

Chelan County Short-Term Rentals

BOCC Hearing Draft December 238, 2020

(RETAIN DRAFT NON-CONFORMING NON-ALLOWANCE AFTER 3-YRS OPTION-with no change or transfer, and RETAIN LOTTERY, and STANDARDS applied to all, significant ENFORCEMENT penalties added)

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.

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

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

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

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

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

43 Chelan County
 44 Draft Short-term Rental Code

45 DRAFT December 8, 2020 | BOCC Hearing Draft

46 Use Allowance Amendments

47 CHAPTER 11.04 DISTRICT USE CHART

48 11.04.020 District Use Chart

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

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

52 (3) The following acronyms **and notes** apply to the following use chart. If a cell in the table is blank, the
 53 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

54 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 (I)</u>	<u>CUP P(3)</u>	<u>CUP P(3)</u>	<u>CUP P(3)</u>					<u>P(2)</u>					

55 CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

56 **11.22.030 Permitted, Accessory and Conditional Uses**

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

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

65 (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.

66

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

67

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> ¹				<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>	

68
69
70
71

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

² Indoor facility only.

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.

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

72 CHAPTER 11.23 MANSON URBAN GROWTH AREA

73 11.23.030 DISTRICT USE CHART.

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

- 77
- 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

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

80 **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>		

81 P¹ = Permitted with Standards

82 11.23.040 STANDARDS.

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

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

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

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

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

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

106 Short-Term Rental Standards

107 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

108 11.88.290 Short-Term Rental Regulations

109 (1) PURPOSE

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

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

121 ~~. This chapter also establishes a short-term rental land use permit.~~

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

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

128 ~~(i) Land Use Element considerations of commercial and residential development that~~
129 ~~provides sustainable economic opportunity while limiting localized sprawl, maintaining~~

130 community character, and providing employment opportunities for residents, and
131 anticipating future needs.

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

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

140 (2) TYPE, NUMBER, AND LOCATION

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

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

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

150 (iii) Tier 3: Short-term rentals exceeding occupancy limits applicable to Tier 1 and Tier 2
151 units as identified in CCC 11.88.290(3) or containing group facilities designed to host
152 events such as weddings, gatherings, or retreats subject to the provisions of CCC
153 11.88.290 (4)(B)(iii).

154 (B) Tiered Permits and Numbers Allowed.

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

156 (ii) Tier 2 and Tier 3:

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

161 (b) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the
162 5% cap: Rural Commercial zoned Districts, Planned Unit Development Overlay
163 Districts expressly permitting short-term rentals, or Master Planned Resorts Overlay
164 Districts.

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

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

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

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

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

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

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

189 **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>

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

194
195 (E) Short-term rental use is a commercial use and where excess rental units exist in residential
196 communities, it has been shown to be detrimental to the affordable residential housing inventory
197 and adversely affect the residential character of those neighborhoods. New Tier 2 and Tier 3
198 short-term rentals may be established in the locations cited in subsection (2)(B) and (2)(C) if the
199 combined percentage of Tier 2 and Tier 3 short-term rentals as a share of total dwelling units is
200 less than five percent (5%) in residential zones and the applications meet all requirements of this

201 section 11.88.290 as determined by the Director.³ Total dwelling units must be determined based
202 on the latest annual count of total housing units by the State of Washington Office of Financial
203 Management. Short-term rental percentages must be determined at the time the number of
204 allowed short-term rentals is determined per subsection (4) of this section.

205 (F) Existing Short-Term Rentals:

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

208 (a) That similar uses were expressly allowed in the subject zones at the time the
209 short-term rental was established, including but not limited to: bed and breakfast,
210 guest inn, boarding house, lodging facility, hotel/motel, or other transient
211 accommodation; and⁴

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

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

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

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

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

229 (ii) Provisional Short-Term Rental Units in Restricted Zones: Where a zone does not
230 expressly allow short-term rental units as of August 25, 2020 according to CCC Sections
231 11.04.020, 11.22.030, or 11.23.030, only those short-term rentals that existed as of
232 August 25, 2020 and are compliant with criteria in subsection (i) above, will be allowed to
233 operate provisionally under a grace period. Such uses may not be significantly changed,
234 altered, extended, or enlarged and must cease at the end of the grace period after three
235 years from August 25, 2020. After expiration of the grace period or permit or revocation

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.

⁴ 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.

