

## Adam Zack

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**From:** Lynda Guernsey  
**Sent:** Tuesday, July 27, 2021 9:46 AM  
**To:** Vacation Rental Comments  
**Subject:** FW: The Nearly Final Chelan County Vacation Rental Ordinance  
**Attachments:** DRAFT\_STR\_TF\_Integration\_2021\_0624\_cln\_sub\_POSTED\_rev1\_BOCCmtg\_2\_POSTED.pdf

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-----Original Message-----

From: joe Symons <joe@doebay.net>  
Sent: Monday, July 26, 2021 7:14 PM  
To: Wendy Tillman <skyriver@verizon.net>; Cindy Wolf <cwolf@seanet.com>; Lynda Guernsey <LyndaG@sanjuanco.com>  
Cc: Toby Cooper <toby@tobycooper.net>; Michael Johnson <mdjishere@gmail.com>  
Subject: Re: The Nearly Final Chelan County Vacation Rental Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

as always, Wendy, you rock.

thank you!!

Joe

> On Jul 26, 2021, at 6:50 PM, Wendy Gaster Tillman and R. Roy Finkle <skyriver@verizon.net> wrote:  
>  
> I have reviewed the Chelan County draft (it a nearly final version i have attached) Vacation Rental Ordinance that they released publicly a few weeks ago and it damn near covers everything I have been reading and hearing and thinking about that should be in a SJC VR Ordinance. Additionally, it is a compromise, the result of all sides in the fight working towards this end.  
>  
> It is not brief — but it is comprehensive addressing the liability issue, the caps issue, the zoning issue, the reduction/non-transferability issue and so on. It will take about 45 minutes to read once but it is really worthwhile as none of this has to be re-created. Heck that would be nuts. Its better than a starting point as it is the end-result of 3 groups of stakeholders, a total of 9 people, hashing it out with a trained facilitator for about 8-10 months nonstop.  
>  
> Impressive.  
>  
>  
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> ED.pdf>

# Chelan County Short-Term Rentals

BOCC Hearing Draft June 2021

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## Introduction

A short-term rental refers to a residential dwelling rented out on a nightly basis for less than 30 days or nights to individual guests. It could be a whole home or just part of it. Short-term rentals have increased rapidly since 2014, especially in Leavenworth and Manson areas. See maps in Attachments A and B illustrating operating short-term rentals across the county as of early 2020, and data on short-term rentals in Attachment C.

Chelan County has been considering how to best address short-term rentals to allow for property owner income while protecting the character of residential communities across the county. In 2019, Chelan County considered draft regulations, and ultimately did not carry forward a draft at that time. The Board of County Commissioners desired to look at new code options in 2020. Between March and December 2020, the Planning Commission held meetings and hearings and made a recommendation, and the Board also held meetings and a hearing.

Due to the diverging interests of residents and short-term rental operators, the Board of County Commissioners established a Task Force comprised of three neighborhoods residents, three short-term rental operators, and three Planning Commission representatives (two current and one former member). The Task Force met between February and April 2021, and their recommendations presented to the Board in May 2021 are included in Attachment D.

This hearing draft is based on the results of the Task Force, consideration of comments received during comment windows, and legislative workshops in May and June.

## Summary

The bullets below and flow chart highlight key features of the proposed code.

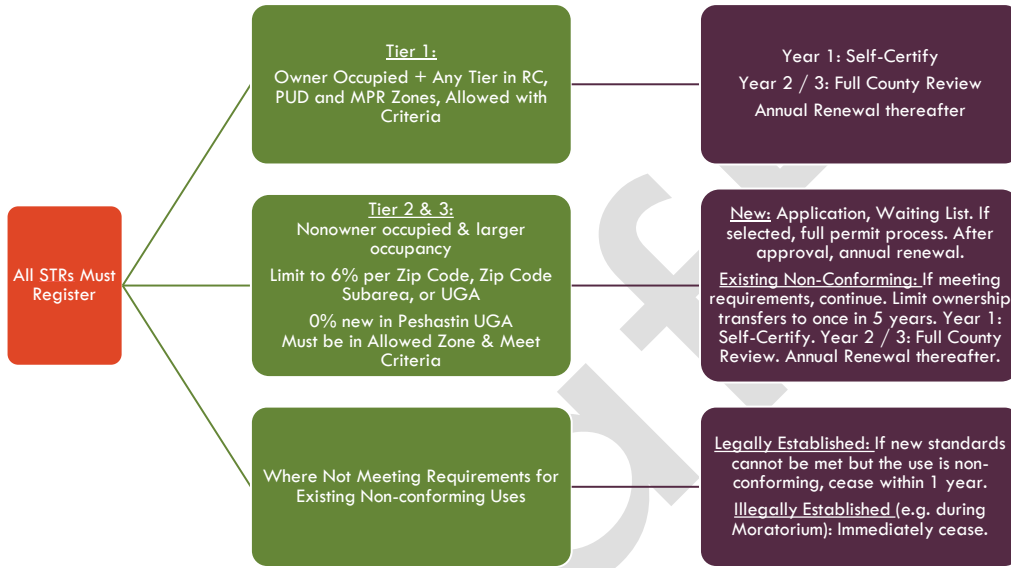
- **Zones Allowed:** The County Code includes a chart by zoning district identifying where permitted or conditionally permitted short-term rentals are allowed. Tier 1 owner-occupied short-term rentals are permitted in most zones as an accessory use in unincorporated County lands provided they meet operational standards and obtain a land use permit. Tier 2 short-term rentals are non-owner occupied, and are permitted in most zones but are further restricted based on lot size and distance. Tier 3 short-term rentals are those with larger occupancies (over 12 total guests) and would require conditional use permits in selected zones, must take highway access, and have similar restrictions on locations and numbers as Tier 2.
- **Number Allowed:** New non-owner-occupied units (Tier 2) and larger occupancy short-term rentals (Tier 3) could locate in unincorporated areas except for zip codes and Urban Growth Areas (UGAs) with more than 6% short-term rentals as a share of total units. Also, due to community preferences, new short-term rentals would be limited in Peshastin UGAs and only allowed in commercial zones.

- 36 Developments specifically designed for short-term rentals (e.g. Planned Unit Developments and  
37 Master Planned Resorts) are not subject to the cap.
- 38 ■ **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy,  
39 parking, noise, solid waste, adequate sewer and water, fire preparedness, access to a qualified  
40 person within 60 minutes, establishing a property management plan, etc.
  - 41 ■ **Existing Units:** Existing Short-Term rentals would need to show they were operating prior to the  
42 moratorium and over 2019 or 2020 paid taxes consistent with state requirements. The date of the  
43 moratorium is August 25, 2020.<sup>1</sup> Existing short-term rentals would need to meet criteria regarding  
44 historic use as a short-term rental, proper payment of taxes, and compliance with operational  
45 standards. Permits would need to be obtained as well. Where non-conforming requirements cannot  
46 be met, there is a 1-year grace period and then the use must cease. If a short-term rental was  
47 established after the moratorium it is not considered non-conforming.
  - 48 ■ **Permit Process:** All Tier short-term rentals must register and provisionally self-certify. Tier 2 and Tier  
49 3 Short-Term Rentals that can comply with the rules fully can enter a waiting list up to the designated  
50 cap; those received on a first-come, first-served basis would apply for a full permit with required  
51 inspections. To allow time to set up the permit review system, the first permit would include self-  
52 certification regarding compliance. Within the first or second year the County would require  
53 inspections and more detailed review. Thereafter, annual renewal would be based on self-  
54 certification and a more abbreviated review. Fees would be set to recover costs of permit reviews  
55 and inspections such as by the fire marshal, health district, etc.

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<sup>1</sup> Resolution 2020-86: <https://www.co.chelan.wa.us/files/community-development/documents/STR/Short-term%20Rental%20Moratorium.pdf>

56 **Figure 1. Proposed Short-Term Rental Regulation Process**



57  
58  
59

60 Chelan County  
 61 Draft Short-term Rental Code

62 DRAFT June 2021 | BOCC Hearing Draft

63 Use Allowance Amendments

64 CHAPTER 11.04 DISTRICT USE CHART

65 11.04.020 District Use Chart

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

67 (2) The following acronyms and notes apply to the following use chart. If a cell in the table is blank, the  
 68 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 XXX, 2021 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

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

71 District Use Chart

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

72 CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

73 **11.22.030 Permitted, Accessory and Conditional Uses**

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

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 (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.

83

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

84

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

85 <sup>1</sup> In existing single-family residences only, as of July 1, 2008.  
 86 <sup>2</sup> Indoor facility only.  
 87 <sup>3</sup> Per CCC 11.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two  
 88 boarders, roomers, or lodgers is permitted as an accessory use.

<sup>2</sup> Removed prior proposal showing "PRM" in R-1, R-2, and R-3 zones.

89 CHAPTER 11.23 MANSON URBAN GROWTH AREA

90 11.23.030 DISTRICT USE CHART.

