



Chelan County Planning Commission

Chair: Ryan Kelso

Vice Chair: Carl Blum

Commissioners District 1: Vicki Malloy, Ryan Kelso

Commissioners District 2: Jim Newberry, Randy Baldwin, Jordan McDevitt

Commissioners District 3: Carl Blum, Pat Hammersmith, Greg Becker

Meeting Agenda

Wednesday, April 22, 2020 at 7:00 P.M.

Chelan County Administration Building, Room 1

400 Douglas Street, Wenatchee, WA

I. Call Meeting to Order

II. Administrative

A. Review/Approval of Minutes from March 25, 2020

III. Public Comment Period

Comment for any matters not identified on the agenda (limit 3 minutes per person)

IV. Old Business

A. Hearing for Text Amendments to Chelan County Code Chapter 3.20 Flood Hazard Development

V. New Business

A. Hearing for ZTA 2020-05 Limited Text Amendments

B. Study Session for Short-term rentals

VI. Discussion, at the Chair's discretion

VII. Adjournment

Materials available on the Community Development website

Next Meeting: May 27, 2020 at 7:00 P.M.

All Planning Commission meetings and hearings are open to the public.

Chelan County Community Development

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CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Meeting Chelan County Administration Building, Room 1 400 Douglas Street Wenatchee, WA 98801	Date: March 25, 2020 Called to Order: 6:05 PM
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CALL TO ORDER

Meeting was called to order at 6:05 pm by Vice Chairman Carl Blum

COMMISSIONER PRESENT/ABSENT

Greg Becker	Present	Jim Newberry	Present
Randy Baldwin	Absent	Carl Blum	Present
Pat Hammersmith	Absent	Vicki Malloy	Present
Jordan McDevitt	Present	Ryan Kelso	Present
James Wiggs	Present		

STAFF PRESENT

Deanna Walter, Interim Director
Kirsten Larsen, Planning Manager
Cathy Mulhall, County Administrator

PUBLIC PRESENT

None

I. Administrative

Review/Approval of Minutes from January 22, 2020

APPROVAL OF THE January 22, 2020 MINUTES

Upon motion and second by Commissioners Newberry and Malloy the Commission unanimously approves the minutes.

II. Public Comment Period

None

III. Old Business

None

IV. New Business

A. Hearing for CPA 2020-002 Comprehensive Plan Amendment for CIP Amended Projects

Commissioner Blum opens in the hearings.

Commissioner Becker has questions about the funding is available for the added project.

Cathy Mulhall explains that the projects are already have received the funding.

Commissioner Becker has questions about the purchase of property is necessary.

Cathy Mulhall states the property is available for purchase now and would not be available next year.

Commissioner Newberry asked if the funds were tied for the purchase.

Cathy Mulhall said yes that the purchase was being added to the CIP and the funds would be used for the purchase.

Commissioner Newberry clarified his question is the money earmarked for that purchase or could they be spent elsewhere.

Cathy Mulhall responded that they could be spend on other projects and other years.

Deanna Walters clarifies that a project would have to be put in the plan and then the money is available to spend on that project.

Commissioner Becker asked why the purchase is being considered.

Cathy Mulhall explains that it is in the Ohme Garden plans to purchase property surrounding as it becomes available.

Deanna Walter addresses the purchase price of the property.

Cathy Mulhall explains that the County can only pay the value.

Discussion amongst group on the specifics of the property that is for sale and the need to buy the property while it is available.

Kirsten Larsen stated that Planning Commission is being asked to make a recommendation on the amendment to the Comprehensive Plan and not the project specifics.

Commissioner Blum clarified that both money and projects are being added to the CIP.

Discussion with the group resumed on specific of the property and purchase details.

Commissioner Blum and Commissioner Becker make finally inquires to confirm all money is available for project being added.

Cathy Mulhall confirmed.

Upon motion and second by Commissioners Becker and McDevitt, the Commission unanimously voted to approve CPA 2020-002.

B. Hearing for Text Amendments to Chelan County Code Chapter 3.20 Flood Hazard Development

Deanna Walter states that she received an email from Jason Detamore requesting that the hearing be continued to April 22, 2020 at 7PM.

Commissioner Blum opens it up for discussion.

Commissioner McDevitt asked if we had a workshop on this item.

Kirsten Larsen stated we did not.

Commissioner McDevitt asked if there would be

Kirsten Larsen preference is to hold the hearing and work through questions at that time.

Deanna Walter clarifies that the meeting can be continued if anything information or time to consider.

Kirsten Larsen confirms that they can either continue the hearing if needed or if they feel comfortable to vote at the next meeting they will be able to.

Commissioner Blum asked if any additional information would be provided for the

Upon motion and second by Commissioners McDevitt and Blum, the Commission unanimously voted to approve Text Amendments to Chelan County Code Chapter 3.20 Flood Hazard Development.

Discussion, at the Chair's discretion

Commissioner Blum asked how long that Deanna Walter will be interim Director.

Deanna Walter stated she was committed to 60 days.

Cathy Mulhall stated that a new director stated that Jim Brown from WA Fish and Wildlife. Discussion continued on his background and qualifications.

Planning Commission asked Deanna Walter she has been doing in the department while in the position.

Deanna Walter provided a summary of what she has looked in the department and things she has been focused on.

Discussion continued between Deanna Walter, Planning Commission, and staff on the workings of the department.

Ryan Kelso joined the meeting.

Planning Commission asked for an update on the short-term rental code.

Planning Commission asked for an update on the comprehensive plan map amendments. Discussion about code enforcement and short-term rentals.

Adjournment

Upon motion and second by Commissioners Becker and McDevitt, the Commission unanimously voted to adjourn.

Chapter 3.20 FLOOD HAZARD DEVELOPMENT

Sections:

Article I. General Provisions

- [3.20.010 Statutory authority.](#)
- ~~3.20.020~~ Title.
- ~~3.20.030~~ Applicability.
- ~~3.20.040~~ Exemptions.
- ~~3.20.050~~ Purpose.
- ~~3.20.060~~ Warning and disclaimer of liability.
- ~~3.20.070~~ Interpretation.
- ~~3.20.080~~ [Floodplain Administrator.](#)
- ~~3.20.090~~ Flood hazard areas established.
- [3.20.100 Use of other base flood data.](#)
- ~~3.20.110~~ Severability.

Article II. Definitions

- ~~3.20.120~~ Definitions.
- Article III. ~~Administration~~ [Conformance with Adopted Standards](#)

- ~~3.20.130 Development permit required.~~ ~~3.20.110 Compliance required.~~
- [3.20.140 Floodplain delineation.](#)
- ~~3.20.150~~ Information to be submitted.
- [3.20.160 Elevation certificates.](#)
- ~~3.20.170~~ Administrative review.

~~Article IV. Administration and Appeals~~

- ~~3.20.180~~ [Floodplain Administrator's responsibilities.](#)
- [3.20.190 Alteration of watercourse.](#)
- [3.20.200 Review of building permits.](#)
- ~~3.20.210~~ Appeals.

Article ~~IV~~. Improvement Standards

- ~~3.20.220~~ General.
- ~~3.20.230~~ Anchoring.
- ~~3.20.240~~ Construction materials and methods.
- ~~3.20.250~~ Utilities.
- ~~3.20.200 Use of other base flood data.~~
- ~~3.20.260~~ [Specific standards for Construction activities.](#)
- ~~3.20.270~~ Grading and filling.
- ~~3.20.280~~ [Manufactured homes, and recreational vehicles.](#)
- [3.20.290 Recreational vehicles.](#)
- ~~3.20.300~~ Regulatory floodways.
- ~~3.20.310~~ Critical facilities.

3.20.320 Livestock Sanctuaries

Article VI. ~~Subdivision~~Development Proposals

3.20.~~330~~~~20260~~ ~~Subdivisions~~Development Proposals

~~Article VII. Review of Building Permits~~

~~3.20.270 Building permits.~~

Article VIII. Enforcement, Variances and Penalties

3.20.~~340~~~~280~~ Violations and fines.

3.20.~~350~~~~290~~ Action to restrain violations.

3.20.~~360~~~~300~~ Permits prohibited.

3.20.~~370~~~~340~~ Penalties.

3.20.~~380~~~~320~~ Variance procedure.

Article I. General Provisions

3.20.010 Statutory authority.

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Chelan County Board of Commissioners, does ordain as follows:

3.20.0210 Title.

This resolution and amendments thereto shall be known and may be cited as “The Chelan County Flood Hazard Development Code.”

3.20.0320 Applicability.

The provisions contained herein shall be applicable to land within the unincorporated areas of Chelan County that have been designated as special flood hazard areas as defined in Section 3.20.090~~Article II of this chapter.~~

3.20.0430 Exemptions.

The following uses and activities are exempt from the provisions of this chapter:

~~(1) The alteration or substantial improvement of any structure listed on the National Register of Historic Places or a state inventory of historic places.~~

~~(2) The maintenance of aboveground utility transmission lines and poles utilities and facilities, such as replacing power lines and utility poles;~~

~~(3) Private driveways, fences, and other accessory activities and/or uses that do not include structures which the administrator determines will not: unduly decrease flood storage or capacity, significantly restrict floodwaters, create a substantial impoundment of debris carried by floodwaters, and will resist flotation and collapse.~~

~~(4) Normal agricultural practices on existing agricultural areas that do not include structures involving plowing, storing of materials, etc., normal to operation of a farm (other than new structures);~~

~~(3) Removal of noxious weeds, hazard trees, and replacement of non-native vegetation with native vegetation;~~

- (4) Routine maintenance of existing landscaping that does not involve grading, excavation, or filling;
- (5) Normal road maintenance, such as filling potholes, repaving, installing sign and traffic signals, but not including any expansion; and
- (6) Normal maintenance of a levee or other flood control facility as prescribed in the operations and maintenance plan for the facility. Normal maintenance does not include repair from flood damage, any expansion of the prism, face or toe expansion, or the addition of material for protection or armor.