236 of the permit authorizing a provisional short-term rental, no operator shall operate a
237 short-term rental, subject to appeal under Title 16 and Chapter 14.12.

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

246 (iii) Nonconforming Short-Term Rental Units in Manson UGA. Where a short-term rental is
247 located in the Manson UGA, only those short-term rentals that were properly registered as
248 a vacation rental, and meet criteria in subsection (i)(b) through (f) shall be considered
249 legal nonconforming according to Chapter 11.97 CCC. Those vacation rentals that cannot
250 meet criteria in subsection (i)(b) through (f) shall be subject to the grace period in
251 paragraph (ii).

252 (B) Occupancy.

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

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

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

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

262 Tier 1: a total of 812 guests including children, but excluding owner

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

264 (b) Daytime Occupancy.

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

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

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

274 (iii) Tier 3 Occupancy limits.

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

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

287 (c) Non-conforming Tier 3 short term rentals operating under Subsection (2)(F) are
288 allowed to operate under their initial administrative permit, and for up to two
289 additional and subsequent annual permits issued under this chapter subject to the
290 grace period provisions and limitations contained within 11.88.290(4)(ii). After losing
291 non-conforming status to operate as a Tier 3 short-term rental after the grace period
292 has expired the owner must reapply subject to the process, provisions, and limitations
293 applicable to a new Tier 3 short term rental as provided within 11.88.290(2) and (4),
294 subject to appeal provisions of Title 16 and Chapter 14.12.

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

297 (C) Parking.

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

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

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

308 (a) Qualified Persons or Owners of short-term rental properties notified of
309 unlawful or unsafe parking complaints related to their short-term rental tenants, or
310 their guests are responsible to promptly abate the parking complaints emanating
311 from their property for non-compliance with (ii) above, or for parking on the
312 property of a neighbor without express permission, or blocking the access to a
313 neighboring driveway, or preventing the unobstructed use of that neighboring
314 property. If the owner fails to cause the parking complaint to be abated within 60
315 minutes of notification of the complaint, he is subject to the enforcement penalties

316 jointly and severally with the renter, or guest creating the parking violation under
317 this Chapter and Title 16.

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

321 (D) Garbage.

322 (i) Trash containers must be provided.

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

327
328 (E) Noise.

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

331 (ii) Public disturbance noise complaints.

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

338 (b) Repeat violations. Repeated public disturbance noise violations on the same
339 property may be subject to additional penalties under Chapter 16.20, up to and
340 including revocation of the short term rental land use permits under Section
341 16.20.030.

342 (F) Trespass.

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

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

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

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

358
359 (G) Signs.

360 (i) All owners or operators must display and maintain the address of the residence so that
361 it is clearly visible from the street or access road in compliance with CCC 10.20.520
362 requirements. The rental must also display and maintain an additional sign outside
363 identifying the property as short-term rental and displaying the name and contact phone
364 number of the qualified person listed in Subsection (4)(J) below. The sign must be made of
365 natural materials not exceeding two square feet in area and if illuminated, must be
366 indirectly illuminated, and letters and numbers must at a minimum four inches in height.

367 (ii) Placement of the sign.

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

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

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

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

381 (H) Consumer Safety.

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

385 (I) Fire Safety and Outdoor Burning.

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

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

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

398 (J) Qualified Person.

399 (i) The owner or operator must provide the name, telephone number, address, and email
400 of a qualified person (which can be a person or company) who can be contacted
401 concerning use of the property and/or complaints and can respond to the property within
402 60 minutes to complaints related to the short-term rental consistent with the requirements
403 of this section. The owner or operator must provide a valid telephone number where
404 qualified person can be reached 24 hours per day, every day the property is rented.

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

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

412 (K) Property Management Plan.

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

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

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

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

425 (d) Provide information required for Consumer Safety per (3)(H) and RCW
426 64.37.030 and fire protection plan per (3)(I).

427 (e) All units must have an operable landline or Voice Over Internet Protocol (VOIP)
428 telephone installed to aid in emergency response, and the dwelling recorded in
429 "Rivercom" data base. The address and phone number of the property and the
430 contact phone number for the qualified person shall be prominently displayed
431 near the phone. If land line or VOIP is not available at the site, the Director may
432 at his discretion allow the owner or operator of the short-term rental to use an
433 alternative means of direct phone communication, as long as the communication

434 device is fixed at the location and the phone number is not changed within the
435 annual permitting period. This phone number shall be noted on the permit
436 application and the property management plan. Renter-owned or possessed
437 mobile phones shall not be used in place of this requirement.