91 (1) The use chart located on the following pages is made a part of this section. The following acronyms  
 92 apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a  
 93 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

- 94
- 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

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

97 **Table 9.1 – District Use Chart**

USE/ACTIVITY	UR1	UR2	UR3	CT	CD	MLI	UP
<del>Vacation-Short-Term Rentals Tier 1 or Tier 2</del>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>		
<del>Short-Term Rentals Tier 3</del>				P <sup>1</sup>	P <sup>1</sup>		
Lodging Facilities <sup>3</sup>				P	P		

98 P<sup>1</sup> = Permitted with Standards

99 11.23.040 STANDARDS.

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

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

<sup>3</sup> Through the Task Force process, the report indicated “Lodge permitted by CUP only in commercial zones.” However the focus of the Short-Term Rental code is to address these as commercial uses in residential zones primarily, and the proposal was not vetted with the Planning Commission.

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

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

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

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

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

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

120 ~~† Enforcement. Any violation of the provisions of this chapter is punishable pursuant to Title 16.~~  
121 ~~Enforcement actions may be brought against the owner of the vacation rental home for the conduct~~  
122 ~~constituting the violation.~~

## 123 Short-Term Rental Standards

### 124 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

#### 125 11.88.290 Short-Term Rental Regulations

##### 126 (1) PURPOSE

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

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

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

141 (C) The provisions of this chapter are necessary to promote the public health and safety by  
142 protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the  
143 nuisance impact of short-term rentals on adjacent residences and by minimizing the detrimental  
144 impact of excessive short-term rentals on the affordable housing supply.

145 (D) The provisions of this chapter are necessary for consistency with the goals and policies of the  
146 Chelan County Comprehensive Plan including but not limited to,

147 (i) Land Use Element considerations of commercial and residential development that  
148 provides sustainable economic opportunity while limiting localized sprawl, maintaining  
149 community character, and providing employment opportunities for residents, and  
150 anticipating future needs,

151 (ii) Housing Element goals and policies including, but not limited to, appropriate placement  
152 of vacation rentals to avoid impacting neighborhood character<sup>4</sup> and housing stock,  
153 accessibility to affordable housing for all residents, providing for a variety of residential  
154 housing types and densities, and supporting regulatory changes that promote affordable  
155 housing options in all locations in the county,

156 (iii) Rural Element goals and policies including, but not limited to, maintaining natural  
157 environment features that support natural resource-based economic activities including  
158 small scale recreation and tourist uses, wildlife habitats, traditional rural lifestyles, outdoor  
159 recreation, and open space.

## 160 (2) TYPE, NUMBER, AND LOCATION

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

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

169 (ii) Tier 2: Short-term rentals at a dwelling that is not owner occupied or Tier 3 short-term  
170 rental.

171 (iii) Tier 3: Short-term rentals may be either non-owner occupied, or owner occupied, and  
172 exceed occupancy limits applicable to Tier 1 and Tier 2 units as identified in CCC  
173 11.88.290(3). No short-term rental may operate as a Tier 3 short-term rental without  
174 meeting all Tier 3 provisions as applicable to their property under the requirements found  
175 within this chapter.

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

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<sup>4</sup> Relates to Policy H 2.4 that is directly relevant to this proposed code.

178 **(B) Tiered Permits and Numbers Allowed.**

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

180 **(ii) Tier 2 and Tier 3:**

181 **(a) New Tier 2 and 3 short-term rentals cannot be located where short term rentals**  
182 **make up more than the maximum share of the total housing stock in residential**  
183 **zoning districts listed in the table below. This is the maximum share of short-term**  
184 **rentals in residential zones within zip codes, zip code subareas, or within urban**  
185 **growth areas where the use is expressly allowed. Leavenworth subareas are**  
186 **identified based on the boundaries in (b). If the share equals or exceeds this level,**  
187 **no new short-term rentals are allowed until the total number falls below this**  
188 **maximum limit.**

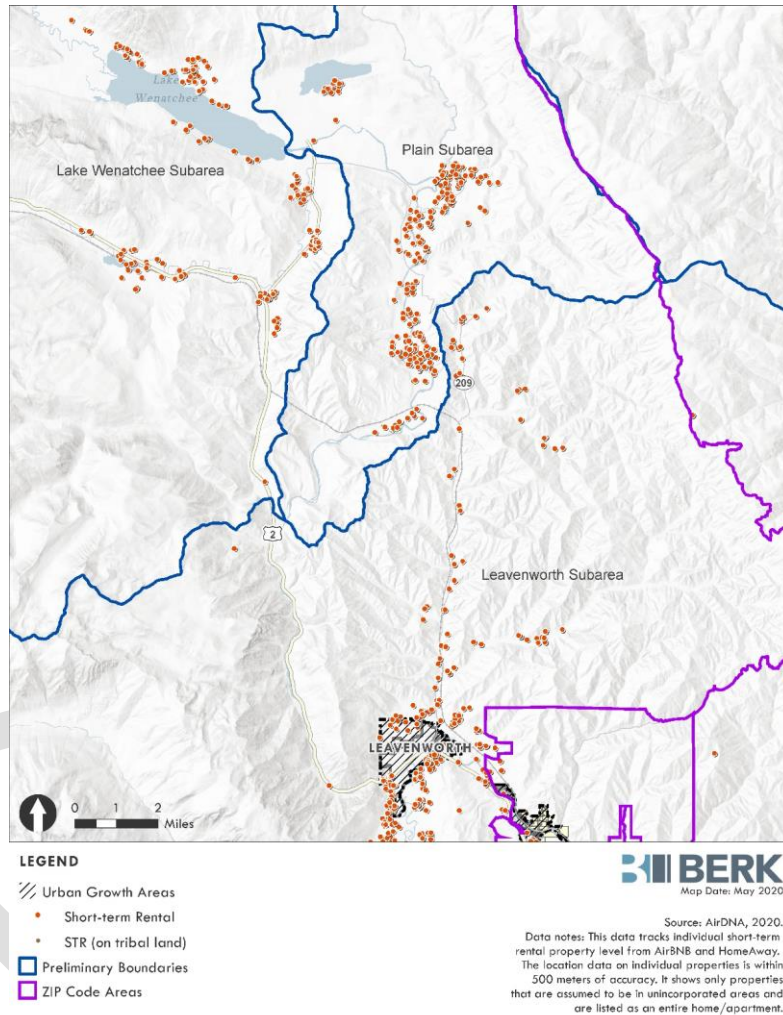
189 **Maximum Share of Short-Term Rentals**

<b><u>Area</u></b>	<b><u>Name of Area</u></b>	<b><u>Maximum Share of Short-Term Rentals*</u></b>
<b><u>Zip Code 98826</u></b>	<b><u>Leavenworth</u></b>	<b><u>6%</u></b>
<b><u>Subarea 1</u></b>	<b><u>Lake Wenatchee</u></b>	<b><u>6%</u></b>
<b><u>Subarea 2</u></b>	<b><u>Plain</u></b>	<b><u>6%</u></b>
<b><u>Subarea 3</u></b>	<b><u>Leavenworth</u></b>	<b><u>6%</u></b>
<b><u>Other Zip Codes</u></b>	<b><u>Each individually</u></b>	<b><u>6%</u></b>
<b><u>Urban Growth Area</u></b>	<b><u>Manson</u></b>	<b><u>9%</u></b>
<b><u>Urban Growth Area</u></b>	<b><u>Peshastin</u></b>	<b><u>0%</u></b>
<b><u>City Assigned Unincorporated Urban Growth Areas</u></b>	<b><u>Each individually</u></b>	<b><u>6%</u></b>

190 **\* Maximum Percent Share of Short-Term Rentals in Residential Zones as part of Total Housing Stock.**

191  
192

(b) Leavenworth subareas are a subset of Zip Code 98826, mapped as follows.  
Leavenworth Subareas Map – Portions of Zip Code 98826



193  
194  
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(c) To calculate the maximum share of short-term rentals in subsection (2)(B)(ii)(a), 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.

200 (d) Tier 2 and Tier 3 short-term rentals in the following zones are not subject to the  
201 maximum cap in (a): Rural Commercial zoned districts, Manson and Peshastin  
202 Urban Growth Areas' Commercially zoned districts, Planned Unit Developments  
203 existing on the date of adoption of this chapter with recorded plat notes expressly  
204 permit short-term rentals, or Master Planned Resorts.

205 (e) Share calculation for Cities and Urban Growth Areas are calculated separate  
206 and independently from other areas within the same zip code or a designated  
207 subarea of a zip code, and one calculation does not affect the maximum allowed  
208 share of short-term rentals for the other.

209 (f) Within Leavenworth subareas to determine if a new Tier 2 or Tier 3 short-term  
210 rental is allowed, first the overall zip code share must be met and second the  
211 subarea zip code share must be met.

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

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

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

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

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

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

231 (a) Upon the date of the adoption of this code on XXX, 2021 any existing short-  
232 term rentals within the exterior boundaries of any city's designated urban  
233 growth area (UGA) are required to have been in full legal compliance with  
234 any existing city codes adopted through prior Resolution by the county as they  
235 applied to a short-term rental uses within that UGA.

236 (1) If a short-term rental use is operating in violation of the existing county-  
237 adopted city codes for that UGA the rental must immediately cease all  
238 operation of that use on the date of adoption of this chapter. A property  
239 operating in violation of existing city UGA land use regulations has no  
240 legal existing non-conforming status as a short-term rental.

