non-conforming short term rental under this chapter.
568 Expired short term rentals under this Subsection are then subject to the housing cap
569 provisions of 11.88.290(2)(B) and must apply as a new short term rental if all
570 other provisions of 11.88.290 allow.

571 (C) Permit Applications.

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

577 (D) Application Acceptance and Evaluation.

578 (i) All existing short-term rentals operating as of August 25, 2020 and subject to
579 Resolution 2020-104, shall pay a fee and register on a department registration form
580 within 6 months of the effective date of this ordinance on December 29, 2020. Those
581 owners and properties failing to register within this time period will not be considered as
582 an existing and non-conforming short-term rental use under this Section and forfeit any
583 claim of non-conforming short term rental use status under this Section, subject to appeal
584 provisions under Title 16 and Chapter 14.12.

585 (a) All short-term rental owners wishing to continue short term rental land use
586 operation past the first 6 months, shall also apply for a short term rental permit for
587 the current year on a provisional self-certification form within 6 months of the
588 effective date of this ordinance on December 29, 2020. This self-certification
589 form serves as the first provisional short term rental permit application.

590 (ii) Within the first calendar year of adoption of this code on December 29, 2020, the
591 Director may upon review for accuracy, completeness, and code compliance, provisionally
592 approve a Tier 1 short-term rental property, or any existing non-conforming Tier 1, 2, or
593 3 short-term rental property as provided in 11.88.290(2)(F), for an initial short-term
594 rental administrative land use permit subject to the owner completing a self-certification
595 form in (i)(a) above provided that inspections in Subsection (4)(H) are accomplished prior
596 to the first renewal thereafter.

597 (a) Non-conforming Tier 3 short term rentals must also apply for any required
598 conditional use permit within the first calendar year of provisionally permitted

599 operation. At the discretion of the Director a Tier 3 short term rental requiring a
600 Conditional Use Permit may obtain a provisional land use permit for a second
601 consecutive year if the owner can demonstrate that he has an accepted complete
602 Conditional Use Permit application under review and consideration by October 31
603 of the first year.

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

610 (iii) New compliant Tier 2 and Tier 3 land use permit applicants may apply to obtain a
611 new short-term rental permit pursuant to the provisions and limitations of 11.88.290(2).

612 (a) Permit applications, or reservations for application appointments, will be taken
613 on a first come, first served basis at the Community Development office starting at
614 9:00 AM on the published date allowing permit submission. The number of permit
615 applications accepted will not exceed the number of short-term rentals allowed
616 per the applicable housing cap within each zip code and urban growth area as
617 provided in Subsection (2)(B). Once the limit on the number of applications has
618 been reached, the window of time for submission shall be closed for that year.

619 (b) The Director shall annually by March 15 determine the share of short-term
620 rentals to the overall housing stock in each of the unincorporated zip codes and
621 urban growth areas, and accordingly schedule a permit application time window,
622 to be held only once annually between June 1 and July 31, to allow new short-
623 term rental applications for the following year in each zip code and urban growth
624 area where the cap in Subsection (2)(B) is not exceeded.

625 (c) If the number of applicants for the available number of permits is less than the
626 number of permits available, the permits will be issued on a first come first served
627 basis and close for the taking of further applications on the last business day of
628 the month of July or July 31 of each year, whichever is sooner.

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

633 (e) Any applicant who does not complete the required application forms, complete
634 any required inspections or other processes contained within this chapter, and fully
635 submit any required supplemental information requested by the department by
636 any required deadlines, including application for any required Conditional Use
637 Permits, or upon application review is found to have knowingly provided false
638 information, or the applicant or property is found to be out of compliance with this
639 or other titles of Chelan County land use or development codes, is ineligible for a
640 short term rental permit. The applicant shall not receive any further processing of

641 their application. Once denied, the applicant shall not be eligible for rental
642 permit application until such time as the owner can show compliance with Chelan
643 County regulations.

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

645 (E) Term.

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

650 (F) Forms and Procedures.

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

654 (G) Nonuse.