3.20.0540 Purpose.

It is the purpose of this chapter to promote the general public health, safety, and welfare, and to minimize public and private losses due to flood conditions in specific areas, by providing standards designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public moneys and reduce the need for uneconomical flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and usually undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize future flood loss;
- (7) Ensure that potential buyers are aware that the property is located in a flood hazard area;
- (8) Ensure that those who occupy the flood hazard areas assume responsibility for their own actions; and
- (9) Satisfy the requirements established by the Federal Emergency Management Agency as failure to do so would jeopardize federal financial support to the county and its citizens.

3.20.0650 Warning and disclaimer of liability.

This chapter does not imply that the lands outside of flood hazard areas, or uses permitted within such areas, shall be free from flooding or flood damage, nor does this chapter imply that the compliance herewith or related resolutions will in all instances protect property from flood damage. This resolution shall not create liability on Chelan County, or any officer or employee thereof, for any flood damage that results from reliance on this resolution or any administrative decision lawfully made thereunder.

3.20.0760 Interpretation.

In the interpretation and application of this resolution, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of Chelan County, and deemed neither to limit or repeal any other powers granted under state statutes. Further, this resolution is not intended to repeal, abrogate, or diminish the effect of any existing easement, covenant, or deed restriction. However, where conditions imposed by this resolution are less restrictive than comparable conditions imposed by any other resolutions or regulations, the provisions which are more restrictive shall apply.

3.20.0870 Floodplain administrator.

The ~~Director~~ of the Chelan County department of community development, or designated representative, hereinafter referred to as the floodplain administrator, is vested with the duty of administration of the provisions of this chapter within the unincorporated area of Chelan County, and shall prepare and require the use of such forms deemed appropriate for the proper administration of these requirements.

3.20.0980 Flood hazard areas established.

The areas of special flood hazard identified by the Federal Insurance ~~Administration Administrator~~ in a scientific and engineering report titled “The Flood Insurance Study for Chelan County, Washington, Unincorporated Areas” dated February 4, 1981, and revised September 30, 2004, with accompanying flood insurance rate maps dated February 4, 1981, June 5, 1989, July 2, 2002, and September 30, 2004, and any subsequent revisions thereto are hereby adopted by reference and declared to be part of this chapter. The flood insurance study is on file at the Department of Community Development, 316 Washington Street, Suite 301, Wenatchee, Washington 98801.

The best available information for flood hazard area identification as outlined in Section 3.20.100 shall be the basis for regulation until a new flood insurance rate map is issued that incorporates data utilized under Section 3.20.200.

The board of county commissioners adopts the Federal Emergency Management Agency’s modified BFEs-base flood elevations and revised map panels 5300115 0625 D, 0779 D, 0800 D, 2730 D, 2740 D, 2745 D, 2763 D, 2764 D, and 2768 D, dated September 30, 2004, for the unincorporated areas of Chelan County, Washington.

3.20.100 Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 3.20.090, Special Flood Hazard Areas established, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer Article IV, Improvement Standards, Sections 3.20.220 through 3.20.310, including Section 3.20.300, Regulatory floodways.

3.20.110090 Severability.

Should any section, paragraph, sentence, or word of this chapter, or of any of the code and resolutions herein referenced, or the application to any person or circumstances be held invalid in a court of competent jurisdiction for any reason, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

Article II. Definitions

3.20.10020 Definitions.

Whenever the following words and phrases appear in this chapter, they shall be given the meanings attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision.

Administrator” shall mean the director of the Chelan County department of building, fire safety and planning, or his designated representative, who is vested with the duty of administering the provisions of this chapter.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

“Appeal” means a request for review of ~~the administrator’s~~ the interpretation of any provisions of this chapter.

“Area of shallow flooding” shall mean a designated AO zone on the flood insurance rate map (FIRM). Those areas are characterized by base flood depths ranging from one to three feet; the lack of a clearly defined channel; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

“Area of special flood hazard” is the land in the floodplain within unincorporated Chelan County subject to a one percent or greater chance of flooding in any given year. Designation on flood insurance rate maps (FIRMs) always includes the letter A. Also known as Special Flood Hazard Area.

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year” flood).

“Base flood elevation (BFE)” means that elevation ~~determined by the Federal Emergency Management Agency~~ to which floodwater can be expected to rise during a base flood.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building”. See “Structure”

~~“Crawl space” is an area defined as having an unfinished floor, ranging between one and four feet in height, located beneath the lowest habitable floor of a structure and intended to provide access for foundation and plumbing inspections or repairs.~~

“Critical facility” means a facility for which even a slight chance of flooding may be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Essential Facility” has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

“Excavation” is the mechanical removal of earth material.

“Farmhouse” means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

“Fill” is a deposit of earth material placed by artificial means.

“Fish enhancement structure” means a structure that meets the definition of a fish habitat enhancement project as defined in RCW 77.55.181.

“Flood or flooding” means the general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters and/or the unusual rapid accumulation of surface runoff.

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters.

(B) The unusual and rapid accumulation or runoff of surface waters from any source.

(C) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

“Flood damage” means harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property.

“Flood Elevation Study”. See Flood Insurance Study.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration Administrator has delineated both the flood hazard areas and the risk premium zones applicable to Chelan County. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

“Flood Insurance Study (FIS)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards, also known as a Flood Elevation Study. means the official report provided by the Federal Insurance Administration that includes flood profiles, flood boundary and floodway maps, and the water surface elevation of the base flood.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

“Floodplain Administrator” shall mean the Director of the Chelan County department of community development, or designated representative, who is vested with the duty of administering the provisions of this chapter.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Floodway” means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. Also known as Regulatory Floodway.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior, or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered the lowest floor of a building; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation requirements of this ordinance.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities, ~~and certified as approved as such by the state of Washington Department of Labor and Industries as evidenced by the attachment of a red seal (or a Department of Housing and Urban Development (HUD) black and white label if built on or after June 15, 1976).~~ The term “manufactured home” does not include a “recreational vehicle.”

~~“Manufactured home park or subdivision” means a lot, parcel, or tract of land, parcel (or contiguous parcels) of land improved or unimproved divided into two or more manufactured home lots for rent or sale, upon which two or more manufactured homes occupied for dwelling or sleeping purposes are located in compliance with the Chelan County zoning Resolution 153 E.~~

~~“Manufactured home subdivision” means a parcel or parcels of land divided in conformance with Title 12 of the Chelan County Code into two or more manufactured home lots for rent or sale.~~

~~“Mean Sea Level” means, for the purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.~~

~~“New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.~~

~~“Reasonably safe from flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least three feet above the Highest Adjacent Grade for residential structures or at least two feet above grade for non-residential structures.~~

~~“Recreational vehicle” means a vehicle which is: (1) built on a single chassis; (2) four hundred square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~“Structure” means, is for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This term shall include manufactured homes and gas or liquid storage tanks that are principally above ground.~~

~~“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been previously identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure.”

~~means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged by any means and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term can exclude the following: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the administrator and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.~~

“Variance” means a grant of relief by a community from the terms of a floodplain management regulation grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be constructed or implemented in conformance with the community’s applicable floodplain development regulations.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

~~“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.~~

Article III. ~~Conformance with Adopted Standards~~Administration

3.20.~~11~~130 ~~Compliance required.~~Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this chapter. The permit shall be for all structures including manufactured homes, as set forth in Section 3.20.1~~2~~00, Definitions, and for all development including fill and other activities, also set forth in Section 3.20.1~~2~~00, Definitions.

3.20.140 Floodplain delineation.

If there is any question as to the location of the boundaries of the special flood hazard area or floodway in relation to the proposed development, the floodplain administrator may require the applicant provide, at the expense of the applicant, a floodplain delineation prepared by a licensed professional land surveyor which shows the boundaries of the special flood hazard area and floodway and ground elevations on a site plan. However, all development shall be reasonably safe from flooding.

3.20.15020 Information to be submitted.

Application for a development permit shall be made on a form furnished by the community development department. The following information shall be submitted to the floodplain administrator in order to apply for a floodplain development permit prior to undertaking any development or substantial improvement in the special flood hazard area. These items shall be submitted in addition to that information necessary to obtain other permits, as well as for those developments and substantial improvements which require no other permit approvals. Other information may be reasonably required by the floodplain administrator in order to review the application.

- (1) The nature, location, dimensions, and ground elevations of the project site;
- (2) Typical cross-sections showing ~~both~~ existing ground elevations, proposed ground elevations, and proposed elevations of the crawlspace and/or finished floor, if applicable; ~~height of existing structures, and height of proposed structures;~~
- (3) Where appropriate, proposed land contours if development involves grading, cutting, filling or other alterations of land contours. When required, contours shall be at two-foot intervals for land with a slope of zero to five percent and five-foot intervals for land with a slope of five percent and greater;
- (4) Dimensions and locations of existing structures which will be maintained;
- (5) Dimensions and locations of proposed structures;
- (6) Identify the source, composition and volume of fill materials;
- (7) Identify composition and volume of any excavated materials and identify proposed disposal area;
- (8) Location of existing and proposed utilities such as sewer, septic tank, drainfield, water, gas and electricity;
- (9) An elevation certificate for all new or substantially improved structures, prepared by a licensed professional land surveyor;

~~The elevation in relation to mean sea level of the lowest habitable floor of all structures as certified by a registered professional engineer, architect, or licensed land surveyor;~~

- (10) Description of the extent to which any watercourse is proposed for alteration or relocation as the result of a proposed development;
- (11) ~~Location and elevation~~ Boundaries of the special flood hazard area and floodway in relation to the proposed structures or project; and base flood.
- (12) Where development is proposed in a floodway, an engineering analysis indicating or demonstrating no rise of the Base Flood Elevation; and
- (13) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 3.20.260(2).

3.20.160 Elevation certificates.

Three elevation certificates are required throughout the building process for all new and substantially improved structures, unless the floodplain administrator determines an elevation certificate is not necessary for a specific structure:

- (1) For construction drawings prior to review of a building permit;
- (2) For a building under construction prior to scheduling of an underfloor inspection, or equivalent, but always before vertical construction; and
- (3) For finished construction prior to issuance of a Certificate of Occupancy or final approval.