241 (b) All existing non-conformance claims within a UGA will be subject to joint review  
242 by the county and the affected city.

243 (c) New short-term rental applicants will be required to comply with the most  
244 current city regulations for short-term rental use for each city UGA, which are  
245 herein adopted and incorporated under Subsection (2)(C)(iv) upon adoption of  
246 this code chapter, including if any UGA code prohibits new or continued  
247 existing short-term rentals in those zones.

248 (v) Existing non-conforming short-term rentals of any Tier level are not subject to the  
249 limitations in Subsection (2)(C) provided they comply with all the provisions of Subsection  
250 (2)(E) below and any other applicable provisions

251 (vi) Applications for a new Tier 3 short-term rental permit required by a District Use Chart  
252 in Chapter 11.04 to have a Conditional Use Permit (CUP) shall have the CUP processed  
253 consistent with Chapters 14.10 and 11.93, and shall have the use conditioned for  
254 approval based upon the applicable requirements contained within 11.88.290. A Tier 3  
255 short-term rental CUP is annually renewable and administratively reviewed under the  
256 provisions of 11.88.290(4), provided the permit is non-transferable under the restrictions  
257 contained within 11.88.290(4)(l).

258 (D) Lot Size and Lot Location Standards

259 (i) Minimum lot sizes for new conforming short-term rentals set forth in this Subsection are  
260 the minimum necessary and shall not be subject to reduction pursuant to Chapter 11.95  
261 variances, Chapter 11.97 non-conforming lots, structures, and uses, Chapter 11.98  
262 reasonable use, nor subject to administrative modification. The following minimum lot sizes  
263 shall be required to establish a Tier 2 or Tier 3 short-term rental in zoning districts where  
264 short-term rentals are permitted or conditionally permitted:

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

<b><u>Zone</u></b>	<b><u>Tier 2</u></b>	<b><u>Tier 3</u></b>
<u>RR20</u>	<u>10</u>	<u>10</u>
<u>RR10</u>	<u>10</u>	<u>10</u>
<u>RR5</u>	<u>5</u>	<u>5</u>
<u>RR2.5</u>	<u>2.5</u>	<u>Not allowed</u>
<u>RRR</u>	<u>0.275</u>	<u>Not allowed</u>
<u>RW</u>	<u>0.275</u>	<u>Not allowed</u>
<u>RV</u>	<u>0.275</u>	<u>Not allowed</u>

266 (ii) New conforming Tier 2 short-term rentals in all residential zones cited in subsection (D)  
267 and within the Manson UGA shall be located a minimum of 200 feet apart as measured  
268 from all points of the existing short-term rental dwelling structures to proposed short-term  
269 rental dwelling structures. This distance shall not be subject to reduction pursuant to  
270 Chapter 11.95 variances, Chapter 11.97 non-conforming lots, structures, and uses,  
271 Chapter 11.98 reasonable use, nor subject to administrative modification.  
272

273 (iii) Proposals for new conforming Tier 3 short-term rentals shall be located on sites with  
274 direct access off of functionally classified highways consistent with the Chelan County  
275 Transportation Element of the Comprehensive Plan. Access shall be consistent with CCC  
276 15.30.330. Direct access means either parcel frontage or driveway access from the  
277 classified highway right of way.

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

281 (E) Existing Short-Term Rentals:

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

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

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

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

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

300 (e) Liability insurance shall be obtained consistent with RCW 64.37.050 as of the  
301 effective date of this ordinance (XXX 2021) per Subsection (3)(N); and

302 (f) If located inside of the Manson Urban Growth Area, documentary evidence that  
303 the short-term rental was properly registered as a vacation rental with Chelan  
304 County per 11.23.040 as of August 25, 2020, or that the short-term rental owner  
305 held a vacation rental permit in the Manson UGA as of July 28, 2019 or in 2020  
306 prior to August 25, 2020. This documentary evidence also satisfies the  
307 requirements found in (2)(E)(i)(a) above provided, failure to accurately represent  
308 and disclose a property's short-term rental history is grounds for immediate permit  
309 denial or revocation, and loss of all existing non-conforming status.

310 (g) Any property owner claiming existing non-conforming status as a short-term  
311 rental within any zip code, subarea, or urban growth area shall resolve any  
312 existing county code violations on the property as required under  
313 11.88.290(4)(A)(ii) and shall have complied with all other relevant provisions of  
314 11.88.290 and apply for and have received an initial short-term rental

315 administrative land use permit and any all required conditional use permits under  
316 subsection (4) by December 31, 2022, or by failing to do so shall waive all claim  
317 to having existing non-conforming status.

318 (ii) Non-conforming Short-Term Rental Units Restricted Zones, or by Parcel Size, Numbers  
319 Allowable, or Rental Standards.

320 (a) Except as provided in (2)(E)(iii) and (iv) below, an existing short-term rental  
321 operating as of XXX, 2021 is considered non-conforming when one or more of the  
322 following conditions is met:

323 (1) the cap of the zip code, zip code subarea, or urban growth area is  
324 exceeded in 11.88.290(2)(B), or

325 (2) a zone does not expressly allow new short-term rental units per  
326 11.88.290(2)(C) and CCC Sections 11.04.020, 11.22.030, 11.23.030, or

327 (3) the short-term rental is located on a parcel that does not meet the lot  
328 size and/or lot location standards of 11.88.290(2)(D), or

329 (4) the short-term rental does not comply with the operating standards of  
330 11.88.290(3).

331 (b) Non-conforming short-term rental properties may only be changed, altered,  
332 extended, or enlarged in a manner requiring a permit issued under Chelan county  
333 codes if the activity does not increase non-conformance with this or any other  
334 chapters of applicable county codes, or to repair unexpected damage from a  
335 natural or human caused event provided the repair is that which is minimally  
336 required to maintain the former conditions of the rental as it existed prior to the  
337 damage.

338 (1) Any property that increases its non-conformance with this chapter  
339 without written permitted authorization of the Department may be subject  
340 to immediate revocation of all short-term rental permits and shall lose any  
341 legally non-conforming status as a short-term rental. Appeal provisions  
342 within Title 16 and Chapter 14.12 apply.

343 (c) If the non-conforming short-term rental cannot comply with criteria, grace  
344 period, and timelines in Subsection (2)(E)(i) above, it must cease operating no later  
345 than one year from the effective date of this Ordinance (XXX, 2021) and any  
346 issued county permit to operate as a short-term rental immediately becomes null  
347 and void, subject to appeal under Title 16 and Chapter 14.12

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

351 (e) Any short-term rental property that has an unresolved written notice of  
352 violation for short-term rental use, received on or before August 25, 2020, or that  
353 operated as a short-term rental contrary to the August 25, 2020 Chelan County  
354 short-term rental moratorium Resolution 2020-86, or subsequent rental moratorium  
355 resolutions 2020-104 and 2021-20, or upon permit application is found to have

356 an existing zoning, land use, or building permit violation, shall not be considered a  
357 legally non-conforming use as follows;

358 (1) Moratorium Violation: Short-term rental properties in violation of the  
359 moratoria resolutions in (e) are not subject to a grace period for continued  
360 operation and must immediately cease all short-term rental uses of the  
361 property on the effective date of adoption of this code.

362 (2) Unresolved Written Notices of Violation or Other Violations: An existing  
363 short-term rental property found to have existing zoning, land use, or  
364 building permit violation must resolve violations according to the time  
365 periods of Section (4)(A)(ii).

366 (3) Under either case in Subsection (2)(ii)(e)(1) or (2)(ii)(e)(2), the short-term  
367 rental property is subject to all provisions of Title 16 CCC, provided that  
368 the appeal provisions of Title 16 and Chapter 14.12 apply.

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

375 (iv) Non-conforming Short-Term Rental Units in Peshastin UGA. Existing non-conforming  
376 short-term-rental units of any Tier within the residential zones in the Peshastin UGA are  
377 subject to the provisions of 11.88.290(2)(E)(i) and (2)(E)(ii).

378 (v) A non-conforming short-term rental can only become a conforming short term rental by  
379 first providing an affidavit stating they wish to cease being a non-conforming short-term  
380 rental and surrender any existing rental use permits, and then applying for a new short-  
381 term rental permit subject to all the applicable requirements of this chapter, and other  
382 applicable Chelan County codes.

383 (vi) The Director may permit a property to operate as an existing non-conforming short-  
384 term rental where the applicant possesses and provides the department written  
385 communication, originating from authorized Chelan County Community Development  
386 personnel and written prior to August 25, 2020, that expressly states the short-term rental  
387 use of this specific property is an allowed use, and that the current use is in-fact operating  
388 and conforming within any parameters or limits expressly stated within that written  
389 communication, provided,

390 (a) If any provision applicable to existing non-conforming short-term rentals within  
391 this chapter is not expressly exempted by the written communication  
392 referenced herein, the short term rental is subject to all requirements for  
393 existing non-conforming short-term rentals as provided in 11.88.290, except as  
394 stated in (2)(E)(vi)(b) below.

395 (b) If the written communication referenced herein expressly permits and is  
396 authorized by septic permitting at the time of that written communication

- 397 regarding limit on overnight and daytime occupancy, the property shall not be  
398 subject to the occupancy limits found within 11.88.290(3)(B)(ii) and (3)(B)(iii).  
399 (c) Provision (2)(E)(vi) sunsets on December 31, 2022.