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

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

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

665 (ii) Wastewater. Each applicant shall demonstrate to the satisfaction of the Director they
666 have a proper and permitted onsite sewage system meeting applicable Health District
667 permitting and standards for the occupancy.

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

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

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

678 (vi) Owners applying for or receiving a valid short term rental land use permit or a
679 Conditional Use Permit for short term rental or event venue use must allow the Director or
680 designee to inspect or reinspect the property at reasonable times to determine initial

681 compliance with Subsections (3) and (4)(H) of this chapter. If complaints are received, or
682 evidence is encountered indicating non-compliance with this chapter the department may
683 reinspect the property at reasonable times. Denial of entry for inspection is grounds for
684 immediate permit denial or revocation of all permits for short term rental land use under
685 this chapter pursuant to CCC Title 16.20.030.

686 (I) A short-term rental permit for conforming code compliant short-term rentals permitted
687 according to (4)(D) is transferable to a new owner.

688 (i) The new owner must obtain a new short-term rental permit compliant with this section
689 following expiration of any existing short-term rental permit or cease operation. New
690 owners must certify compliance with the conditions of permit approval within 90 days
691 after the closing date of the sale of the property. Written certification must be submitted
692 to the Community Development Department on forms specified by the Director. New
693 owners must apply for a new permit by the annual deadline.

694 (ii) A non-conforming short term rental permitted according to the provisions of Subsection
695 (2)(F), the registration and annual permit is not transferable except as provided in the
696 exception in (iii) below.

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

705 (J) Approval Criteria.

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

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

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

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

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

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

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

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

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

720 (5) ENFORCEMENT

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

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

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

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

725 (6) MONITORING

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

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

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

729 **11.90.060 Required off-street parking.**

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

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

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

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

734 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

735 **Chapter 11.93 Conditional Use Permits**

736 **11.93.450**

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

739 Chapter 3.24 Community Development Department Fees

740 3.24.010 FEE SCHEDULE.

741 (a) Planning.

Application Type	Fee
Conditional use permit	\$1,520
<u>Short-term rental registration.</u>	<u>\$75</u>
<u>Short-term rental (Tier 1, first permit)</u>	<u>\$500</u>
Short-term rental (<u>Tier 2, inspection not required, provisional first</u> permit)	\$500
<u>Short-term rental (Tier 2, inspection required second provisional permit and first time new Tier 2 permits)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>

742 *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.*

743 Definitions

744 14.98 DEFINITIONS

745 **14.98.1410 Person.**

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

748 **14.98.265 Bed and breakfast.**

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

752 **14.98.625 Dwelling unit.**

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

756 **14.98.915 Guest inn.**

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

760 **14.98.1105 Lodging facilities.**

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

766

767 **14.98.1110 Lodging unit.**

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

770 **14.98.1632 Bedroom**

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

777 **14.98.1691 (Short-Term Rental) Grace Period**

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

781 **14.98.1692 Short-Term Rental**

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

791 **14.98.1693 Short-Term Rental Operator**

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

796 **14.98.1694 Short-Term Rental Owner**

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

803 **14.98.1695 Owner Occupied**

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

807 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

808 **16.20.010 Compliance**

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

812 **16.20.020 Enforcement Procedures, Notices, and Citations**

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

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

820 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site
821 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and
822 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

823 **16.20.030 Civil Penalties**

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

826 (2) Any additional violation of 11.88.290(3) Standards within 12 months of any preceding violation of
827 the same type of standard within that same subsection, is subject to a penalty of double the prior
828 violation penalty amount.

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

832 **16.20.030 Revocation**

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

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

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

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

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

845 (D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment
846 of the Administrator,⁴ so as to provide reasonable grounds for immediate revocation of the land
847 use permit.