3.20.1730 Administrative review.

The floodplain administrator shall review information submitted for development permits to determine the following:

- (1) The requirements of this chapter have been satisfied;
- (2) All necessary permits which require prior approval have been obtained from federal, state or local government agencies;
- (3) If the proposed development is located in the floodway, assure that the provisions of Chapter 13.20.300 Chapter 11.84, as amended, of the Chelan County Zoning Code, and Chelan County Subdivision Resolution, Section 12.40.080 are met.

(4) In areas where a floodway has not been designated, require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Article IV. Administration and Appeals

3.20.1840 Floodplain administrator's responsibilities.

It shall be the duty of the floodplain administrator or ~~the administrator's~~ designee to:

- (1) Grant or deny development permits;
- (2) Make interpretations as to the exact location of the boundaries of special flood hazard areas;
- (3) Obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement, on the form provided by FEMA known as an elevation certificate.
- (4) For all new or substantially improved floodproofed nonresidential structures:
 - (A) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; ~~and~~
 - (B) Maintain the floodproofing certifications required in this chapter.
- (5) Maintain for public inspection all records pertaining to the provisions of this chapter.

(A) Improvement and damage calculations;

(B) Records of all variance actions, including justification for their issuance;

(C) Certifications required by Section 3.20.150;

(65) Notify FEMA when annexations occur in the special flood hazard area.

(76) Notify FEMA within six months of technical or scientific data becoming available confirming the occurrence of physical changes that increase or decrease the base flood elevation.

3.20.190 Alteration of watercourse.

Whenever a watercourse is to be altered or relocated, the floodplain administrator shall:

(1)4) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration Administrator through appropriate notification means; and

(2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. The administrator shall require that provisions are made for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3.20.270200 Review of building permits.

(1) Where elevation data is not available either through the flood insurance study or from another authoritative source identified in this chapter, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

3.20.210150 Appeals.

A request for review may An appeal of an administrative decision shall be filed with the community development department administrator when When it is alleged that there is an error in a requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this resolution chapter, an appeal shall be filed following the administrative appeals provisions of Section 14.12.010. The administrative appeal shall be filed with the community development department and heard as an open record hearing by the The Chelan County hearing examiner shall consider such a request at a public meeting. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the provisions of Article VIII, Section 3.20.380320(A)(i) through (xi).

Article IV. Improvement Standards

3.20.220160 General.

The standards contained herein are the minimum consistent with the protection of the general public health, safety, and welfare and shall apply to all ~~designated special~~ flood hazard areas.

3.20.230170 Anchoring.

(1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy and shall be installed using methods and practices that minimize flood damage.

(2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

~~All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over the top and frame ties to ground anchors; provided however, that double wide units having a width of seventeen feet or more from end to end, and any units manufactured since 1976 that have been certified in compliance with the construction standards of the Department of Housing and Urban Development, require only frame ties.~~

~~Anchoring requirements for manufactured homes are as follows:~~

- ~~(1) Over the top ties shall be provided at the end of each manufactured home. Two additional over the top ties shall be provided at intermediate locations for manufactured homes greater than fifty feet in length while those units less than fifty feet in length shall require one additional over the top tie.~~
- ~~(2) Frame ties shall be provided at each corner of a manufactured home. Five additional frame ties shall be provided at intermediate locations for manufactured homes greater than fifty feet in length while those units less than fifty feet in length shall require four additional frame ties.~~
- ~~(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds as certified by a registered professional engineer or manufacturer's specifications.~~
- ~~(4) Any additions to a manufactured home shall be similarly anchored.~~

3.20.240180 Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage and shall be constructed with materials and utility equipment resistant to flood damage.

(2) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or floodproofed to the same elevation as the lowest floor or located so as to prevent water from entering or accumulating within the components during conditions of flooding; except that minimum electric service required to address life safety and electric code requirements is permitted below the elevation of the lowest floor provided it conforms to the provisions of the electrical part of the building code for wet locations.

3.20.250190 Utilities.

The following standards shall apply to all utilities within the special flood hazard area:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) Proposed wWater wells shall be located on high ground that is not in the floodway;
- ~~(23)~~ –Manhole covers shall be designated so as to seal themselves, thereby preventing infiltration of floodwaters;
- ~~(43)~~ –New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration by floodwaters into the system and prevent the discharge from the sewage systems into floodwaters and contamination during flooding. On-site waste disposal systems shall be located to avoid

impairment to them or contamination from them during flooding. The compliance with these requirements shall be as directed by the Chelan Douglas Health District;

(54) All utility systems shall be underground except where the presence of bedrock or other obstructions makes undergrounding prohibitive; provided, that electric transmission lines in excess of fifteen KV are exempt from undergrounding.

~~When base flood elevation data has not been provided in accordance with Section 3.20.080, Flood hazard areas established, the administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer Article V, Improvement Standards, Sections 3.20.160 through 3.20.250, including Section 3.20.240, Regulatory floodways. (Res. 2003-70 (part), 5/27/03; Res. 99-91 (part), 7/6/99; Res. 96-22 (part), 2/27/96).~~

3.20.2610 Specific standards for construction activities.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.20.090, Flood hazard areas established, or Section 3.20.100, Use of Other Base Flood Data, the following provisions are required:

(1a) Residential Construction.

(A) New construction or substantial improvement of any residential structure shall require the lowest floor including basement to be elevated to three feet or higher above the base flood elevation base flood elevation(BFE).

(B) Where new construction or substantial improvement is to occur in a special flood hazard area designated as an AO zone, the lowest floor including basement shall be elevated above the highest adjacent grade of the building site, to ~~three feet~~one foot or more above the depth number specified on the FIRM (at least ~~three~~two feet if no depth number is specified). In an AO zone adequate drainage paths shall be provided on slopes to guide floodwaters around and away from proposed structures.

(C) Where ~~hazardous~~ velocities are noted on the FIRM consideration shall be given to mitigating the effects of these velocities in proper construction techniques and methods.

(D) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a base flood elevation is not available and cannot be reasonably obtained shall be reasonable safe from flooding, but in all cases the lowest floor shall be at least three feet above the highest adjacent grade.

(E) Fully enclosed areas below the lowest floor that are useable solely for parking, access or storage and that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet the following minimum criteria:

- (4i) A minimum of two openings on at least two sides of the enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2ii) The bottom of all openings shall be no higher than one foot above grade;
- (iii3) Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters; and

(iv) In an AO zone adequate drainage paths shall be provided on slopes to guide floodwaters around and away from proposed structures. A garage attached to a residential structure, used only for parking, storage, or building entry, may be constructed with the garage floor slab below the base flood elevation and must be designed to allow for the automatic entry and exit of flood waters.

(F) The elevation of the interior crawlspace grade must be at or above the lowest elevation of the exterior grade; provided, that below-grade crawlspace foundations may be allowed when all of the following conditions are met:

(i) The interior grade of the crawlspace below the base flood elevation is no more than two feet below the lowest adjacent exterior grade; and

(ii) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, does not exceed four feet at any point; and

(iii) The crawlspace contains an adequate drainage system that removes floodwaters from the interior of the crawlspace, such as natural drainage through porous, well-drained soils, and/or constructed drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means; and

(iv) Any building utility systems within the crawlspace are elevated to the flood protection elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. In particular, all ductwork is elevated above the flood protection elevation or sealed from floodwaters; and

(v) The velocity of floodwaters at the site does not exceed five feet per second for any crawlspace; and

(vi) All other minimum criteria set forth in this section are satisfied.

(2b) Nonresidential Construction.

(A) New construction or the substantial improvement of any commercial, industrial or other nonresidential structure shall require the lowest floor, including basement, to be elevated to or above one foot higher than the base flood elevation-(BFE).

(B) Where new construction or substantial improvement is to occur in a special flood hazard area designated as an AO zone, the lowest floor including basement shall be elevated above the highest adjacent grade of the building site, to one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). In an AO zone adequate drainage paths shall be provided on slopes to guide floodwaters around and away from proposed structures.

(C) Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities in proper construction techniques and methods.

(D) New construction and substantial improvement of any non-residential structure in an Unnumbered A zone for which a base flood elevation is not available and cannot be reasonably obtained shall be either floodproofed or have the lowest floor be at least two feet above the highest adjacent grade.

(E) Fully enclosed areas below the lowest floor that are useable solely for parking, access or storage and that are subject to flooding shall be prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs shall meet or exceed the following criteria:

(i) A minimum of two openings on at least two sides of the enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade;

(iii) Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters; and

(F) As an alternative to the elevation of nonresidential structures, such structures, with attendant utility and sanitary facilities, shall:

(4i) Be floodproofed so that below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to and maintained by the floodplain administrator;

~~(iv4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as provided in subsection (a)(1) through (3) of this section;~~

(v5) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

(3) Accessory Structures

(A) Accessory structures used solely for parking of vehicles or limited storage may be constructed such that the lowest floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

(i) Use of the accessory structure must be limited to parking of vehicles or limited storage;

(ii) The portions of the accessory structure located below the base flood elevation must be built using flood resistant materials;

(iii) The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

(iv) Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the base flood elevation;

(v) The accessory structure must comply with floodway encroachment provisions in Section 3.20.300;

(vi) The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 3.20.260(1)(E)(i) through (iii).

(vii) The structure shall have low damage potential,

(viii) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and

(ix) The structure shall not be used for human habitation.

(B) Detached garages, storage structures, and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 3.20.260(2).