400 (3) RENTAL STANDARDS APPLICABLE TO ALL SHORT-TERM RENTALS

401 (A) Primary or Accessory Residence.

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

405 (ii) A short-term rental owner may operate only one short-term rental per parcel as  
406 designated on their permit application form, which may be in either the primary dwelling  
407 or the accessory dwelling unit but not both. If the short-term rental occurs in a multifamily  
408 dwelling the same owner may not rent more than one unit in the development.

409 (iii) A short-term rental owner may exceed the limits placed on short-term rentals in (ii)  
410 above on a parcel subject to the district zoning requirements of a Rural Commercial county  
411 zone or similar Urban Growth Area commercial zone, provided the short-term rental must  
412 comply with the provisions of 11.04.020, 11.22.030, or 11.23.030.

413 (B) Occupancy.

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

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

420 (b) Occupancy of bedrooms is limited to two persons per bedroom, including  
421 children.

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

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

425 Tier 1: a total of 8 persons including children.

426 Tier 2: a total of 12 persons including children.

427 Tier 3: a total of 16 persons including children.

428 (b) Daytime Occupancy.

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

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

433 Tier 3: At no time shall the total number of persons at a short-term rental  
434 exceed 16 persons, including children, but excluding the owner, if one resides  
435 on the property.

436 (c) For purposes of (3)(B)(ii) and (iii) occupancy after 10:00 PM and before 7:00 AM is  
437 considered Overnight Occupancy and all rental use must fully comply with the  
438 overnight occupancy limitations found within 11.88.290.

439 (iii) Exceeding Daytime Occupancy limits.

440 (a) In order for any existing non-conforming or new short-term rental of any Tier level  
441 to exceed total daytime occupancy limits contained in section (3)(B)(ii) above, or to  
442 host events such as weddings, gatherings, or retreats an operator must first obtain  
443 a Conditional Use Permit and satisfy all the Conditions of Approval consistent with  
444 CCC 11.93.315 Places of Public and Private Assembly before operation,  
445 provided that the zone allows short-term rentals as a permitted, or conditionally  
446 permitted use and meets all other short-term rental requirements of this section  
447 provided that overnight occupancy is limited to the provisions of (3)(B)(ii)(a) and  
448 (c). All other applicable criteria of CCC Chapter 11.93 shall be met.

449 (1) For new conforming short-term rentals to exceed the daytime occupancy under  
450 a Conditional Use Permit, in addition to the requirements in (a) above, the  
451 operator must either take access from a classified highway consistent with  
452 11.88.290(2)(D)(iii), or be located in a Master Planned Resort, or in a  
453 commercial zone.

454 (b) Facilities exceeding overnight occupancies of 16 persons are considered lodging  
455 facilities that must meet the requirements of that zone and use.

456 (C) Parking.

457 (i) One off-street patron parking space in addition to the residential parking  
458 requirements, not located within a setback and not within any recorded access easement  
459 shall be provided for each bedroom consistent with the provisions of Chapter 11.90.<sup>5</sup>

460 (ii) The number of vehicles allowed at the short-term rental must be limited to the number  
461 required per 11.90.060; this requirement must be included in the Property Management  
462 Plan per Section (3)(K) provided that any short-term rental may exceed these limits for  
463 hosted events if a Conditional Use Permit has been obtained and all Conditions of  
464 Approval including traffic and parking requirements have been satisfied consistent with  
465 CCC 11.93.315.

466 (iii) Unlawful or unsafe parking by short-term rental tenants and guests, owner or operator  
467 joint liability if violation not abated. Qualified Persons or Owner or Operators of short-  
468 term rental properties notified of unlawful or unsafe complaints related to their short-term  
469 rental tenants, or their guests are responsible to promptly abate the parking complaints  
470 emanating from their property for non-compliance with (i) and (ii) above, or for parking

<sup>5</sup> BOCC had requested some review of whether an existing shared driveway agreement should be reviewed in the application process. Staff researched this, and found it is not practical, and hard to confine. It may place county in place of enforcing civil matters via this code. Thus, a provision to review it was not included in this draft.

471 on the property of a neighbor without express permission, or blocking the access to that  
472 neighboring driveway, or preventing their unobstructed use of that neighboring property.  
473 If the owner fails to cause the parking complaint to be abated within 60 minutes of  
474 notification of the complaint, he is subject to the enforcement penalties jointly and  
475 severally with the renter, or guest creating the parking violation under this Chapter and  
476 Title 16.

477 (iv) Repeat violations. Two verified parking violations within six months on or adjacent to  
478 the same property may be subject to additional penalties under Chapter 16.20, up to  
479 and including revocation of the short-term rental land use permits under 16.20.040.

480 (D) Garbage.

481 (i) Trash containers must be provided. Trash must be in proper containers on collection day.  
482 Trash must be managed in compliance with CCC Chapter 4.04 Garbage. This requirement  
483 must be included in the Property Management Plan per Section (3)(K) and good neighbor  
484 guidelines per Subsection (3)(M).

485 (E) Noise.

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

488 (ii) Public disturbance noise complaints. Renters are subject to the provisions of Chapter  
489 7.35. Owner or operators of short term rental properties notified of complaints are  
490 responsible to promptly abate public disturbance noise complaints on their property. If  
491 the owner or operator fails to cause the noise to be abated within 60 minutes of  
492 notification of the complaint, he is subject to compliance with Chapter 7.35 and the  
493 enforcement penalties jointly and severally with the renter creating the public disturbance  
494 noise.

495 (iii) Repeat violations. Two verified public disturbance noise violations within six months of  
496 on the same property may be subject to additional penalties under Chapter 16.20, up to  
497 and including revocation of the short term rental land use permits under Section  
498 16.20.040.

499 (F) Trespass.

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

504 (ii) Trespass by short-term rental tenants and guests, owner or operator joint liability.  
505 Qualified Persons or Owner or operators of short-term rental properties notified of  
506 trespassing complaints related to their short-term rental tenants, or their guests are  
507 responsible to promptly abate trespass complaints emanating from their property. If the  
508 owner or operator fails to cause the trespass to be abated within 60 minutes of  
509 notification of the complaint, he is subject to the enforcement penalties jointly and  
510 severally with the renter, or guests creating the trespass under Chapter 7.32.030 and Title  
511 16.

512 (iii) Repeat violations. Two verified trespass violations within six months of on or adjacent  
513 to the same property may be subject to additional penalties under Chapter 16.20, up to  
514 and including revocation of the short term rental land use permits under 16.20.040.

515 (G) Signs.

516 (i) All owners or operators must display and maintain the address of the residence so that  
517 it is clearly visible from the street or access road in compliance with CCC 10.20.520  
518 requirements. The rental must also display and maintain an additional sign outside  
519 identifying the property as short-term rental and displaying the Chelan County short-term  
520 rental registration number and central phone number required by the County. The sign  
521 must not exceed eight square feet in area and if illuminated, must be indirectly  
522 illuminated, and letters and numbers must at a minimum four inches in height.

523 (ii) Placement of the sign.

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

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

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

534 (iv) The Director may allow annual mailings to adjacent properties and an interior posted  
535 notice for tenants in lieu of an exterior sign where a property's size and visibility make an  
536 exterior sign ineffective, or if for reason of improving security. The owner shall provide  
537 verification of mailings and a copy of the notice with the annual permit renewal.

538 (H) Consumer Safety.

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

542 (I) Fire Safety and Outdoor Burning.

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

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

555 (J) Qualified Person.

556 (i) The owner or operator must provide the name, telephone number, address, and email  
557 of a qualified person or their designee (which can be a person or company) who can be  
558 contacted concerning use of the property and/or complaints and can respond, personally  
559 or through a designee, to the property within sixty (60) minutes to complaints related to  
560 the short-term rental consistent with the requirements of this section. The owner or operator  
561 must provide a valid telephone number where qualified person can reliably be reached  
562 24 hours per day, every day the property is rented.

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

568 (ii) Repeat violations. A second subsequent violation within 12 months of the previous  
569 violation of failing to have a qualified person available, or failing to respond to a  
570 complaint once notified by the Sheriff, County staff, or by any monitoring service  
571 employed by the county, is grounds for revocation of the short-term rental permit under  
572 16.20.040.

573 (K) Property Management Plan.

574 (i) Short-term rentals must maintain an up-to-date property management plan on file with  
575 the Chelan County Community Development Department and be prominently displayed  
576 within the common living area portion of the rental. The property management plan must  
577 include the following:

578 (a) Provide a floor plan and site map clearly depicting the property boundaries of  
579 the short-term rental, and the escape route in case of an emergency. The plan must  
580 provide a map indicating if there is an easement that provides access to a  
581 shoreline and, if an easement or other lawful access exists, the boundaries of the  
582 easement or access must be clearly defined. If there is no lawful access, this fact  
583 must be indicated within the plan together with a warning not to trespass;

584 (b) Provide the unified business identifier number, Chelan County short-term rental  
585 permit number, and the names and addresses of the property owner or operator;

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

588 (d) Provide information required for Consumer Safety per (3)(H) and RCW  
589 64.37.030 and fire protection plan per (3)(I).