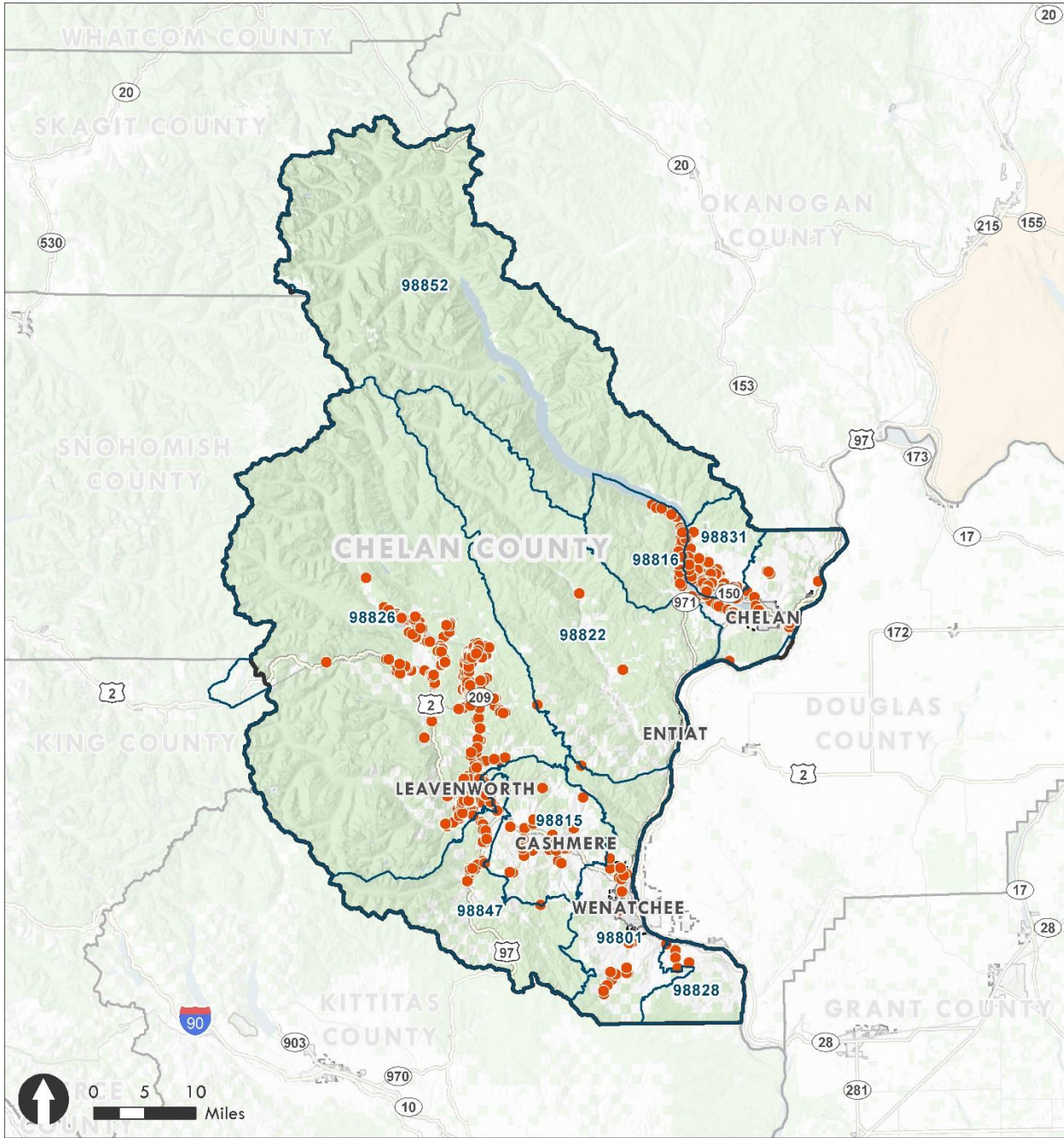
848 (E) If three violations are verified under Subsection (D) at any time during a twelve-month period,
849 the penalty shall be revocation in addition to any required civil penalties under 16.20.030.

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

853

⁴ In Title 16, reference is made to "Administrator" whereas in Title 11 reference is made to "Director". Both have a similar meaning in Title 14 definitions.