(C) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

3.20.2720 Grading and filling.

If grading or other activity will displace any effective flood storage volume, compensatory storage shall be created on site, or off site if legal arrangements can be made, to assure that the effective compensatory storage volume will be preserved over time, in equivalent volume, at equivalent elevations to that being displaced. Compensatory storage areas must be hydraulically connected to the source of flooding. Filling and grading shall be in compliance with the most current version of FEMA Technical Bulletin 10 “Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding.” No fill, including fill for roads, and levees; grading; or excavating that unduly affects the efficiency or the capacity of the channel or floodway, or unduly decreases flood storage or increases flood heights, shall be permitted. Any fill proposed to be deposited in a flood hazard area shall not be contrary to the need for storage of floodwater nor shall the amount of fill proposed be greater than is necessary to achieve the purpose for which the fill is intended. Fill materials shall be clean with a minimum potential for degrading water quality. All fill materials shall be protected against erosion with retaining walls or other mechanisms to deter erosions. If vegetative cover is chosen, the side slopes of the fill should not exceed two units of horizontal distance to one unit of vertical distance.

3.20.2830 Manufactured homes ~~and recreational vehicles.~~

The following standards shall be applicable for all new, ~~or~~ replacement, or substantially improved manufactured home installations and for any existing manufactured home which has incurred substantial damage as the result of flood.

(1) Manufactured homes in ~~designated zones A1 through A30, AH, AE and AO~~ special flood hazard area shall be elevated on a permanent foundation consisting of a minimum of reinforced concrete footings and piers such that the lowest floor of the manufactured home is elevated to at least three feet above the base flood elevation and adequately anchored to resist flotation, collapse and lateral movement. In flood hazard areas designated as an AO zone the lowest floor of the manufactured home shall be elevated above the highest adjacent grade of the building site, to ~~three feet~~one foot or more above the depth number specified on the FIRM. Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through engineering design.

(2) Manufactured homes constructed with a block skirting or other solid perimeter wall shall meet the same standards for space below the lowest floor as provided in Section 3.20.260(1)(E).

3.20.290 Recreational vehicles.

~~(2)~~—All recreational vehicles located in the special flood hazard area~~designated zones A1 through A30, AH, AE and AO~~ shall not be ~~located in the flood hazard on site~~ area for more than one hundred eighty consecutive days ~~unless parked at an occupied single family residence~~ and must be licensed and ready for highway use, on its wheels or jacking system, attached to sites only by quick disconnect type utilities and security devices, and have no permanently attached additions. Recreational vehicles that do not meet these requirements must meet the elevation and anchoring requirements for manufactured homes.

3.20.300240 Regulatory floodways.

~~Development within a regulatory floodway is prohibited as follows:~~

Located within areas of special flood hazard established in Section 3.20.090 are areas designated as

floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

(1) No Rise Standard:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Residential Construction in Floodways:

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

(A) Replacement of Farmhouses in Floodway

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- (i) The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- (ii) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- (iii) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- (iv) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- (v) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- (vi) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of three feet higher than the base flood elevation;
- (vii) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- (viii) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
- (ix) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

(B) Substantially Damaged Residences in Floodway

- (i) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the floodplain administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
- (ii) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

 - (a) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - (b) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - (c) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - (d) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of three foot higher than the base flood elevation.
 - (e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - (f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - (g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~(1) Encroachments are prohibited, including fill, new construction, substantial improvements, or other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (A) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (B) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any~~

~~project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the administrator and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the fifty percent.~~

(3) Fish Enhancement Structures in the Floodway:

(A) Chelan County adopts the FEMA Region X Policy on Fish Enhancement Structures in the Floodway. This policy allows limited exception to the floodway no-rise requirement in subsection (1) of this section for projects consisting solely of construction, replacement, modification, or maintenance of a fish enhancement structure.

(B) The policy permits the Floodplain Administrator to allow a qualified professional to certify that a fish enhancement structure was designed to keep any rise in the base flood discharge as close to zero as practically possible and that no structures will be impacted by a potential rise.

(C) A qualified professional includes, but is not limited to, hydraulic or hydrology professionals that are staff on Rural Conservation and Development or the Natural Resource Conservation District, or are staff of fisheries, natural resource, or water resource agencies.

(D) The Floodplain Administrator may require conditions be placed on the project requiring a long-term maintenance program and emphasizing the dynamics of the river and, if necessary, require further analysis in the future.

(4) All other building standards apply in the floodway.

If subsection (1) of this section is satisfied or construction is allowed pursuant to subsections (2) or (3) of this section, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

3.20.310250 Critical facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the same flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible. Compliance with these requirements must be certified by a registered professional engineer or architect.

3.20.320 Livestock Sanctuaries

Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

Article VI. Subdivision Development Proposals

3.20.330260 Development proposals.~~Subdivision proposals.~~

All new development proposals, including subdivisions and manufactured home parks, shall comply with the following:

- (1a) The development shall ~~All subdivision proposals shall~~ be consistent with the need to minimize flood damage;
 - (2b) The development shall ~~All subdivision proposals shall~~ locate and construct public/private utilities to minimize flood damage;
 - (3e) The development shall ~~All subdivision proposals shall~~ have adequate drainage provided to reduce exposure to flood damage; ~~and~~
 - (4d) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed development of 50 lots or 5 acres, whichever is the lesser;~~s-~~
 - (5) For land divisions and boundary line adjustments, a designated buildable area in each lot shall be provided for outside the floodway and be identified on the face of the final plat, short plat, survey or binding site plan mylar, unless the lot is designated for open space or protected by a conservation easement;
 - (6) Roads necessary to access permitted improvements may cross the floodway if no reasonable route exists outside the floodway;
 - (7) Open space lots may be located within the one-hundred-year floodplain;
 - (8e) Pursuant to Section ~~12.08.100~~12.40.080 of this code, no development or subdivision or part thereof shall be approved if related improvements such as levees, fills, or other features will individually or collectively significantly increase flood flows, heights, velocities or potential for damage. All development and subdivisions shall be consistent with and in conformance with the requirements of this chapter.
 - (9f) If a development or subdivision or portion thereof lies within the one-hundred-year floodplain, conformance with all applicable local, state and federal requirements shall be required including, but not limited to, this chapter, the Chelan County zoning resolution, the Chelan County subdivision resolution, the Chelan County critical areas overlay districts, and the Chelan County shoreline master program.
 - (10) If a development proposal will alter the base flood elevation or boundaries of the special flood hazard area, then the project proponent shall provide the floodplain administrator with engineering documentation and analysis regarding the proposed change. If the change to the base flood elevation or boundaries of the special flood hazard area would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications.

Article VII. Review of Building Permits

~~high water marks, photographs of past flooding, etc., where available. (Res. 2003-70 (part), 5/27/03).~~

Article VIII. Enforcement, Variances and Penalties

3.20.~~340280~~ Violations and fines.

It is unlawful for a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy, or maintain any building, structure, or activity or cause or permit the same to be done, in violation of this chapter.

3.20.~~350290~~ Action to restrain violations.

Whenever any development is being undertaken contrary to the provisions of this chapter, the floodplain administrator shall order the work stopped on the development by serving notice in writing on any persons engaged in or causing such work to be done; and any such person shall stop such work until authorized by the floodplain administrator to proceed. If the violation still continues or is still in effect, the matter shall be referred to the Chelan County code enforcement officer, hearing examiner, and/or prosecuting attorney who shall commence action to restrain and enjoin further activities in violation of this chapter.

3.20.~~36000~~ Permits prohibited.

No building permit, septic tank permit, or land use permit shall be issued, nor shall service from the Chelan County Public Utility District #1 be connected, to any development or activity in violation of this chapter.

3.20.~~3710~~ Penalties.

Any person, firm or corporation violating any provisions of this chapter shall be subject to enforcement action and penalties pursuant to the enforcement and violation provisions of the Chelan County Code.

3.20.~~3820~~ Variance procedure.

The hearing examiner is authorized to grant variances from the requirements of this chapter subject to the following general and specific requirements. The hearing examiner may attach such conditions to the granting of variances as deemed necessary to further the purposes of this chapter.

(1) General Requirements.

(A) No variance shall be granted unless it can be shown that all of the following conditions exist:

~~(A) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same neighborhood or district and shall not constitute a grant of special privilege.~~

(B) The plight of the applicant is due to unique circumstances physical characteristics such as topography, lot size or shape, ~~or size of buildings~~, over which the applicant has no control.

(ii) The hardship asserted by the applicant is not the result of the applicant's or the owner's action.

(iii) The authorization of the variance shall not be materially detrimental to the public welfare and safety, to the purposes of this chapter, be injurious to the property in the same district or neighborhood in which the property is located, or be otherwise detrimental to the objectives of the comprehensive plan.

~~(ivE)~~ The hardship asserted by the applicant results from the application of this chapter to the property.

(2) Specific Requirements.

(A) In considering variance applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, ~~and Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the following items have been fully considered:-~~

- (i) The danger that materials may be swept onto other lands to the injury of others;
- (ii) The danger to life and property due to flooding or erosion damage;
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) The importance of the services provided by the proposed facility to the community;
- (v) The necessity to the facility of a waterfront location, where applicable;
- (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) The compatibility of the proposed use with existing and anticipated development;
- (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (xi) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

~~(B) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.~~

~~(C)~~ Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

~~(C)~~ Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

~~(D)~~ Variances shall only be issued ~~upon~~:

(i) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(ii) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

(iii) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(iv) Upon a showing of good and sufficient cause;

(v) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;

(vi) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 3.20.100 in the definition of "Functionally Dependent Use."

~~(i) A showing of good and sufficient cause;~~

~~(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~

(viii) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

~~(F) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~
(E) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided the procedures of Articles III and IV of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

~~(G) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry flood proofing, where it can be determined that such action will have low damage potential, complies with all variance criteria and the general standards of this chapter.~~

(3) Additional requirements for the issuance of a variance.

(A) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(i) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

(ii) Such construction below the base flood elevation increases risks to life and property.

(B) The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.

(C) The floodplain administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

(D) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

~~(H) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Res. 2003-70 (part), 5/27/03).~~

APPENDIX E - POLICY ON FISH ENHANCEMENT STRUCTURES IN THE FLOODWAY

U.S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796



FEMA

Policy on Fish Enhancement Structures in the Floodway

The balance required between anadromous fish and the human environment is unique to the Northwest. Maintaining that balance often makes implementing regulations a challenge. Sometimes the local, State and Federal regulations contradict each other. This is the case with fish enhancement structures.