590 (e) All units must have an operable landline or Voice Over Internet Protocol (VOIP)  
591 telephone installed to aid in emergency response, and the dwelling recorded in  
592 "Rivercom" data base. The address and phone number of the property and the  
593 contact phone number for the qualified person shall be prominently displayed

594 near the phone. If land line or VOIP is not available at the site, the Director may  
595 at his discretion allow the owner or operator of the short-term rental to use an  
596 alternative means of direct phone communication, as long as the communication  
597 device is fixed at the location and the phone number is not changed within the  
598 annual permitting period. This phone number shall be noted on the permit  
599 application and the property management plan which shall also include any  
600 special instructions and list any local emergency services calling numbers required  
601 for use of the communication device in an emergency.

602 (l) Renter-owned or possessed mobile phones shall not be used in place of  
603 this requirement as they are not always usable in all areas, their batteries  
604 may deplete, or they may not be present with the phone at the rental for  
605 periods of time during occupancy.

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

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

609 (h) The plan must include the maximum number of vehicles allowed, and a map  
610 with the designated parking space locations allocated for each vehicle.

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

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

614 (L) Annual Permit Number.

615 (i) The owner or operator must include the Chelan County land use permit number for the  
616 short-term rental in all advertisements and ensure its prominent display on platforms and  
617 other forums for rental (AirBnB, VRBO, Craigslist, poster, etc.) and on marketing materials  
618 such as brochures and websites.

619 (M) Good Neighbor Guidelines.

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

625 (N) Liability Insurance.

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

628 (O) Taxes.

629 (i) The owner or operator must comply with CCC Chapter 6.30, and other local sales taxes  
630 and state hotel/motel/lodging and sales taxes in accordance with the Department of  
631 Revenue.

632 (P) Shared Resources private roads, driveways, septic systems, and/or wells/water systems

Commented [LG1]: Per email, add legal review.

Commented [JB2R1]: Needs more editing AND BOCC policy consideration:

This, as proposed, would apply to ALL rentals, even existing non-conforming. Does not seem a better place to put it in the code, but would need clarity of who it applies to. ???

633 i. Where an STR utilizes a shared resource such as: an access road or driveway from a  
634 public street, a well or other common water source for potable water or septic system  
635 infrastructure, whether on site or off site and without limitation, holding tanks, pumps, and  
636 drain fields or other shared resources, the owners of the STR shall, prior to receiving a  
637 permit to operate, secure an agreement in writing from all other users of any and all  
638 shared resources. This agreement shall be notarized, contain an acknowledgement from all  
639 parties that the STR owners may use the shared resource(s) in connection with their  
640 commercial operation of a nightly rental. The agreement shall be provided to the  
641 Administrator as part of the permit application process. Failure to provide such an  
642 agreement when a shared resource(s) exist, shall be the basis for immediate revocation or  
643 denial of the permit. Further, if the agreement is later revoked through civil court action,  
644 the STR owner shall immediately cease operation and notify the Administrator. Failure to  
645 do so will result in immediate revocation of the permit.

#### 646 (4) LAND USE PERMITS

##### 647 (A) Land Use Permit Required.

648 (i) No short-term rental owner or operator may advertise, offer, operate, rent, or  
649 otherwise make available or allow any other person to make available for occupancy or  
650 use as a short-term rental without a valid short-term rental administrative land use permit  
651 issued by the Director or a Conditional Use Permit approved by the Hearing Examiner  
652 pursuant to this Chapter 11.88, and Chapter 14.10. All dwelling units on a single parcel  
653 shall be reviewed concurrently in the same application, and the dwelling to be used as a  
654 short-term rental shall be clearly identified.

655 (ii) All uses on the property must fully comply with CCC Title 11 and the property may not  
656 have existing unresolved Chelan County code permitting, land use, or other violations  
657 under Titles 3, 11, 15, or 16 in order to be eligible to apply for an administrative short-  
658 term rental land use permit or conditional use permit under this chapter. Existing  
659 properties claiming non-conforming short-term rentals may be issued a provisional short  
660 term rental permit and may be provided the time of their respective grace period  
661 pursuant to 11.88.290(E)(i)(c), but no later than December 31, 2022 to address all  
662 violations. No provisional or other short-term rental land use permits shall be issued after  
663 that date until any violations are resolved. The Director may extend the timeframe for up  
664 to six additional months to obtain compliance upon a showing of a good faith effort.

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

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

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

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

671 (iv) All permit renewal applications for permitting year 2023, and beyond, must be  
672 received by October 31 of the preceding year.

673 (a) At their discretion the Director may, upon showing of a hardship reason for  
674 applicant's delay, accept permit renewal applications received after October  
675 31 but before December 31 of the same year and may assess double the  
676 normal fees for permitting, provided the short-term rental may not continue  
677 operation past December 31 until the permit application is approved and a  
678 permit issued.

679 (b) Permit renewal applications received after December 31 will not be accepted,  
680 and the short term rental must immediately cease operations on January 1 of  
681 the following year. The owner and property loses any vesting to continue  
682 operation as a legally conforming or non-conforming short term rental under  
683 this chapter. Expired short term rentals under this Subsection are then subject  
684 to the housing cap provisions of 11.88.290(2)(B) and must apply as a new  
685 short term rental if all other provisions of 11.88.290 allow, and consistent with  
686 the applicable district use chart.

687 (C) Permit Applications.

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

693 (D) Application Acceptance and Evaluation.

694 (i) Beginning on September XX, 2021 and by December 31, 2021, all existing non-  
695 conforming Tier 1, Tier 2, or Tier 3 conforming Tier 1 short term rentals, and conforming  
696 2021 permitted Manson UGA short-term rentals operating as of dates established in  
697 (2)(E) and subject to Resolution 2020-86, or subsequent rental moratorium resolutions  
698 2020-104 and 2021-20, wishing to operate as a short-term rental for the remainder of  
699 2021 shall pay a fee equal to one quarter of the annual permit fee established for their  
700 Tier per the table in Chapter 3.24, and register on a department registration provisional  
701 self-certification form. This self-certification form serves as the first provisional short term  
702 rental permit application. Those owners and properties failing to register within this time  
703 period will not be considered as an existing and non-conforming short-term rental use for  
704 2021 under this Section and shall forfeit any claim of continuing existing non-conforming  
705 short term rental use status for 2022 and beyond under this Section, and any short-term  
706 rental that occurred during this period is considered to have been in violation of this  
707 Chapter, subject to appeal provisions under Title 16 and Chapter 14.12.

708 (ii) Application for, or issuance of any provisional short-term rental permit does not  
709 guarantee future issuance of a short-term rental administrative land use permit under  
710 11.88.290(4). The provisional permit is intended to be temporary and is only in effect  
711 while the department reviews all permits applications for compliance with all Chelan  
712 County regulations, including this chapter, for the 2021 and 2022 permit years before  
713 issuance or denial of issuance of a short-term rental administrative land use permit. This  
714 single (4)(D)(ii) provision ceases to exist on December 31, 2022.

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

724 (iii) For urban growth areas or zip codes below the cap as of the date of adoption,  
725 owners may apply for a new short-term rental application per (D)(v).

726 (iv) By not later than June 30, 2022, the Director shall upon review for accuracy,  
727 completeness, and code compliance provisionally approve a Tier 1 short-term rental  
728 property, or any existing non-conforming Tier 1, 2, or 3 short-term rental property as  
729 provided in 11.88.290(2)(E), for an initial short-term rental administrative land use permit  
730 subject to the owner completing a self-certification form in (4)(D)(i)(a) above provided that  
731 inspections in Subsection (4)(H) are accomplished prior to the first renewal thereafter,  
732 provided that any owner who has been found to be ineligible for continued operation  
733 under this chapter that has been notified by the Department shall have thirty (30)  
734 calendar days to provide any correction to the information that led to that determination  
735 of ineligibility, if a correction is possible, or cease all operation as a short-term rental.  
736 They must reapply for permitting under all applicable provisions of Chapter 11.88.290,  
737 subject to appeal provisions under Title 16 and Chapter 14.12.

738 (v) New compliant Tier 1, Tier 2, and Tier 3 land use permit applicants may apply to  
739 obtain a new conforming short-term rental permit pursuant to the provisions and limitations  
740 of 11.88.290(2).

741 (a) Permit applications, or reservations for application appointments, will be taken  
742 on a first come, first served basis at the Community Development office starting at  
743 9:00 AM on the published date allowing permit submission. The number of permit  
744 applications accepted will not exceed the number of short-term rentals allowed  
745 per the applicable housing cap within each zip code and Urban Growth Area as  
746 provided in Subsection (2)(B). Once the limit on the number of applications for Tier  
747 2 and Tier 3 short-term rentals has been reached, the window of time for  
748 submission shall be closed for that year, provided that Tier 1 applications do not  
749 have a limit on the number of applications.

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

756 (c) Applications for new short-term rentals in urban growth areas or zip codes  
757 below the cap at the adoption of the code on XXX 2021 may apply for a land

758 use permit application. Applications will be taken on a first-come first served basis.  
759 Once the limit on the number of applications for Tier 2 and Tier 3 short-term  
760 rentals has been reached, the window of time for submission shall be closed for  
761 that year, provided that Tier 1 applications do not have a limit on the number of  
762 applications.