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

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

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

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

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

446 (L) Annual Permit Number.

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

450 (M) Good Neighbor Guidelines.

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

456 (N) Liability Insurance.

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

459 (O) Taxes.

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

463 (4) LAND USE PERMITS

464 (A) Land Use Permit Required. No short-term rental owner or operator may advertise, offer,
465 operate, rent, or otherwise make available or allow any other person to make available for
466 occupancy or use as a short-term rental without a valid short-term rental administrative land use
467 permit issued by the Director or a Conditional Use Permit approved by the Hearing Examiner
468 pursuant to Chapter 14.10. All dwelling units on a single parcel shall be reviewed concurrently in
469 the same application.

470 (i) All uses on the property must fully comply with CCC Title 11 and the property may not
471 have existing unresolved Chelan County code violations under Title 16 in order to be

472 eligible to apply for a short term rental land use permit or apply to participate in a
473 lottery under this chapter.

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

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

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

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

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

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

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

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

502 (D) Application Acceptance and Evaluation.

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

506 (a) All short-term rental owners wishing to continue short term rental land use
507 operation past the first 6 months, shall also apply on a provisional self-certification
508 form within 6 months of the effective date of this ordinance (effective date XXX,
509 2020). This self-certification form serves as the first provisional short term rental
510 permit application.

511 (ii) Within the first calendar year of adoption of this code (effective date XXX, 2020), the
512 Director may upon review for accuracy, completeness, and code compliance, provisionally
513 approve an initial Tier 3 short-term rental administrative land use permit subject to the
514 owner completing a self-certification form in (i)(a) above provided that inspections in
515 subsection (4)(H) are accomplished prior to the first renewal thereafter.

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

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

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

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

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

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

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

547 (e) Any applicant selected under a lottery who does not complete the required
548 application forms or process by any required deadlines, including application for
549 any required Conditional Use Permits, or upon application review is found to have
550 knowingly provided false information, or the applicant or property is found to be
551 out of compliance with this or other titles of Chelan County land use or
552 development codes, is ineligible for a short term rental permit. The applicant shall

553 not receive any further processing of their application. Once denied, the applicant
554 shall not be eligible for future lottery application or participation until such time as
555 the owner can show compliance with Chelan County regulations.

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

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

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

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

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

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

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

578 (ii) Wastewater. Each applicant shall demonstrate to the satisfaction of the Director they
579 have a proper onsite sewage system meeting Health District standards for the occupancy.
580 .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

627 (5) ENFORCEMENT

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

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

632 (6) MONITORING

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

636 **11.90.060 Required off-street parking.**

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

640 (2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may
641 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
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

Table 11.90-3

Land Use	Required Off-Street Parking
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

642 **Chapter 11.93 Conditional Use Permits**

643 **11.93.450**

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

646 Chapter 3.24 Community Development Department Fees

647 3.24.010 FEE SCHEDULE.

648 (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>

649 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.

650 Definitions

651 14.98 DEFINITIONS

652 14.98.1410 Person.

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

655 14.98.265 Bed and breakfast.

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

659 14.98.625 Dwelling unit.

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

663 **14.98.915 Guest inn.**

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

667 **14.98.1105 Lodging facilities.**

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

671 **14.98.1110 Lodging unit.**

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

674 **14.98.1632 Bedroom**

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

678 **14.98.1691 (Short-Term Rental) Grace Period**

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

681 **14.98.1692 Short-Term Rental**

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

691 **14.98.1693 Short-Term Rental Operator**

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

696 **14.98.1694 Short-Term Rental Owner**

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

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

703 **14.98.1695 Owner Occupied**

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

707 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

708 **16.20.010 Compliance**

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

712 **16.20.020 Enforcement Procedures, Notices, and Citations**

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

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

720 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site
721 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and
722 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