Attachment A: Countywide Zip Code Map



LEGEND

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

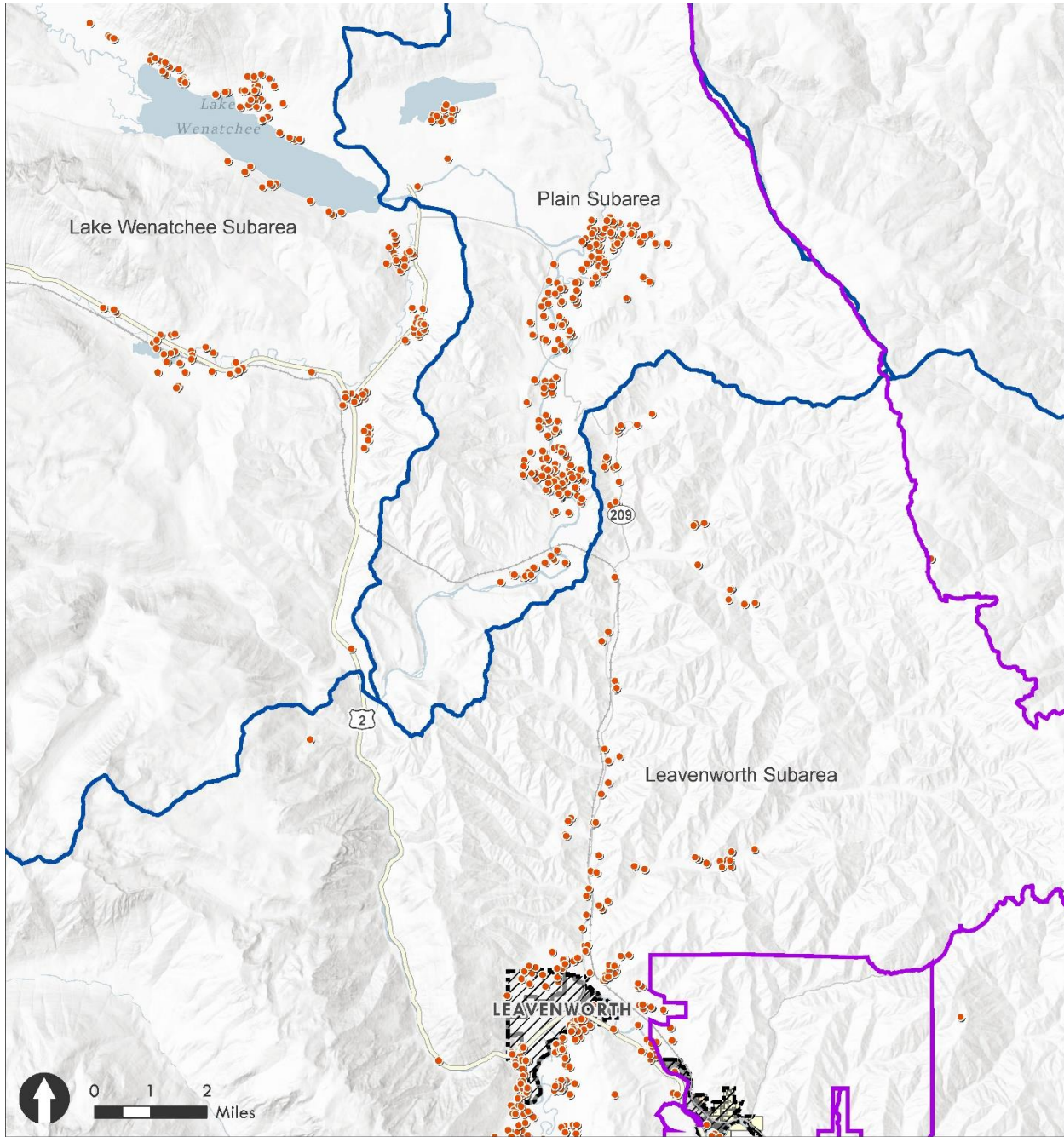


Source: AirDNA, 2020.

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

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

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.