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

767 (e) An application must be deemed complete before a permit is issued. Any  
768 applicant who does not complete the required application forms, complete any  
769 required inspections or other processes contained within this chapter, and fully  
770 submit any required supplemental information or who within thirty (30) calendar  
771 days of notification fails to correct any application documentation submission  
772 deficiencies as requested by the department by any required deadlines, including  
773 submitting a complete application for any required Conditional Use Permits, or  
774 who upon application review is found to have knowingly provided false  
775 information, or if the applicant or property is found to be out of compliance with  
776 this or other titles of Chelan County land use or development codes, is therefore  
777 ineligible for a short term rental permit. The applicant shall not receive any  
778 further processing of their application. Once denied, the applicant shall not be  
779 eligible for rental permit application until such time as the owner can show  
780 compliance with Chelan County regulations, and then must reapply to restart the  
781 process.

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

783 (E) Term.

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

788 (F) Forms and Procedures.

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

792 (G) Nonuse.

793 (i) All short-term rentals must operate under a current short-term rental land use permit  
794 regardless of nonuse. If a property has not been rented in a twelve-month period,  
795 renewal of short-term rental land use permit must still be met to maintain the validity of  
796 the permit and to retain eligibility for renewal in immediately subsequent years.

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

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

803 (ii) Wastewater. Each applicant shall demonstrate to the satisfaction of the Director they  
804 have a properly functioning and permitted onsite sewage system meeting applicable  
805 Health District permitting and standards for the occupancy. The wastewater system must,  
806 at all times of occupancy, be maintained and operate as originally permitted.

807 (iii) The Director may waive inspections under Subsections (H)(i) and (H)(ii) associated with  
808 the initial short-term rental permit if the owner or operator provides a notarized affidavit  
809 from the applicable fire district or fire marshal or Chelan-Douglas Health District that the  
810 short-term rental complies with applicable requirements in Subsections (H)(i) and (H)(ii).

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

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

817 (vi) Owners applying for or receiving a valid short term rental land use permit or a  
818 Conditional Use Permit for short term rental or event venue use must allow the Director or  
819 designee to inspect or reinspect the property at reasonable times to determine initial  
820 compliance with Subsections (3) and (4)(H) of this chapter. If complaints are received, or  
821 evidence is encountered indicating non-compliance with this chapter the department may  
822 reinspect the property at reasonable times. Denial of entry for inspection is grounds for  
823 immediate permit denial or revocation of all permits for short term rental land use under  
824 this chapter pursuant to CCC Title 16.20.040.

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

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

829 (ii) A non-conforming short-term rental permitted according to the provisions of Subsection  
830 (2)(E), is allowed to transfer the existing permitted non-conforming status and currently  
831 issued operating permit to continue under a new owner one time within five years, except  
832 three years within the Manson Urban Growth Area, of the effective date of the ordinance  
833 (XXXX, 2021) consistent with (I)(iii) below, and the new owner may continue to operate  
834 under the existing short-term rental permit for the remainder of the current registration  
835 year and renew permits and operate in subsequent years under the permitting  
836 requirements applicable to the original owner, provided that within thirty (30) calendar  
837 days of closing the subject new owner has provided their contact name and registration

838 information with the Department.<sup>6</sup> The new owner shall provide signage and notification  
839 consistent with (3)(G).

840 (iii) A transfer occurs when the property is sold by a person or corporation, to another  
841 person or corporation, or when officers of corporations are changed to remove former  
842 officers and add new officers, except that a transfer does not occur when officers are  
843 changed due to death where title is held in survivorship with a spouse or a transfer on the  
844 owner's death to benefit only a spouse or child(ren) for the lifetime of the spouse or  
845 child(ren). The survivor may not sell or transfer title, except that title may transfer among  
846 the survivors. A transfer also does not occur when due to divorce a former spouse's name  
847 is removed from the deed or corporation.

848 (iv) No transfers of the existing non-conforming short-term rental status may occur other  
849 than as provided in this (4)(I) Subsection, and the second owner of a lawful permit  
850 transferred must obtain all required short-term rental permits and meet all applicable  
851 requirements of this Chapter for all subsequent years beyond the current issued permit. If  
852 the property is transferred again, or is not issued a short-term rental permit in any  
853 subsequent years after initial transfer under (4)(I), the property loses its legal non-  
854 conforming status that would have applied to the original owner had they not transferred  
855 ownership.

856 (J) Approval Criteria.

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

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

861 (b) The short-term rental is consistent with density, location, and occupancy limitations of  
862 this section.

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

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

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

868 (f) The short-term rental is considered non-conforming and is in full compliance with  
869 Subsection (2)(E) above.

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

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

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<sup>6</sup> After the Task Force Process concluded the County received input that the Manson Community Council had been wishing to have a 3 year period for transfers as a tradeoff for going to 9% share of short term rentals in the UGA. As this post-dates the Task Force process and the County staff wish to have a more aligned process countywide we have noted 5 years universally here.

873 (5) ENFORCEMENT  
 874 (A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid  
 875 Short-Term Rental Permit. Evidence of operation includes, but is not limited to, advertising, online  
 876 calendars showing availability, guest testimony, online reviews, rental agreements, or receipts.  
 877 (B) Enforcement of this section will be in accordance with Title 16 CCC.

878 (6) MONITORING  
 879 The Director shall report to the Board of County Commissioners on the status of short-term rental  
 880 regulation implementation annually at the time the existing short-term baseline is reported per (4)(D). The  
 881 County may initiate a review or amendment pursuant to Chapter 14.13.  
 882 (A) The Director may utilize a commercial monitoring and/or response service to assist with  
 883 implementation of this chapter.

884 **11.90.060 Required off-street parking.**

885 (1) Parking space shall be provided as shown in Table 11.90-3 for the land uses listed. The number of  
 886 required parking spaces shall be rounded upward to the nearest whole number if the calculation results in  
 887 a fractional space requirement of one-half space or more.  
 888 (2) When parking standards require ten or more parking spaces twenty-five percent of the spaces may  
 889 be compact spaces and shall be marked "COMPACT ONLY."

**Table 11.90-3**

Land Use	Required Off-Street Parking
<b>Residential</b>	
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, 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 <u>any onsite manager</u>
Institutional or group homes: nursing home, correctional, retirement	1 space per 5 beds and 1 space per staff person
<b>Medical Facilities</b>	
Hospitals	1-1/2 spaces per bed
Medical or dental clinics and offices	1 space per 200 square feet
<b>Public Assembly</b>	
Auditoriums, gyms, clubs, lodges, <u>any Tier short term rental event venue or exceeding daytime occupancy uses</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
<b>Schools</b>	

**Table 11.90-3**

Land Use	Required Off-Street Parking
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
<b>Commercial and Public Recreation</b>	
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, <a href="#">lodging facilities</a>	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
<b>Commercial</b>	
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
<b>Industrial</b>	
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

(\*) Where a single-family residence or accessory dwelling unit is used as a short-term rental in conformity with CCC 11.88.290, the parking standards for short-term rentals shall supersede.

890  
891

892 Chapter 11.93 Conditional Use Permits

893 11.93.450

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

896 Chapter 3.24 Community Development Department Fees

897 3.24.010 FEE SCHEDULE.

898 **(a) Planning.**

Application Type	Fee
Conditional use permit	\$1,520
<u>Short-term rental Tier 1 and 2, 2021 provisional registration</u>	<u>\$125</u>
<u>Short-term rental Tier 3 2021 provisional registration</u>	<u>\$187.50</u>
<u>Short-term rental (Tier 1, first permit)</u>	<u>\$500</u>
Short-term rental ( <u>Tier 2, inspection not required, provisional first permit</u> )	\$500
<u>Short-term rental (Tier 2, inspection required second provisional permit and first time new Tier 2 permits)<sup>1</sup></u>	<u>\$900</u>
<u>Short-term rental if CUP required (new Tier 3 first permit, includes CUP application)</u>	<u>\$2,270</u>
<u>Short-term rental (Tier 1 annual and renewal)</u>	<u>\$500</u>
<u>Short-term rental (Tier 2 annual and renewal, no inspections)</u>	<u>\$500</u>
<u>Short-term rental (Tier 3 second provisional, annual and renewal, and includes annual CUP renewal, if no new CUP is required)</u>	<u>\$750</u>
<u>Short-term rentals of any type that did not properly register per CCC 11.88.290(2)(E) or (4)(B).</u>	<u>Assessed double applicable fees</u>
<u>Short-term rental fire and life safety inspections by Fire Marshal, or designee</u>	<u>\$100</u>

899 <sup>1</sup> 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.

900 **Definitions**

901 14.98 DEFINITIONS

902 **14.98.1410 Person.**

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

905 **14.98.265 Bed and breakfast.**

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

909 **14.98.625 Dwelling unit.**

910 “Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as a separate  
911 living quarters with sleeping, sanitary facilities and kitchen facilities provided within the dwelling unit for  
912 the exclusive use of a single household.