723 **16.20.030 Civil Penalties**

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

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

729 **16.20.030 Revocation**

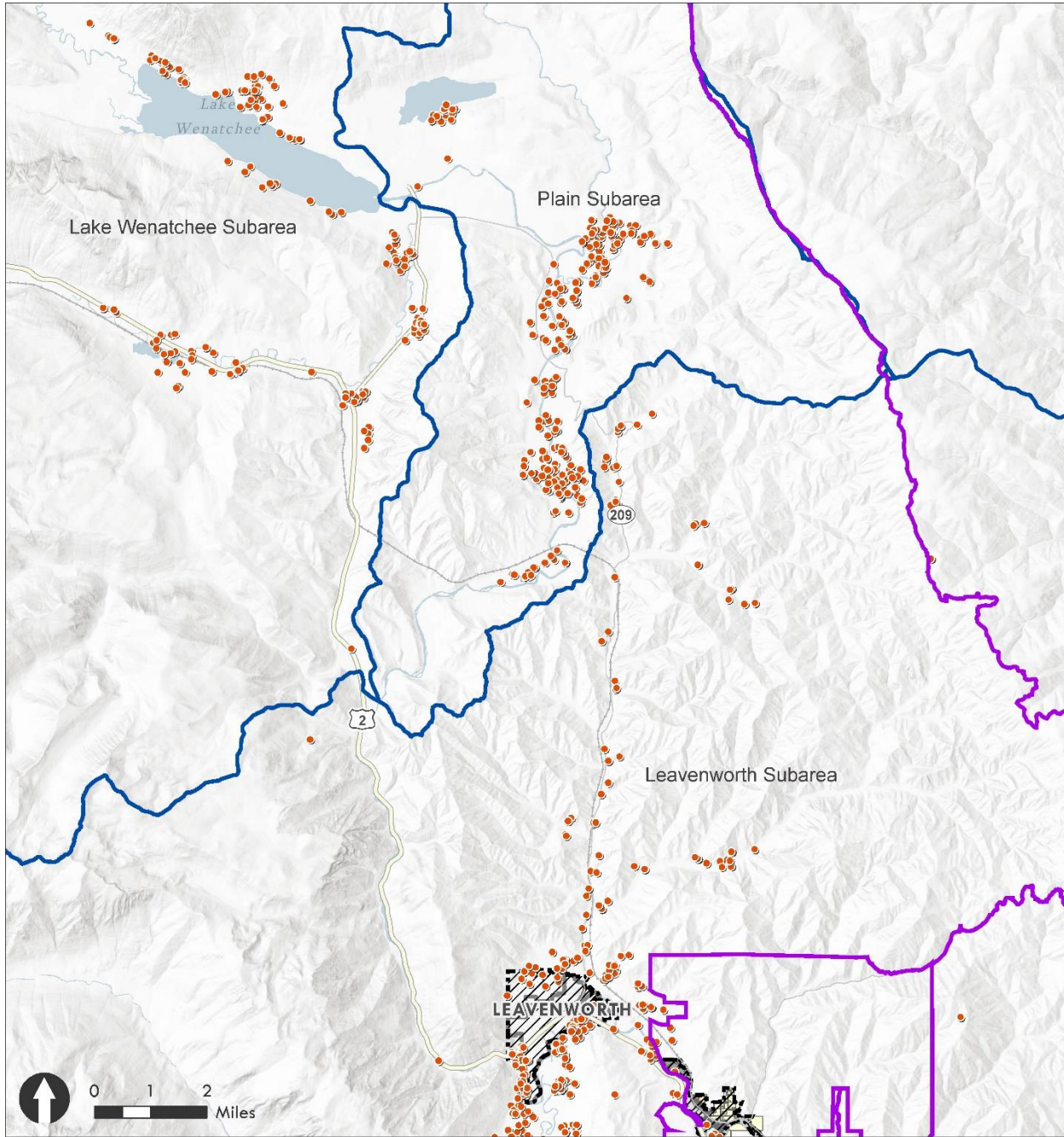
730 (1) Repeated failure of the owner or operator to timely and reasonably respond to a complaint(s)
731 relayed by code compliance officers are grounds for civil fines, revocation, or other penalties consistent
732 with Title 16.

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

- 735 (A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.290 short-term
736 rental regulations and Title 14 is grounds for immediate revocation of the permit.
- 737 (B) Failure to meet the criteria of CCC 11.88.290 Short-Term Rental Regulations is grounds for
738 immediate denial of issuance or revocation of the short-term rental land use permit.
- 739 (C) The discovery of material misstatements or providing of false information in the short-term
740 rental land use permit application or renewal process is grounds for immediate revocation of the
741 permit.
- 742 (D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment
743 of the Administrator,⁵ so as to provide reasonable grounds for immediate revocation of the land
744 use permit.
- 745 (E) If three violations are verified under subsection (D) at any time during a twelve-month period,
746 the penalty shall be revocation in addition to any required civil penalties under 16.20.030.
- 747 (F) Denial of entry for required inspection, reinspection, or interference with an inspection or
748 reinspection of a short term rental property under CCC 11.88.290 is grounds for immediate
749 denial of issuance or revocation of the short term rental land use permit.
- 750

⁵ 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.

