

RESOLUTION 2021- 114

Regarding scrivener errors corrections:
Regarding Resolution 2021-95, amending the Chelan County Code
to add Chapter 11.88 Short-term Rental Regulations

WHEREAS, the Board of Chelan County Commissioners adopted Resolution 2021-95 after a duly conducted Public Hearing on July 27, 2021; and,

WHEREAS, the adopted Exhibit Attachment A, includes Section 11.88.290(2)(E)(i)(c) references Section 11.88.290(3) Rental Standards Applicable to All Short-Term Rentals; and,

WHEREAS, the official record of multiple code drafting discussions by the Planning Commission and the Board of Commissioners, and in the Task Force as shown in their report on page 3, intended that the issues of greatest public welfare and concern of residency, occupancy limits, trespass, noise, and responsible party designation would immediately apply upon code enactment; and,

WHEREAS, the code adopted in the Exhibit Attachment A of Resolution 2021-95 reflected an error by inadvertently providing a one year grace period for short-term rental standards regarding residency, occupancy limits, trespass, noise, and responsible party designation thus negating major provisions of the Board's intent of the adopted code and delaying these provisions from implementation for a year; and,

WHEREAS, the adopted Exhibit Attachment A, includes Section 11.88.290(2)(E)(i)(g) which references Section 11.88.290(4) requirement that a property have any all required conditional use permits required under that subsection by December 31, 2022; and,

WHEREAS, the official record of multiple code drafting discussions by the Planning Commission and the Board of Commissioners intended that "any" conditional use permits was the intended word and not the word "all", nor did they intend to have both words stated together; and,

WHEREAS, the code adopted in the Exhibit Attachment A to Resolution 2021-95 reflected an error by inadvertently having both the words any and all together; and,

WHEREAS, the adopted Exhibit Attachment A, includes Section 11.88.290(2)(E)(iii) refers to non-conforming short-term rental grace periods in the Manson UGA; and,

WHEREAS, the official record of multiple code drafting discussions by the Planning Commission and the Board of Commissioners intended that the word “short” be placed singly when describing short term rentals, and not “short short” as shown, which is simply a mistyping by adding a duplicated word; and,

WHEREAS, the code adopted in the Exhibit Attachment A to Resolution 2021-95 reflected an error by inadvertently having repeated the word; and,

WHEREAS, the adopted Exhibit Attachment A, includes Section 11.88.290(4)(D)(i) which references Application Acceptance and Evaluation for Existing non-conforming short-term rentals; and,

WHEREAS, the official record of code drafting discussions by the Board of Commissioners intended that the provisions in subsection 11.88.290(4)(D)(i) for dates of acceptance of existing non-conforming short term rentals would provide permit application dates for the 2021 permit year and intended to create a separate sub-subsection immediately beneath the 2021 subsection for permitting for the 2022 permit year; and,

WHEREAS, the code adopted in the Exhibit Attachment A to Resolution 2021-95 reflected an error by creating and placing that sub-subsection as 11.88.290(4)(D)(ii)(a) for the 2022 permit year, which is under the wrong paragraph by placement below subsection 11.88.290(4)(D)(ii), the intent of placement as evidenced by the 2022 sub-subsection itself referring to a paragraph below it, when the paragraph it references in (4)(D)(ii) is actually above it in the adopted code, this clearly indicating it was unintentionally and wrongly situated; and,

WHEREAS, the adopted Exhibit Attachment A, includes Section 11.88.290(4)(H)(i) which references required Fire, Safety, health, short-term rental standards and building codes compliance and inspections; and,

WHEREAS, the official record of code drafting discussions by the Planning Commission and the Board of Commissioners intended that the Fire Marshal would be designated within the code for certain required inspections, and a fee table with fees for these inspections was incorporated into the final code; and,

WHEREAS, the code adopted in the Exhibit Attachment A to Resolution 2021-95 reflected an error by omitting the Fire Marshal from the list of parties to perform required inspections; and,

WHEREAS, the adopted Exhibit Attachment A, includes Section 11.88.290(4)(I)(ii) which references transfer of non-conforming rental permits; and,