913 **14.98.915 Guest inn.**

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

917 **14.98.1105 Lodging facilities.**

918 “Lodging facilities” means establishments providing transient sleeping accommodations and may also  
919 provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may  
920 include, but are not limited to, hotels, motels, and lodges greater than six rooms, and any overnight  
921 accommodation that is rented nightly for fewer than thirty (30) consecutive nights or days and has an  
922 occupancy of greater than 16 persons, including children.

923 **14.98.1110 Lodging unit.**

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

926 **14.98.1632 Bedroom**

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

933 **14.98.1691 (Short-Term Rental) Grace Period**

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

937 **14.98.1692 Short-Term Rental**

938 “Short-Term Rental” means a commercial use utilizing a dwelling unit, or portion thereof, that is offered or  
939 provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty (30)  
940 consecutive nights or days, by intent or net effect of nights or days rented. They are commonly referred

941 to as vacation rentals. They are a form of commercial tourist or transient accommodations. Short-term  
942 rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. They  
943 are rented as a single lodging unit, do not provide food service, and retain the form and function of a  
944 dwelling unit. For the purpose of administration and enforcement of this title, the terms "overnight rental,"  
945 "nightly rental," "daily rental," and "vacation rental" are interchangeable with short-term rentals.  
946 Subleasing or subletting of units for short-term rental is prohibited.

947 **14.98.1693 Short-Term Rental Operator**

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

952 **14.98.1694 Short-Term Rental Owner**

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

959 **14.98.1695 Owner Occupied**

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

963 **14.98.1696 Verified Violation**

964 "Verified violation" means a violation of a provision of this chapter in which a code enforcement official,  
965 short-term rental division staff, or a law enforcement officer has investigated and confirmed or  
966 substantiated through direct observation or through the collection of evidence, that the violation occurred  
967 and is attributable to a person or persons directly renting, or associated with renting a short-term rental  
968 property use, whether the property is permitted as a short-term rental use, or is not permitted for the use,  
969 provided the owner or operator has been issued written notification by the Department or Code  
970 Enforcement staff advising of the verified violation. This notification can take the form of a letter, civil or  
971 criminal citation, a Notice and Order, Notice of Violation, or some other official form of written  
972 communication as approved by the Department Director.

973

974 16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS

975 16.20.010 Compliance

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

979 16.20.020 Enforcement Procedures, Notices, and Citations

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

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

987 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site  
988 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and  
989 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

990 (4) No provision within this section limits the application of any other applicable enforcement section  
991 within Title 16 for a violation involving a short-term rental use, or for any other use of the property.

992 16.20.030 Civil Penalties

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

995 (2) Any additional violation of 11.88.290(3) Standards or 11.88.290(4) Permits within 12 months of any  
996 preceding violation of the same type of standard or permit requirement within those same subsections, is  
997 subject to a penalty of double the prior violation penalty amount.

998 (3) The first violation of Consumer Safety requirements of RCW 64.37.030 is a class 2 civil infraction  
999 under chapter 7.80 RCW with a fine of one hundred twenty-five dollars (\$125). The fine for repeated  
1000 violations must be consistent with CCC 16.16.010 Assessment Schedule.

1001 16.20.040 Revocation

1002 (1) Failure of the owner or operator to timely and reasonably respond to a complaint(s) relayed by code  
1003 compliance officers are grounds for civil fines, revocation, or other penalties consistent with Title 16.

1004 (2) The following conditions may result in denial of issuance or revocation of land use permits granted  
1005 under short-term rental regulations in Titles 11 and 14 CCC:

1006 (A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.290 short-term  
1007 rental regulations and Title 14 is grounds for immediate revocation of the permit.

1008 (B) Failure to meet the criteria of CCC 11.88.290 Short-Term Rental Regulations is grounds for  
1009 immediate denial of issuance or revocation of the short-term rental land use permit.

1010 (C) The discovery of material misstatements or providing of false information in the short-term  
1011 rental land use permit application or renewal process is grounds for immediate revocation of the  
1012 permit.

1013 (D) Such other violations of Titles 11, 14, and 16 in the reasonable judgment of the  
1014 Administrator,<sup>7</sup> so as to provide reasonable grounds for immediate revocation of the land use  
1015 permit.

1016 (E) If three violations are verified under Subsection (D) or the owner or operator fails to make a  
1017 timely response to resolve such violation twice during any twelve-month period, the penalty shall  
1018 be revocation of the rental permit and, or a related conditional use permit in addition to any  
1019 required civil penalties under 16.20.030.

1020 (F) Denial of entry for required inspection, reinspection, or interference with an inspection or  
1021 reinspection of a short term rental property under CCC 11.88.290 is grounds for immediate  
1022 denial of issuance or revocation of the short term rental land use permit.

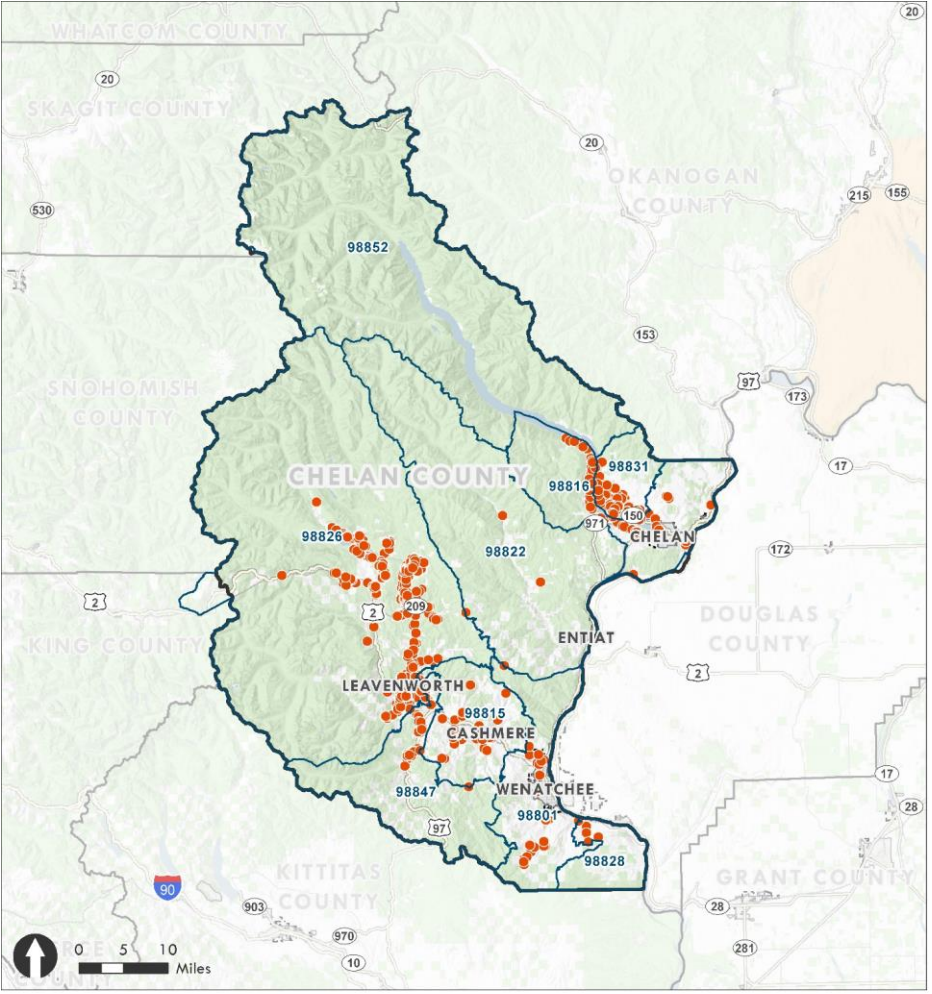
1023 (G) Revocation or denial of a permit is subject to the appeal provisions of Chapters 14 .12 and  
1024 16.12 CCC.

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<sup>7</sup> 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.