FEMA's regulations require communities to prohibit encroachments in regulated floodways unless provided with a no-rise analysis. The current listing and proposed listing of certain anadromous fish species as Threatened or Endangered requires the restoration of their habitat to ensure their survivability. Restoring that habitat often entails encroaching in the floodway. A strict interpretation of this standard could require a relatively expensive analysis that might exceed the cost of the enhancement project.

FEMA recognizes this. While we believe the best course of action is to preserve the floodway encroachment standard as it exists, an informed judgment regarding fish enhancement structures can be made as to exceptions for which less than the maximum hydraulic analyses are required. The community official often does not have the qualifications to make an informed judgment regarding the impacts of these structures on flood hazards. Therefore, FEMA will allow the community to defer to the "judgment" of a qualified professional regarding such impacts. Such qualified hydraulic or hydrology professionals would include staff of Rural Conservation and Development and the Natural Resource Conservation Service. It would also include similarly qualified staff of fisheries, natural resource, or water resources agencies.

The qualified professional should, as a minimum, provide a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible and that no structures would be impacted by a potential rise. Additionally, routine maintenance of any project would be necessary to sustain conveyance over time and the community should commit to a long-term maintenance program in their acceptance of the project. FEMA also recommends a condition be placed on the projects emphasizing the dynamics of a river and, if the community deems necessary, further analysis be required.

We believe this is preferable to trying to specify in the ordinance language all the different types of "development" that need not comply with the "no rise" standard. Typically, any rise caused would require some offsetting action such as compensatory storage, channel alteration, or removal of existing encroachment. One of these alternatives would be appropriate to compensate for any rise and still preserve the integrity of the floodplain standards.

FEMA Region 10 feels this policy is in keeping with the concept of wise floodplain management which means enjoying the benefits of floodplain lands and waters while still minimizing the loss of life and damage from flooding and at the same time preserving and restoring the natural resources of floodplains as much as possible. If you have any questions regarding this policy, please contact the Mitigation Division at (425) 487-4737.

www.fema.gov

Kirsten Larsen

From: Richmond Petty <Richmond.Petty@cdhd.wa.gov>
Sent: Friday, March 27, 2020 3:54 PM
To: Kirsten Larsen
Cc: Karina Alcantar; Rosa Perez
Subject: Notice of DNS - Amendments for Chelan County Code - Flood Hazard Development (EHP 8468)

External Email Warning! This email originated from outside of Chelan County.

Good afternoon,

I reviewed the Flood Hazard Development amendments submitted, and have no comments for the Onsite Program.

Thanks,



Richmond Petty, R.S.

Environmental Health Specialist III

Chelan Douglas Health District

200 Valley Mall Parkway

East Wenatchee, WA 98802

E. richmond.petty@cdhd.wa.gov

P. 509.886.6468 **F.** 509.886.6449

Kirsten Larsen

From: Mike Kaputa
Sent: Thursday, April 2, 2020 9:43 AM
To: Jason Detamore
Cc: Christina Wollman; CD Director; David Spencer; Kirsten Larsen; Eric Pierson
Subject: RE: Flood Development
Attachments: FEMA - Policy on Fish Enhancement Structures.pdf

Hi Jason et al. I'd like to suggest some minor edits to the proposed flood development regulations that would reflect FEMA's policy on fish enhancement structures (attached). I talked to Christina Wollman this morning, and she has some ideas on how they could be incorporated pretty easily. Ideally, we could make these edits and get them into the document that is transmitted to the Planning Commission for their hearing on April 22, which would mean having the edits completed by April 12ish. If we can not make the April 12 deadline, then we could simply propose the edits at the Planning Commission hearing, but I think it would be better to get the edits to the Planning Commission in advance.

Are there any concerns with having Christina propose some edits? As I understand it, her contract is with the Flood Control Zone District, so the FCZD would have to authorize the work.

Thanks.

Mike

Mike Kaputa, Director
Chelan County Natural Resource Department
411 Washington Street, Suite 201
Wenatchee, WA 98801
Phone: (509) 670-6935



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

Short-term Rental Code Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: April 22, 2020
FILE NUMBERS: ZTA 2020-005

A. Requested Action

Adoption of amendments to Chelan County Code (CCC) attached as Exhibit A. Requested actions include:

Limited text amendments are being proposed to clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration as they relate to storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, the hearing examiner and quasi-judicial process, and combining the process for amending the comprehensive plan map and zoning map. Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14.

The Planning Commission is being asked to review, consider, and make a recommendation to the Board of Chelan County Commissioners to approve, approve in part or deny adoption of the proposed Zoning Code and Definition amendments relating to Short term rentals.

General Information

Planning Commission Hearing Published on:	April 8, 2020
Planning Commission Hearing on:	April 22, 2020
60-day State agency review:	April 6, 2020

B. SEPA Environmental Review

An Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on April 3, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

C. Code Review Criteria

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

CCC 14.13.040 (1) The amendment is necessary to resolve a public land use issue or problem.

Staff Analysis:

The proposed amendments are needed to address inconsistencies and provide clarity in the code. The proposed amendments clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration. They address storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, and combining the process for amending the comprehensive plan map and zoning map. Additionally, Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14 for consistency.

CCC 14.13.040 (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

Staff Analysis:

The 14 goals of the Growth Management Act are:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from

arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

(14) Shoreline Management, to manage shorelines wisely.

The proposed amendments could provide support implementation of Growth Management Act goals (4) Housing, (5) Economic development, (6) Property rights, (7) Permits, and (11) Citizen Participation and coordination.

CCC 14.13.040 (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

Staff Analysis:

The Chelan County Comprehensive Plan has been reviewed for the proposed amendment. The proposed amendments appear consistent with the Chelan County Comprehensive Plan. There are no changes affecting the County-wide planning policies.

CCC 14.13.040 (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.

Staff Analysis:

Chelan County reviews specific permits for consistency with the critical area regulations and, when located within a resource land, consistency with resource land regulations. The proposed amendments do not address resource lands or critical area regulations. The proposed amendment does not have an impact on the critical areas regulations or resource land regulations.

CCC 14.13.040 (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

Staff Analysis:

The proposed amendments appear consistent with sound land use planning principles and would appear to further the general public health, safety and welfare.

D. Suggested Findings of Fact:

1. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
2. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
3. An Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on April 3, 2020.
4. The Chelan County has adopted the Chelan County Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A.
5. The Chelan County Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for Chelan County in coordination with Chelan County. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
6. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
7. Notice of the public 60 day review and comment period, and public hearing date was published in the Wenatchee World on April 8, 2020 for amendments.
8. On April 6, 2020, the Chelan County provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Chelan County Code and initiation of the 60 day review and comment periods.
9. On April 22, 2020, the Chelan County Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
10. The Chelan County Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Chelan County Code.

E. Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the Chelan County Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Development Permit Procedures and Administration of the Chelan County Code.

F. Draft Motion

I move to recommend approval of amendments provided in Exhibit A, given file number ZTA 2020-005, based upon the findings of fact and conclusions of law contained within the April 22, 2020 staff report.

G. Attachments

- A. Exhibit A
- B. File of Record for ZTA 2020-005

EXHIBIT A

Chapter 1.61
HEARING EXAMINER

Sections:

- 1.61.010 Purpose.
- 1.61.020 Definitions.
- ~~1.61.0230~~ Office established.
- ~~1.61.0340~~ Appointment and term.
- 1.61.0450 Qualifications.
- 1.61.0560 Standards of conduct.
- ~~1.61.0670~~ Rules.
- 1.61.0780 Time computation.
- 1.61.0890 Duties and powers.
- 1.61.100 Rights and Responsibilities of the Parties.
- 1.61.110 Presence of Legal Council.
- 1.61.120 Prehearing Conferences.
- ~~1.61.090~~ ~~Examiner's decision—Effect.~~
- 1.61.1030 Applications.
- 1.61.1140 Master applications.
- 1.61.1250 Report of department.
- 1.61.160 Withdrawal of Application or Petition
- ~~1.61.130~~ ~~Reconsideration by examiner.~~
- ~~1.61.140~~ ~~Notice of examiner's decision.~~
- ~~1.61.1570~~ Public hearing.
- 1.61.180 Examiner's decision—Effect.
- 1.61.190 Notice of examiner's decision.
- 1.61.200 Reopening the hearing by examiner.
- 1.61.210 Reconsideration by examiner.
- ~~1.61.160~~ ~~220~~ Appeal of examiner's decision.
- ~~1.61.170~~ ~~230~~ Annual report.
- ~~1.61.180~~ ~~240~~ Conflicting resolutions.

1.61.010 Purpose.

The purpose of this chapter is to separate the land use regulatory function from the land use planning process; ensure procedural due process and appearance of fairness in regulatory land use hearings; and provide an efficient and effective land use regulatory system that integrates the public hearing and decision-making processes for land use matters. (Res. 2000-201 (part), 12/26/00).

1.61.020 Definitions.

- (1) Appellant means a person, organization, association or similar group who files a complete and timely appeal of a decision that provides for an appeal.
- (2) Applicant means a person who is the owner of the subject property or the authorized agent of the owner of the subject property and who has filed a complete application for a land use or development permit.
- (3) Comprehensive Plan means any map, plan, or policy statement pertaining to the development of land use, street and roads, or public utilities and facilities, for all or any portion of unincorporated Chelan County which has been officially adopted by the Board of County Commissioners.
- (4) County means Chelan County, Washington.
- (5) County Commissioners means the Board of County Commissioners.