WHEREAS, the official record of code drafting discussions by the Planning Commission and the Board of Commissioners intended that the new owner provide their contact name; and,

WHEREAS, the code adopted in the Exhibit Attachment A to Resolution 2021-95 reflected an error by referring to a “subject new owner,” where “subject” is simply an undeleted word from earlier drafts; and,

WHEREAS, the Board of Chelan County Commissioners considers each reference an error that was within the scope of alternatives considered when receiving public comments, pursuant to RCW 36.70A.035(2)(b)(ii); and,

WHEREAS, the Board of Chelan County Commissioners approves the technical corrections to the previously approved Resolution 2021-95; therefore,

BE IT RESOLVED that Section 11.88.290(2)(E)(i)(c) shall read as corrected in Exhibit: “Attachment A”:

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

BE IT FURTHER RESOLVED that Section 11.88.290(2)(E)(i)(g) shall read as corrected in Exhibit: “Attachment A”:

(g) Any property owner claiming existing non-conforming status as a short-term rental within any zip code, subarea, or urban growth area shall resolve any existing county code violations on the property as required under 11.88.290(4)(A)(ii) and shall have complied with all other relevant provisions of 11.88.290 and apply for and have received an initial short-term rental administrative land use permit and any required conditional use permits under subsection (4) by December 31, 2022, or by failing to do so shall waive all claim to having existing non-conforming status.

BE IT FURTHER RESOLVED that Section 11.88.290(2)(E)(iii) shall read as corrected in Exhibit: “Attachment A”:

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

BE IT FURTHER RESOLVED that Sections 11.88.290(4)(D)(i) through 11.88.290(4)(D)(ii) shall read as corrected in Exhibit: "Attachment A" by moving the paragraph (a) from being immediately below paragraph (ii), to now be immediately below paragraph (i):

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

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

(ii) Application for, or issuance of any provisional short-term rental permit does not guarantee future issuance of a short-term rental administrative land use permit under 11.88.290(4). The provisional permit is intended to be temporary and is only in effect while the department reviews all permits applications for compliance with all Chelan County regulations, including this chapter, for the 2021 and 2022 permit years before issuance or denial of issuance of a short-term rental administrative land use permit. This single (4)(D)(ii) provision ceases to exist on December 31, 2022.

BE IT FURTHER RESOLVED that Section 11.88.290(4)(H)(i) shall read as corrected in Exhibit: "Attachment A":

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

BE IT FURTHER RESOLVED that Section 11.88.290(4)(l)(ii) shall read as corrected in Exhibit: "Attachment A":

(ii) A non-conforming short-term rental permitted according to the provisions of Subsection (2)(E), is allowed to transfer the existing permitted non-conforming status and currently issued operating permit to continue under a new owner one time within five years, except three years within the Manson Urban Growth Area, of the effective date of the ordinance (September 27, 2021) consistent with (l)(iii) below, and the new owner may continue to operate under the existing short-term rental permit for the remainder of the current registration year and renew permits and operate in subsequent years under the permitting requirements applicable to the original owner, provided that within thirty (30) calendar days of closing the new owner has provided their contact name and registration information with the Department.¹ The new owner shall provide signage and notification consistent with (3)(G).

BE IT FURTHER RESOLVED that this decision shall take effect and be in force immediately when signed on the following date and be in full force and effect on September 27, 2021.

RESOLVED this 7th day of September 2021.

BOARD OF CHELAN COUNTY COMMISSIONERS



ATTEST:


CARLYE BAITY, Clerk of the Board


BOB BUGERT, CHAIRMAN


KEVIN OVERBAY, COMMISSIONER


TIFFANY GERING, COMMISSIONER

2 Short-Term Rental Standards

3 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

4 **11.88.290 Short-Term Rental Regulations**

5 (2) TYPE, NUMBER, AND LOCATION

6 (E) Existing Short-Term Rentals:

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

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

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

15 (c) That the short-term rental immediately meets all requirements of Subsection (3),
16 provided that the requirements for Parking and Signs shall be met within one year
17 of the effective date of this ordinance, provided that and all legally required
18 health and safety provisions within subsection (3) including, Garbage, Consumer
19 Safety, Fire Safety and Outdoor Burning, and Property Management Plan
20 communications provisions are met within ninety (90) days of the effective date of
21 this ordinance, except that in the Manson Urban Growth Area, all provisions
22 consistent with Section 11.23.040 as it existed on August 25, 2020 shall be met on
23 the effective date of this ordinance; and

24
25 (g) Any property owner claiming existing non-conforming status as a short-term
26 rental within any zip code, subarea, or urban growth area shall resolve any
27 existing county code violations on the property as required under
28 11.88.290(4)(A)(ii) and shall have complied with all other relevant provisions of
29 11.88.290 and apply for and have received an initial short-term rental
30 administrative land use permit and any all-required conditional use permits under
31 subsection (4) by December 31, 2022, or by failing to do so shall waive all claim
32 to having existing non-conforming status.

33
34 (iii) Non conforming Short-Term Rental Units in Manson UGA. Where a short-term rental is
35 located in the Manson UGA, only those short-term rentals that were properly registered as
36 a vacation rental and meet criteria in Subsection (2)(E)(i), shall be considered legal non-

37 conforming according to Chapter 11.97 CCC, provided the short-term rental is
38 allowed a grace period of operation in which to fully attain compliance with all current
39 rental standards as provided in Subsection (2)(E)(i) above.

40 (4) LAND USE PERMITS

41 (D) Application Acceptance and Evaluation.

42 (i) Existing non-conforming short term rentals. Beginning on September 27, 2021 and by
43 December 31, 2021, all existing short-term rentals operating as of dates established in
44 (2)(E) and subject to the provisions of (2)(E) wishing to operate as a short-term rental for
45 the remainder of 2021 shall pay a fee equal to one quarter of the annual permit fee
46 established for their Tier per the table in Chapter 3.24, and register on a department
47 registration provisional self-certification form. This self-certification form serves as the first
48 provisional short term rental permit application. Those owners and properties failing to
49 register within this time period shall not be considered as an existing and non-conforming
50 short-term rental use for 2021 under this Section and shall forfeit any claim of continuing
51 existing non-conforming short term rental use status for 2022 and beyond under this
52 Section, and any short-term rental that occurred during this period is considered to have
53 been in violation of this Chapter, subject to appeal provisions under Title 16 and Chapter
54 14.12.

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

64 (ii) Application for, or issuance of any provisional short-term rental permit does not
65 guarantee future issuance of a short-term rental administrative land use permit under
66 11.88.290(4). The provisional permit is intended to be temporary and is only in effect
67 while the department reviews all permits applications for compliance with all Chelan
68 County regulations, including this chapter, for the 2021 and 2022 permit years before
69 issuance or denial of issuance of a short-term rental administrative land use permit. This
70 single (4)(D)(ii) provision ceases to exist on December 31, 2022.

71 ~~(a) All existing non-conforming short-term rental owners wishing to continue short~~
72 ~~term rental land use operation past the 2021 year registration for the 2022~~
73 ~~calendar year, shall apply for a short term rental permit on a provisional self-~~
74 ~~certification form no later than December 31, 2021. This self-certification form~~
75 ~~serves as the 2022 provisional short term rental permit application. The applicant~~
76 ~~may continue provisional operation until the review, found below in (4)(D)(ii), has~~
77 ~~been completed and an administrative determination has been made, and the~~

owner has been notified whether their short-term rental is in lawful compliance with this chapter so they may continue to operate in 2022.

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

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

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

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

(ii) A non-conforming short-term rental permitted according to the provisions of Subsection (2)(E), is allowed to transfer the existing permitted non-conforming status and currently issued operating permit to continue under a new owner one time within five years, except three years within the Manson Urban Growth Area, of the effective date of the ordinance (September 27, 2021) consistent with (I)(iii) below, and the new owner may continue to operate under the existing short-term rental permit for the remainder of the current registration year and renew permits and operate in subsequent years under the permitting requirements applicable to the original owner, provided that within thirty (30) calendar days of closing the subject new owner has provided their contact name and registration information with the Department.¹ The new owner shall provide signage and notification consistent with (3)(G).