1025

**Attachment A: Countywide Zip Code Map**



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

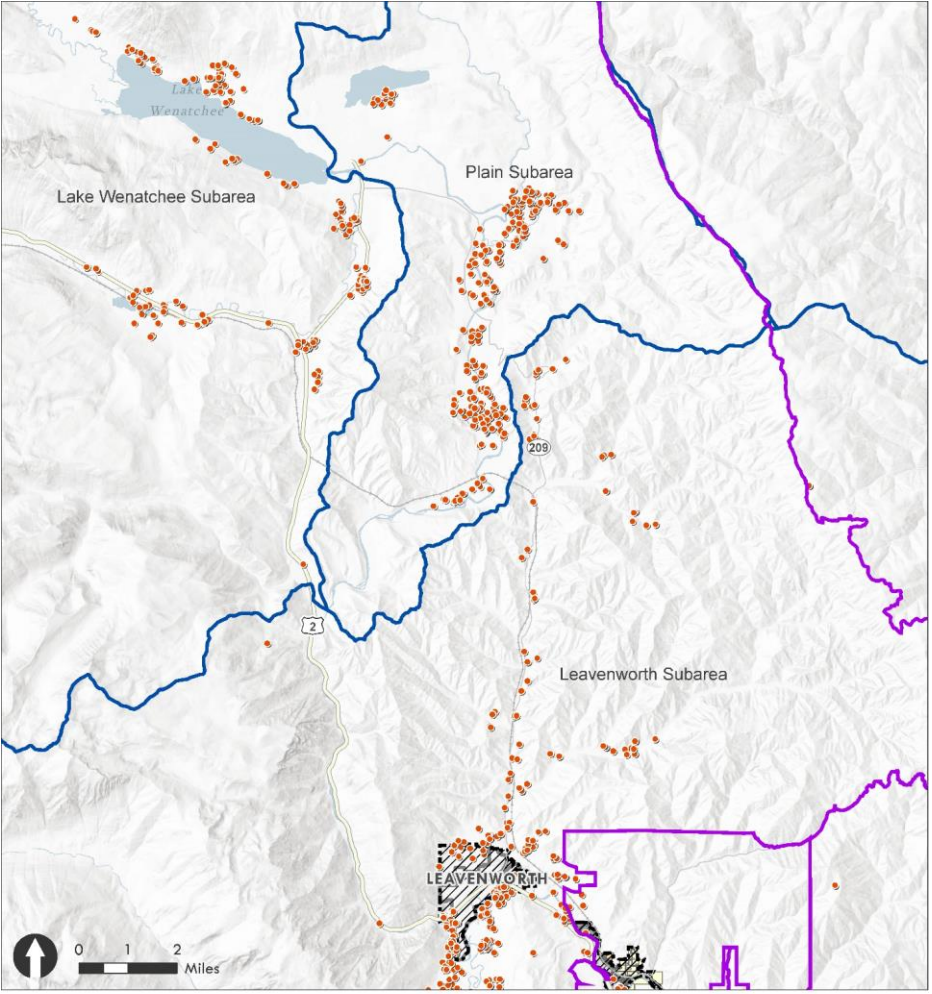


Source: AirDNA, 2020.  
 Data notes: This data tracks individual short-term rental property level from AirBNB and HomeAway. The location data on individual properties is within 500 meters of accuracy. It shows only properties that are assumed to be in unincorporated areas and are listed as an entire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

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

1028 **Attachment B: Leavenworth-Lake Wenatchee Subareas**



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**LEGEND**

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

**BERK**  
Map Date: May 2020

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.

1030 Sources: Chelan County GIS, 2020. BERK 2020. Powered by AirDNA: <https://www.airdna.co>, 2020.

**Attachment C: Short-Term Rental Data**

Short-term rental regulations would apply in unincorporated areas of the county. Based on AirDNA property data, January 2020, there are about 1,247 whole home short-term rentals (generally typed as Tier 2 and 3 short-term rentals) and about 92 private rooms (generally Type 1 short-term rentals), for a total of about 1,339 short-term rentals. Since regulations often focus more on whole home rentals (Tier 2 and Tier 3 depending on occupancy) they are often a focus of the published tables.

The AirDNA information is based on two types of data – property based data and monthly based data which means some records are attached to the property and some records are attached to the monthly account.

Some data is through January 2020 (last month where full records were pulled by AirDNA – sometimes called “last scraped” date). Some data is presented by other years (e.g. December each year is chosen as a comparison to see growth in short-term rentals over time.

The table below illustrates short-term rentals by urban/rural status and by zip code compared to total dwellings.

**Table 1. January 2020 AirDNA Property Data by Urban/Rural Status and Rental Type**

Location	Whole Home (Tier 2 and Tier 3)	Private Room (Tier 1)	Total Whole Home & Private	% Share
Rural	970	78	1,048	49%
<b>Cashmere</b>				
City Limits	3	0	3	0%
UGA	5	0	5	0%
<b>Chelan</b>				
City Limits	477	12	489	23%
UGA	10	0	10	0%
<b>Leavenworth</b>				
City Limits	208	21	229	11%
UGA	29	3	32	1%
<b>Wenatchee</b>				
City Limits	67	22	89	4%
UGA	8	6	14	1%
Manson UGA	218	5	223	10%
Peshastin UGA	7	0	7	0%
Unincorporated Rural	970	78	1048	49%
Unincorporated UGA	277	14	291	14%
All Unincorporated	1,247	92	1,339	62%
Incorporated Cities	755	55	810	38%
Total Unincorporated and City	2,002	147	2,149	100%

Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy. Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

1048 The table below illustrates the share of short-term rental dwellings as a share of the total housing units in  
 1049 the zip code or county including or excluding short-term rentals on tribal land.

1050 **Table 2. Tier 2 and Tier 3 Short-Term Rentals (Property January 2020)**  
 1051 **as Share of Total Dwellings (OFM April 2019) by Zip Code**

Zip Code Community Name	Zip Code	Total Dwellings 2019	Total Unincorporated Dwellings 2019	January 2020 Active STRs	% short-term rentals - Unincorporated	Zip Codes Excl Units on Tribal Land (Wapato)	Alternative %
Leavenworth	98826	6,099	4,811	749	15.6%	749	15.6%
Manson	98831	2,519	2,519	281	11.2%	198	7.9%
Chelan	98816	5,333	2,492	97	3.9%	97	3.9%
Peshastin	98847	956	956	53	5.5%	53	5.5%
Wenatchee	98801	17,989	3,607	30	0.8%	30	0.8%
Cashmere	98815	2,977	1,785	28	1.6%	28	1.6%
Malaga	98828	908	908	5	0.6%	5	0.6%
Entiat	98822	1,138	551	4	0.7%	4	0.7%
Various	Various	836	836	0	0.0%	0	0.0%
<b>Total</b>		<b>38,672</b>	<b>18,466</b>	<b>1,247</b>	<b>6.8%</b>	<b>1,164</b>	<b>6.3%</b>

1052 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 1053 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

1054 The Leavenworth zip code has been considered together and in three subareas as noted in Attachment B.  
 1055 a count of the Tier 2 / Tier 3 short-term rentals that are visualized on the map on the following page:

1056 **Table 3. Tier 2 and Tier 3 Short-Term Rentals by Leavenworth Zip Code Subarea, Unincorporated Lands**

Subarea (See Attachment B)	Tier 2/3 Count
Lake Wenatchee	183
Leavenworth	311
Plain	255
<b>Grand Total</b>	<b>749</b>

1057 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 1058 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

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1060 The Manson UGA share of short-term rentals as a part of the housing stock is presented below.

1061 **Table 4. Manson UGA Tier 2/Tier 3 Short-Term Rental Units (January 2020)**

Type	Number
Whole Home Short-Term Rentals (February 2019)	218*
Housing Units (OFM April 2019)	1,350
Share of Short Term Rentals	16%

1062 Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 1063 \* 2 units are zoned UR2 but mapped outside the UGA. It would not change the 16% share of short-term rentals in the UGA.  
 1064 Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

1065 By zone, the short-term rental information is presented. The share is based on the proportion of short-term  
 1066 rentals by zone by geography (rural or UGA) and by total in the county. It is not a share of short-term  
 1067 rentals as a proportion of housing stock in that zone.

1068 **Table 5. Tier 2 & 3 STRs by Zoning District Share (Rural or UGA)**

1069 **A. Rural Chelan County**

Zone	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC	Total
STR #	61	83	183	178	272	126	55	12	0	4	27	19	0	1,020
Share	5%	7%	15%	14%	22%	10%	4%	1%	0%	0%	2%	2%	0%	82%

1070 **B. Manson UGA**

Zone	UR1	UR2	UR3	CT	CD	MLI	UP	WAPATO	Total	Total Excl. Wapato
STR #	18	62	33	0	22	0	0	83	218*	135
Share	1%	5%	3%	0%	2%	0%	0%	7%	17%	11%

1071 \* 2 units are geolocated outside the Manson UGA but are noted as UR2. If included the whole homes would be 220 and the share  
 1072 of county short-term rental units would be 18%.

1073 **C. Peshastin UGA**

Zone	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U	Total	Share
STR #	3	0	0	1	0	0	1	2	7	1%

1074 NOTE: Geographic location is accurate for most properties with some locations within 500 meters for privacy.  
 1075 Source: AirDNA Property Data, Whole House Rentals Jan 2020 AirDNA STRs: 1,247

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**Attachment D: STR Task Force Report**

The Task Force Report and its attachments are available at the links below;

- [FINAL STR Task Force Report to the BOCC \(5/11/2021\)](#)
- [STR Task Force attachments and addenda from the participating groups \(05/11/2021\)](#)

For more information, please see the project website: <https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals-str-code-development>.

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**Attachment E: Code Evaluation**

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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:

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1090

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

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*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 including testifying at hearings, providing letters, or participating in the Task Force. 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.*

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

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*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)*

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

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

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*Policy H 2.4: Encourage appropriate placement and use of vacation rentals.*

1110

*Rationale: Vacation rentals impact the character of a neighborhood and impact housing stock.*

1111

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

1112

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

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*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.*

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1116

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

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1118

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

1119

1120 *Short-term rentals are limited in resource zones and treated similar to similar uses such as bed and breakfasts and*  
1121 *guest houses.*

1122 **(5) The amendment is based on sound land use planning practices and would further the general public**  
1123 **health, safety and welfare.**

1124 *The short-term rental code is meant to protect residential quality of life balanced with appropriate locations for*  
1125 *economic uses that do not unduly limit affordable housing, or conflict with rural character and environmental*  
1126 *quality. See the proposed purpose statement in CCC 11.88.290.*

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