757 ATTACHMENT C: STR TASK FORCE

758 [Under Separate Cover](#)

759 ATTACHMENT D: UPDATED SHORT-TERM RENTAL INFORMATION

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

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

- 763 ▪ Leavenworth (higher)
- 764 ▪ Manson (no change)
- 765 ▪ Peshastin (no change)

766 **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%

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

769 **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

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

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

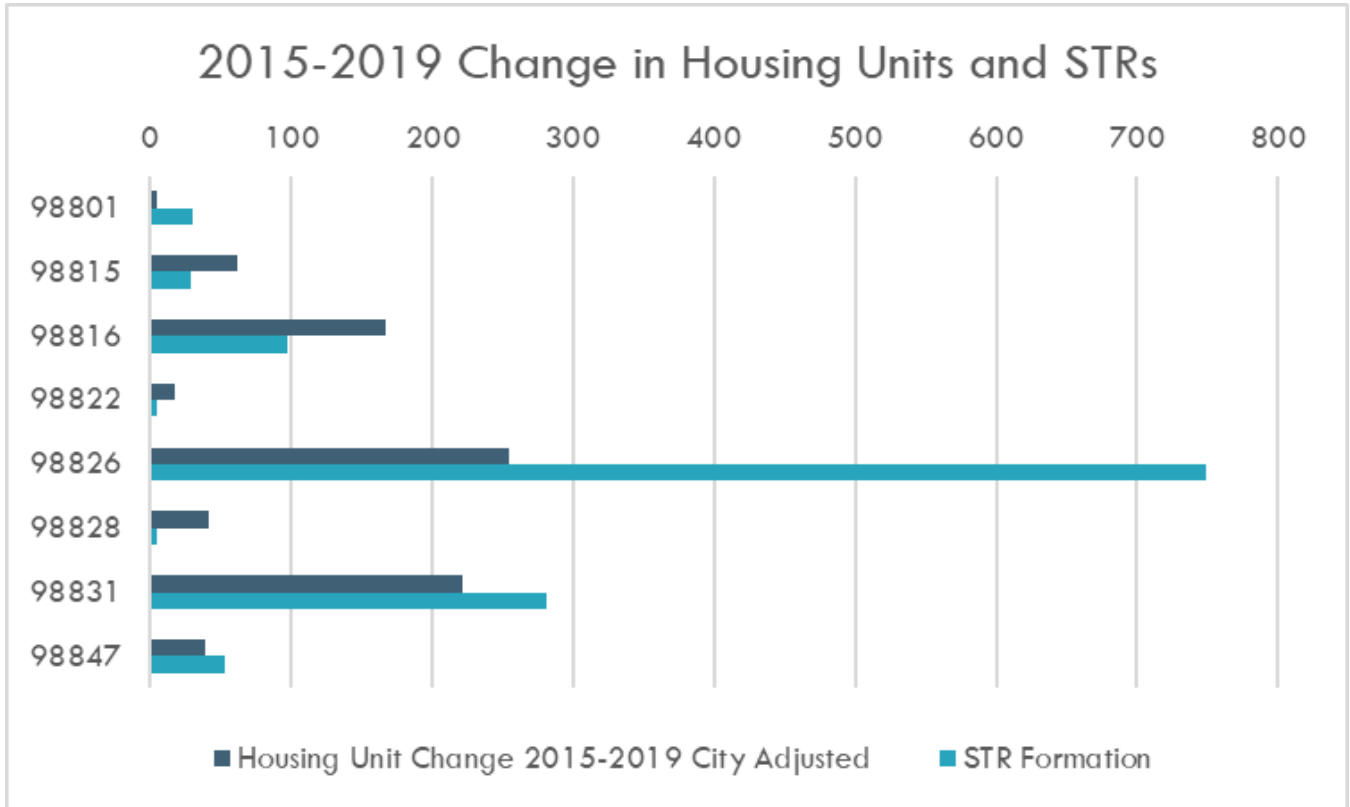
773 Results show a higher formation of short-term rentals compared to new housing stock in Zip Codes:

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

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

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

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



780
781

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