860 ATTACHMENT C: STR TASK FORCE

861 [Under Separate Cover](#)

862 ATTACHMENT D: UPDATED SHORT-TERM RENTAL INFORMATION

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

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

866 ▪ Leavenworth (higher)

867 ▪ Manson (no change)

868 ▪ Peshastin (no change)

869 **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%

870
871

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

872 **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

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

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

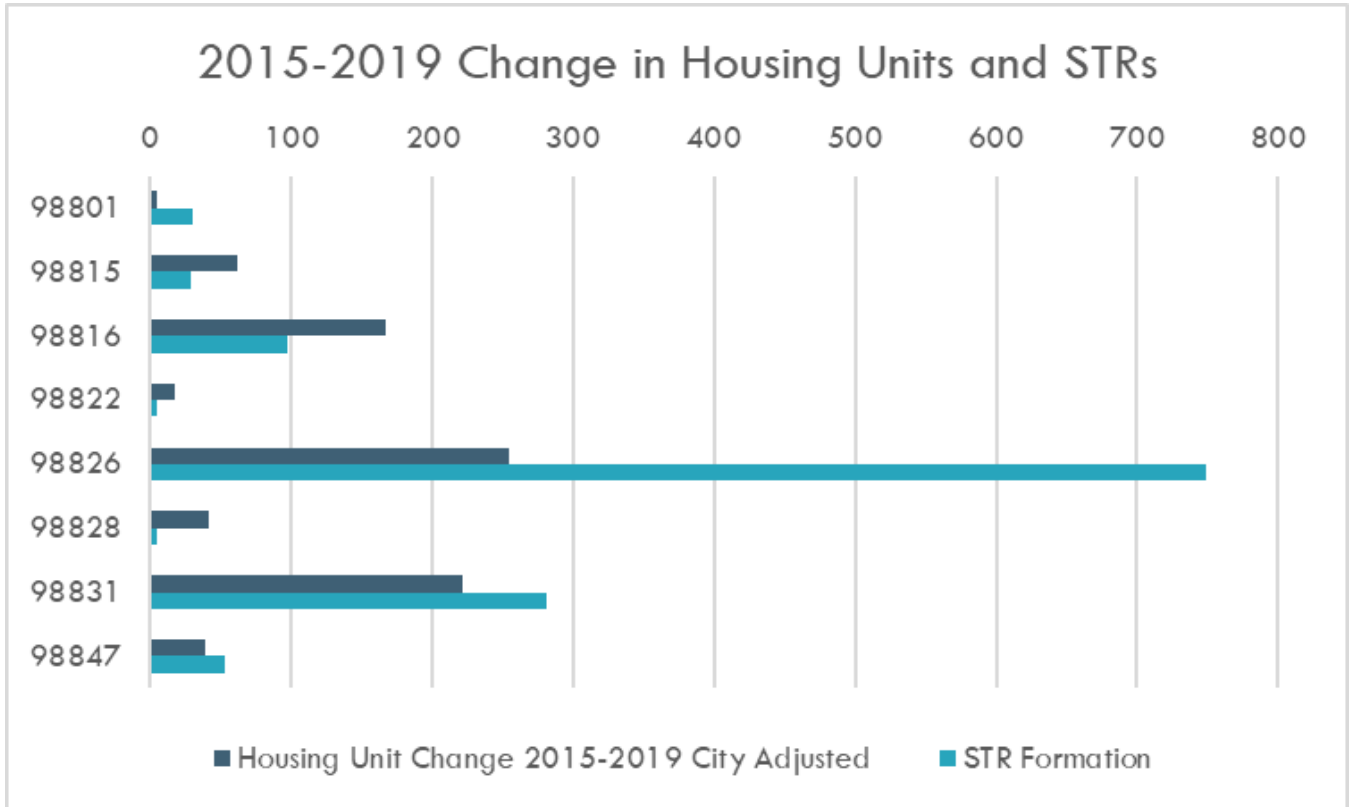
876 Results show a higher formation of short-term rentals compared to new housing stock in Zip Codes:

- 877 ■ Leavenworth (previously identified)
- 878 ■ Manson (new)
- 879 ■ Peshastin (new)

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

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

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



883
884

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