EXHIBIT A

- (6) Department means the Chelan County Community Development Department.
- (7) Ex Parte Communication means written oral communication with the hearing examiner about a pending matter that is not included in the public record and made outside of the public hearing.
- (8) Hearing means the proceeding at which testimony and exhibits are presented to the hearing examiner.
- (9) Hearing Examiner means the Chelan County Hearing Examiner or hearing examiner pro tempore.
- (10) Interested Person means any individual, partnership, corporation, association, or public or private organization that may be affected by the proceedings before the hearing examiner and shall include any party in a contested case.
- (11) Motion means a written request made to the hearing examiner for an order or other ruling.
- (12) Open Record Hearing means a hearing that creates the record through testimony and the submission of evidence. An open record may be held on an appeal if no open record hearing has previously been held on the application or interpretation being appealed.
- (13) Party of Record means:
 - a. A person who testifies at hearing
 - b. The applicant
 - c. Anyone who submits written testimony specific to a matter pending before the hearing examiner.
- (14) Record means the oral and written testimony and exhibits submitted at a hearing. The tape recording of the proceedings shall be included as part of the record.

1.61.0230 Office established.

Pursuant to Chapter 36.70 RCW and Chapter 58.17 RCW, the office of Chelan County hearing examiner, hereinafter referred to as “examiner,” is created by the board of Chelan County commissioners. The examiner shall interpret, apply and implement land use regulations and policies as provided in this chapter or other resolutions. Unless the context requires otherwise, the term “examiner” as used herein shall include deputy examiners and examiners pro tempore. (Res. 2000-201 (part), 12/26/00).

1.61.0340 Appointment and term.

The examiner shall be appointed by the board of commissioners and shall serve at the pleasure of the board. The examiner will be a contracted position on the terms and conditions deemed appropriate by the parties. Said contract may provide for examiner(s) pro tempore to serve in the absence or disqualification of the examiner under such terms and conditions deemed appropriate by the commission. (Res. 2000-201 (part), 12/26/00).

1.61.0450 Qualifications.

The examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have training and experience as will qualify the examiner to conduct administrative and quasi-judicial hearings utilizing land use regulatory codes. The examiner must have expertise and experience in law, architecture, land use planning, environmental sciences or some combination of education and experience in these disciplines that demonstrates the ability to carry out the duties of the office. The person appointed to this position shall demonstrate experience in drafting decisions which incorporate findings of fact and conclusions of law. The examiner shall hold no other elective or appointive office or position with the county. (Res. 2000-201 (part), 12/26/00).

1.61.0560 Standards of conduct.

The examiner shall avoid all appearances of impropriety in official conduct and shall ensure the appearance of fairness and actual fairness in official matters through adherence to the following provisions:

EXHIBIT A

(1) No person shall have ex parte (one-sided) contact with the examiner regarding any pending matter, and no person, including government officials and employees shall attempt to interfere with or influence the examiner outside of a public hearing. This section shall not prohibit county officials or employees from providing information to the examiner upon request when such request and the information provided is made part of the record of the hearing.

(2) No examiner shall conduct or participate in any hearing or decision in which the examiner has a direct or indirect business, pecuniary or other interest or which the examiner has had substantial prehearing contacts with a party to the matter.

(3) The examiner shall not participate in any hearing or render any decision involving any family member, in-law, partner or any business in which the examiner is now serving or has served within the previous two years.

(4) The examiner shall not participate in any way that would violate any rule of law. (Res. 2000-201 (part), 12/26/00).

1.61.0670 Rules.

The examiner shall have the power to prescribe rules governing the conduct of hearings and other procedural matters relating to the duties of the office, subject to confirmation by the board of county commissioners. Said rules shall provide, without limitation, that all testimony be audio taped, under oath, and subject to penalties for perjury. Said rules may also provide for cross-examination of witnesses. These rules apply to call official activities and acts that the hearing examiner has authority to conduct as prescribed by law. (Res. 2000-201 (part), 12/26/00).

1.61.0780 Time computation.

In computing any period of time prescribed by this chapter, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a county legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or county legal holiday. (Res. 2000-201 (part), 12/26/00).

1.61.0890 Duties and powers.

(1) Hearings will be presided over by the examiner.

(2) The examiner shall not be subject to removal or disqualification from presiding over and rendering a decision in any matter before him/her by means of an "Affidavit of Prejudice" or similar legal mechanism. Disqualification of the examiner shall be controlled by the Appearance of Fairness Doctrine and RCW 42.36 et. seq.

(3) The examiner shall have all of the authority and duties as granted in state statutes, the Chelan County Code and other county rules and resolutions. Included in these duties are the following: to conduct fair and impartial hearings; to take all necessary action to avoid delay in the disposition of cases; and to maintain order. The examiner shall have all powers necessary to that end, including but not limited to the following:

- (A) To administer oaths and affirmations;
- (B) To issue subpoenas;
- (C) To rule upon offers of proof and receive evidence;
- (D) To regulate the course of hearings and the conduct of the parties and their agents;
- (E) To question any party presenting testimony at the hearing;

EXHIBIT A

- (F) To hold conferences for settlement, simplification of the issues, or any other proper purpose.
- (G) To require briefs on legal issues;
- (H) To consider and rule upon all procedural and other motions appropriate to the proceedings; and,
- (I) To make and file decisions.

(4) In performance of adjudicative functions, the hearing examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of Chelan County.

~~(4)~~(5) The examiner shall review all applications for conformance with the Chelan County comprehensive plan, all relevant development regulations, and all other substantive and procedural regulations that apply to the type of application being considered. The examiner shall receive and examine available information, conduct public hearings and appeals and enter findings of fact and conclusions of law based upon the facts in the record of decision. Decisions shall be rendered within ~~ten~~fourteen calendar days of the conclusion of the hearing or appeal. The examiner is vested with the authority to hear and decide, but not be limited to, the following:

- ~~(1A)~~(A) Applications for conditional use permits, variances, and planned development district applications under Title 11 of the Chelan County Code;
- ~~(2B)~~(B) Applications for shoreline substantial development permits, time extensions to shoreline permits, revisions, shoreline variances, and shoreline conditional use permits under the shoreline master program;
- ~~(3C)~~(C) Applications for plat alterations, preliminary and final major subdivisions, and plat vacations under Title 12 of the Chelan County Code;
- ~~(4D)~~(D) Applications for zoning resolution text and map amendments not of general applicability (site-specific) under Title 14 and Section 11.96.010 of the Chelan County Code;
- ~~(5E)~~(E) Appeals of administrative decisions and interpretations relating to the subdivision resolution, the SEPA resolution, the zoning resolution and the shoreline master program;
- ~~(6F)~~(F) Appeals of the administrative denials of short plats, certificates of exemption, binding site plans, and boundary line adjustments under Title 12 of the Chelan County Code.

The examiner shall not review matters requiring policy decisions by the board of county commissioners, including, but not limited to, comprehensive plan text and map amendments, zoning resolution map and text amendments of general applicability, and shoreline master program amendments. Policy determinations for these and similar issues are solely within the purview of the board of county commissioners following the recommendation of the planning commission. Nothing in this section is intended to restrain the examiner from offering commentary to the board of commissioners on potential legislative alterations to the development regulations to improve their condition or operation. (Res. 2012-99 (Att. B, C), 10/30/12; Res. 2008-129, 8/26/08; Res. 2000-201 (part), 12/26/00).

1.61.100 Rights and Responsibilities of the Parties.

- (1) Rights of the County. The county staff shall have the right to prepare and present evidence and testimony, object, cross examination, make motions, offer arguments and recommendations and all other rights essential to a fair hearing.

EXHIBIT A

- (2) Rights of the Applicant. Every applicant or appellant shall have the right of notice, cross examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing. The applicant shall also have the right to timely access to the county staff report.

The examiner may impose limitations on the number of witnesses and the length and nature of their testimony. Cross examination is permitted by the county and applicant as necessary for a full disclosure of the facts, but the examiner shall control the amount and style or cross examination.

- (3) Rights of Parties of Record. Every party of record shall have the right to present evidence and testimony at hearings. The right of parties of record to cross examine, object, submit motions and arguments shall be at the discretion of the examiner. The examiner may impose limitations on the number of witnesses heard and the nature and length of their testimony.
- (4) Responsibilities of County Staff. The county staff shall provide a staff report to the examiner, applicant, and have them available for public inspection at least seven (7) calendar days prior to the hearing, provide public notice of hearings, present materials at hearing, provide the examiner with the documents relevant to each case, and provide revised plans if received within fifteen (15) calendar days of the hearing.
- (5) Responsibilities of Applicant. Whenever possible, prior to the hearing the applicant shall provide the examiner with materials that supports the application and be prepared to answer questions by the examiner.
- (6) Responsibilities of Parties of Record and all Others. Parties, witnesses and observers shall conduct themselves with civility and deal courteously with all involved in the proceedings. Failure to do so will result in removal from the hearing.

1.61.110 Presence of Legal Council.

- (1) Although representation by legal council is not required, all parties participating in the hearings may be represented by legal council or their choice.
- (2) The examiner shall have the authority to see legal memorandum of legal issues raised at the hearing from the Chelan County Prosecutor's Office.
- (3) All forms of legal authority including briefs and other legal memoranda upon which a party of record will be relying or presenting at the hearing must be submitted to the examiner at least one (1) week in advance of the scheduled hearing date. The above-mentioned documents shall be available to the public in advance of the scheduled hearing date.

1.61.120 Prehearing Conferences.

- (1) The examiner may hold a conference prior to the hearing to structure the scope of the hearing. The examiner may use the conference for:
 - (A) Identification, clarification and simplification of the issues;
 - (B) Disclosures of witnesses to be called and exhibits to be presented;
 - (C) Arguments of motions based on law;
 - (D) Other matters deemed by the examiner to be appropriate for the orderly and expeditious disposition of the proceedings.
- (2) Prehearing conferences may be held by conference call or video conference.
- (3) The examiner shall give reasonable notice to the parties of any prehearing conference. Notice may be written or oral.
- (4) All parties shall be represented at the prehearing conference unless they waive the right to be present or represented.
- (5) Following the prehearing conference, the hearing examiner may issue an order reciting the actions taken or ruling on motions made at the conference.

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- (6) At the hearing, the examiner shall develop for the record the time, purpose, and result of the hearing conference.

1.61.090130 Examiner's decision—Effect.

~~(a) The examiner's decision is a final decision and dispositive for all the types of applications that properly come before the examiner. There is no administrative appeal to any county official or body including the board of commissioners to the examiner's decision. Examiner decisions are appealable to superior court.~~

~~(b) Within ten working days of the conclusion of a hearing, unless the applicant agrees to a longer period in writing, the examiner shall render a written decision supported by findings of fact and conclusions of law based on the record. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the comprehensive plan and development regulations. (Res. 2000-201 (part), 12/26/00).~~

1.61.1030 Applications.

Applications for permits or approvals subject to review by the examiner shall be presented to the Chelan County department of building, fire safety and planning on forms provided by the department. The department shall accept such applications and issue a notice of complete application only if all applicable filing requirements as defined by Title 14 of the Chelan County Code and the requirements of the governing resolution are met. The department shall be responsible for administrative processes including, but not limited to, assigning a file number, making referrals, setting a hearing date and ensuring that public notice requirements are met in accordance with the controlling resolution or statute. (Res. 2000-201 (part), 12/26/00).

1.61.1140 Master applications.

A proposed development or project which requires more than one of the permits or approvals listed in Section 1.61.080 of this chapter may submit a master application to the department on forms furnished by the department containing the necessary information to process each permit or approval. The multiple fees for all permits or approvals must be paid. The master application shall thereafter be processed by the examiner subject to the longest time limitations applicable to any of the required permits or approvals. The examiner may consider two or more applications relating to a single project concurrently and the findings, conclusions and decision on each application may be contained in one written decision. (Res. 2000-201 (part), 12/26/00).

1.61.1250 Report of department.

When an application has been declared complete and scheduled for public hearing, the department of ~~building, fire safety and planning~~community development, hereafter referred to as the "department," shall prepare a written report summarizing the factors involved along with the findings and recommendations of the department. Where no specific provision for a report from the department is required by statute or resolution, the department may coordinate and assemble review comments from other county or city departments, other governmental agencies and franchised utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof mailed to the applicant and be made available for public inspection. (Res. 2009-149, 12/28/09; Res. 2000-201 (part), 12/26/00).

1.61.160 Withdrawal of Application or Petition

- (1) Withdrawal Prior to Service of Notice. If a withdrawal request is made in writing to the department before the official notice of the public hearing is given, the withdrawal shall be automatically allowed.

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- (2) Withdrawal Requested After Service of Notice. If a withdrawal request is made after official notice of the public hearing is given, the hearing examiner has full and sole discretion in allowing or disallowing the request.

1.61.1370 Public hearing.

(a~~1~~) Before rendering a decision on any matter properly before the examiner, one open record public hearing shall be held. Notice of the time and place of the public hearing shall be given as required by law.

(2) When necessary, the examiner may inspect a project site prior or subsequent to the hearing. The site visit is not part of the record. Failure to conduct a site visit will not render the examiner decision void. The examiner shall have the sole discretion to determine if a site visit is warranted or necessary.

(b~~3~~) The examiner shall have the authority to administer oaths and preserve order at hearings and prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. All testimony before the examiner shall be given under oath or affirmation to tell the truth. The examiner shall administer the oath or affirmation. Such rules shall provide for recording of the proceedings and for compliance with county, state and federal laws which may govern such proceedings. Rules of procedure for the scheduling and conduct of public hearings shall be subject to confirmation by the board of commissioners. (Res. 2000-201 (part), 12/26/00). At a minimum the following applies to the record of hearing:

- (A) Hearings shall be electronically recorded and such recordings shall be part of the official record. Copies of the electronic recordings or transcripts thereof, shall be made available to the public upon request. The party making the request shall pay the reasonable cost of such copying or transcribing. No written minutes of the hearing will be produced.
 - (B) Copies of any written materials and other exhibits in the record may be obtained by any interested person who shall be responsible for paying the cost of reproducing such material.
- (4) The record of hearing conducted by the examiner shall include, but not be limited to, the following materials:
- (A) The application or petition;
 - (B) The departmental staff report;
 - (C) All evidence received which shall include oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
 - (D) All statement of all matters officially noticed;
 - (E) A decision containing the findings of fact and conclusions of law upon which the decision was based;
 - (F) Recordings made on electronic equipment; and,
 - (G) An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as amended (if applicable).
- (5) A open record hearing will usually include, but not limited to the following elements: a brief introductory statement by the examiner on the hearing procedures that will be followed; a report by the county staff that shall include an introduction of the official file, reference to any visual aids, and a summary of the recommendations by the department; testimony by the applicant or petitioner and cross examination of these witnesses; testimony in support; testimony of opposing parties; opportunity for cross examination and rebuttal; and opportunity for questions by the examiner.
- (6) Continuances of Hearings.

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- (A) Hearing Examiner.
If the examiner determines that more information is necessary in order to make a decision, or the examiner is unable to hear all the public comments or study exhibits, the hearing may be continued to a date and time certain. If continued to a specific time and place, no further notice of that continued hearing need be given.
- (B) At the Request of a Party.
Any party of record may request a continuance of a hearing. The request, if made prior to the hearing, must be in writing and state reasonable grounds for a continuance. If the request is made orally at the hearing, it must be based on reasonable grounds. The examiner shall have sole discretion to grant or deny the request for continuance.
- (7) Evidence.
- (A) Burden of Proof. The applicant or appellant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and Chelan County.
- (B) Admissibility. The hearing generally will not be conducted according to strict legal rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall be effective to the extent recognized by law. The examiner shall have discretion on the admissibility of all evidence.
- (C) Copies. Documentary evidence may be received in the form of copies of excerpts if the original document is not readily available. Upon request, parties shall be given the opportunity to compare a copy to the original. It is advisable to provide an extra copy of all document to the examiner as a working copy.
- (D) Judicial Notice. The examiner may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within his or her specialized knowledge. The examiner shall not take notice of disputed adjudicated facts that are at the center of a particular proceeding.
- (E) Late Filing of Documents. The examiner may request a document to be filed after the close of public testimony. Only those documents referred to at the public hearing may be submitted and only when specifically requested by the examiner.
- (F) Additional evidence may be submitted upon a Request for Reconsideration based on new evidence not available at the time of the public hearing. If additional evidence is submitted with a Request for Reconsideration, it will be considered only upon a showing of significant relevance to the case and good cause for the delay in its submission. All parties of record will be given notice, either in writing or orally, of the consideration of such evidence and file rebuttal arguments. The examiner shall have sole discretion in the admissibility of additional evidence.
- (G) Record of Evidence. All parties will be allowed the opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.

Reconsideration by examiner.

~~Any aggrieved party or agency that believes the decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgement, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing, may make a written request for reconsideration by the examiner within ten days of the filing of the written record of decision. The request for reconsideration shall be submitted to the department on forms provided by the department. Reconsideration of the decision is wholly within the discretion of the examiner. If the examiner chooses to reconsider, the examiner may take such further action deemed proper and may render a revised decision within five days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160. (Res. 2000-201 (part), 12/26/00).~~

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1.61.1480 Examiner's decision—Effect.

(a~~1~~) The examiner's decision is a final decision and dispositive for all the types of applications that properly come before the examiner. There is no administrative appeal to any county official or body including the board of commissioners to the examiner's decision. Examiner decisions are appealable to superior court.

(b~~2~~) Within ~~ten~~fourteen (14) calendar days of the conclusion of a hearing, unless the applicant agrees to a longer period in writing, the examiner shall render a written decision supported by findings of fact and conclusions of law based on the record. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the comprehensive plan and development regulations. The decision will also contain the procedure available to file an appeal of the examiner's decision. (Res. 2000-201 (part), 12/26/00).

(3) The decision shall include a statement of:

- (A) The nature and background of the proceeding.
- (B) The findings of fact shall be based exclusively on the evidence presented at the hearing and those matters officially noticed. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact.
- (C) Whenever practicable, the conclusions shall be referenced to specific provisions of the law and regulations or both, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision with reference to carrying out and conforming to the comprehensive plan and the county's development regulations.
- (D) The appropriate ruling, order or relief. The decision shall be based upon a consideration of the whole record and be supported by reliable, probative, and substantial evidence. All decisions may include conditions of approval.

1.61.190 Notice of examiner's decision.

(a~~1~~) Unless different procedures are prescribed by the resolution or statute governing the application, the department shall ~~mail~~provide copies of the examiner's decision ~~by certified mail~~ to the applicant and ~~by regular first-class mail~~ to other parties of record not later than ~~three working~~five (5) calendar days following the filing of a written decision by the examiner.

(b~~2~~) For the purposes of this chapter, "parties of record" means the applicant and all other persons who have either submitted written comment on any action or proposed action, or who have appeared at a public hearing or public meeting and specifically requested notice of the decision by signing a register provided for such purpose at the hearing or meeting. (Res. 2000-201 (part), 12/26/00).

1.61.200 Reopening the hearing by examiner.

If within five (5) calendar days after the public hearing any party of record petitions the examiner for a reopening of the hearing, the examiner shall have discretion to reopen the hearing to consider new testimony or new evidence that was unavailable at the time of the hearing. All parties of record who participated at the hearing shall be given notice, either written or oral, of the consideration of such additional evidence and be granted an opportunity to review such evidence and file rebuttal arguments.

1.61.150210 Reconsideration by examiner.

Any aggrieved party or agency that believes the decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgement, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing, may make a written request for reconsideration by the examiner within ~~ten~~fourteen (14) calendar days of the filing of the

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written record of decision. The request for reconsideration shall be submitted to the department on forms provided by the department. The request shall specifically set forth alleged errors of fact, law or procedure as set forth in the examiner's decision. The request may also include direction to a specific issue that was inadvertently omitted from the decision. Reconsideration of the decision is wholly within the discretion of the examiner. If the examiner chooses to reconsider, the examiner may take such further action deemed proper and may render a revised decision within five seven (7) calendar days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160. If the examiner approves the request for reconsideration, the original decision shall be corrected or amended, or, the examiner can set the matter for a continued public hearing to correct the record or any deficiencies of the original decision. If a continued hearing is required, the notice of said hearing shall be sent to all parties of record not less than ten (10) calendar days before the hearing. (Res. 2000-201 (part), 12/26/00).

~~Public hearing.~~

~~(a) Before rendering a decision on any matter properly before the examiner, one open record public hearing shall be held. Notice of the time and place of the public hearing shall be given as required by law.~~

~~(b) The examiner shall have the authority to administer oaths and preserve order at hearings and prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. Such rules shall provide for recording of the proceedings and for compliance with county, state and federal laws which may govern such proceedings. Rules of procedure for the scheduling and conduct of public hearings shall be subject to confirmation by the board of commissioners. (Res. 2000-201 (part), 12/26/00).~~

1.61.160220 Appeal of examiner's decision.

The actions taken by the examiner shall be final and conclusive unless a land use petition is timely filed in superior court pursuant to RCW 36.70C.040 (Section 705 of Chapter 347, Laws of 1995); provided, that no person having actual prior notice of the proceedings of the examiner shall have standing to challenge the examiner's decision unless such person was a party of record at the examiner's hearing. (Res. 2000-201 (part), 12/26/00).

1.61.170230 Annual report.

At least once each year, the examiner shall report in writing to the board of county commissioners for the purpose of reviewing the administration of the county's land use policies and regulating resolutions. The report shall include a summary of the number and type of decisions rendered since the prior report. (Res. 2000-201 (part), 12/26/00).

1.61.180240 Conflicting resolutions.

The resolution codified in this chapter shall take precedence over any and all resolutions in conflict herewith. (Res. 2000-201 (part), 12/26/00).

11.04.020 District use chart.

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

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- 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
- 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

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Accessory Dwelling Unit	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Agricultural Structure	P	P	P	P	A	A	P	A	P	P	P	P	P
Accessory Use/Structure ¹	A	A	A	A	A	A	A	A	A	A	A	A	A
<u>Storage Container</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Electric Vehicle Charging Station	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Fences	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Isolated Cottage Industries		CUP	CUP	CUP						CUP			
Isolated Nonresidential Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP			CUP	CUP	CUP	
Isolated Small-Scale Businesses		CUP	CUP	CUP	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>			CUP			

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District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Recreation/Tourist Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	
Planned Developments		P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Sign, Agricultural Identification								P			P		
Signs	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)
Land Division	P	P	P	P	P	P	P	P	P	P	P	P	P
Cluster Subdivision	P(1)	P(1)	P(1)	P(1)							P(1)	P(1)	
Indoor Cannabis Production/Processing	CUP	CUP							CUP		CUP		
Outdoor Cannabis Production/Processing	CUP												
RESIDENTIAL USES													
Adult Family Home	P	P	P	P	P	P	P	A(1)					
Bed and Breakfast (3 or Fewer Rooms)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Caretaker Dwelling Unit								A(1)	A(1)				
Detached Garages	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)			P(2)	P(2)	
Dock/Pier, Single or Joint Use	P	P	P	P	P	P					P	P	
Dock/Pier, Community for Residential Development	A	A	A	A	A	A	A	A	A	A	A	A	
Dock/Pier, Community for Commercial Development	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Duplex Dwellings							P						
Guest Inn—4 to 6 Rooms	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP		
Home-Based Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
Home Occupations	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
<u>Accessory Residential Kitchens</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>				<u>A(1)</u>	<u>A(1)</u>	
In-Home Daycare	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)			A(1)	A(1)	
Mobile/Manufactured Home Park			CUP	CUP	CUP	CUP	CUP						

EXHIBIT A

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Multifamily Dwellings							P(1)						
Private Greenhouses	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)				P(2)	P(2)	
Dependent Care Housing	P(1)	P(1)	P(1)	P(1)	CUP	CUP	CUP				CUP	CUP	
Residential Dwelling Units, Above Ground Floor								P(1)					
Single-Family Dwelling	P	P	P	P	P	P	P				P	P	
AGRICULTURAL USES													
Accessory Uses That Support, Promote or Sustain Agricultural Operations	CUP	CUP	CUP	CUP							CUP		
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Worker Housing, Off-Site									CUP		CUP		
Agricultural Worker Housing, Permanent	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	CUP	CUP		P(1)	P(1)	P(1)
Agricultural Worker Housing, Temporary	A	A	A	A	A	A	A			A	A		
Agriculturally Related Industry	CUP	CUP	CUP	CUP					P		P		
Agricultural Processing Facility	P	P	P						P	P	P	P	P
Agricultural Support Services	CUP	CUP	CUP					P	P	CUP	CUP	P	CUP
Animal Boarding Facilities	CUP	CUP	CUP	CUP			CUP	CUP			P(1)	CUP	
Kennels	CUP	CUP	CUP	CUP			CUP	CUP			CUP	CUP	
Farm Visit, U-Pick and Rent-A- Tree Operation	P	P	P	P	P	P	P	P	P		P	P	
Forest Product Processing Facility	CUP	CUP	CUP						P	CUP	CUP	CUP	CUP
Forest Support Services	CUP	CUP	CUP					P	P	CUP	CUP	P	CUP
Forestry Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Roadside Stands, Nursery, Greater Than 1,500 sq. ft. Retail	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	

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District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Roadside Stands, Nursery, Equal to or Less Than 1,500 sq. ft. Retail	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P	A(1)	
Winery, Equal to or Less Than 1,500 sq. ft. of Retail Space	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P		
Winery, Greater Than 1,500 sq. ft. of Retail Space	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	
Value Added Agricultural Operations	P(1)	P(1)	P(1)								P		
COMMERCIAL USES													
Farm/Agricultural Supply Sales								P	P		CUP		
Agricultural Theme Market											CUP		
Airport/Heliport, Single Engine Crop Dusting/Spraying									CUP		CUP	CUP	
Commercial Amusement/Recreational Facilities								P					
Commercial Facilities Serving Water-Related Recreational/Tourist Activities, Less Than 5,000 sq. ft.					CUP	CUP		CUP					
Commercial Feedlot											CUP		
Lodging Facilities								P					
Neighborhood-Oriented Commercial								P					
Restaurants and Drinking Establishments								P					
Restaurants and Drinking Establishments, Less Than 5,000 sq. ft.								P					
Water-Dependent Use/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P
INDUSTRIAL USES													

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District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Public Facilities, Low Impact	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
Recreational Vehicle Park/Campground, Major								P(1)		CUP			
Recreational Vehicle Park/Campground, Minor		CUP	CUP		CUP	CUP		P(1)		CUP		CUP	
Schools, Business, Technical or Trade (L)													
Utilities, High Impact	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utilities, Low Impact	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pools	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)			P(1)	P(1)	
SERVICE USES													
Daycare Center/Preschool	P	CUP	CUP	CUP	CUP	CUP	CUP	P(1)	A				
Food and Beverage Services	A	A	A	A	A	A	A						
Personal and Professional Services								P					
Personal and Professional Services, Less Than 5,000 sq. ft.								P					
Places of Public and Private Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P		CUP	CUP	CUP	
Service Station, Including Automotive Repair								P	P				

¹ May be placed prior to establishment of primary structure.

(Res. 2019-54 (Att. A) (part), 4/23/19; Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2017-75 § 3 (Exh. D) (part), 8/22/17; Res. 2016-14 (Att. A) (part), 2/16/16; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2010-68 (part), 7/13/10; Res. 2010-11, 1/12/10; Res. 2009-24, 2/23/09; Res. 2008-141 (part), 10/7/08; Res. 2007-164, 12/11/07; Res. 2007-98 (part), 7/2/07).

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11.22.050 Planned developments.

(1) Purpose. The purpose of a planned development (PD) is to allow a more flexible use of land by encouraging the careful application of design components to achieve the creation of innovative developments and a more efficient utilization of public facilities in exchange for public benefits that achieve comprehensive plan goals. The PD can also be used to protect wetlands, floodways, and other critical areas from development. A PD is one that permits diversity in the location and type of structures; promotes the efficient use of land by facilitating a more economical arrangement of buildings, streets, utilities, and land use; preserves as much as possible critical areas and natural landscape features; and reduces development impacts to adjacent neighborhoods through design and mitigation.

Designation of a property as a PD binds the property owners and their successors to the development described and depicted in the application, binding site plan or preliminary subdivision and approval of the PD, and applicable development standards of this chapter. The PD designation confirms the PD is consistent with the purpose of and provisions for planned developments and the comprehensive plan and provides the standards by which subsequent development permits, including building permits, shall be reviewed. All provisions, conditions and requirements of the binding site plan or subdivision shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel or tract recreated pursuant to the binding site plan or subdivision that depicts the PD.

A PD shall be reviewed according to the provisions for a ~~Type III~~ quasi-judicial review of application process as described in Title 14, Development Permit Procedures and Administration, except as otherwise provided for in this section. There are established by this chapter provisions governing a residential planned development. This is a PD devoted solely to full-time residential uses. It is intended to promote more economical and efficient use of the land, while providing a harmonious variety of housing choices within a single residential project.

(2) Where Permitted and Permitted Uses. Planned developments, when approved in accordance with all applicable codes and this chapter, are established as a development permit and, as such, do not reclassify the existing zoning district designation.

(A) A PD may be permitted within the R-1, R-2 and R-3 zoning districts, provided it is connected to a public water system and a public wastewater system, and further provided the minimum project size is at least two acres.

(B) A PD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:

(i) A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, apartments, condominiums and other similar dwellings in accordance with this section and chapter;

(ii) Manufactured homes are also allowed to be part of a PD; however, the placement of manufactured homes shall be specifically included and approved as part of the initial development permit application;

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(iii) Accessory uses specifically designed to meet the needs of the residents of the PD such as garages, carports, personal and recreational vehicle storage, and other similar noncommercial uses;

(iv) Developed recreational facilities for the residents of the PD, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, parks, undeveloped recreational areas, open space areas and other similar type uses.

(3) Protection of Critical Areas and Provision of On-Site Recreation. The following standards apply to a PD:

(A) Where critical areas exist on a site subject to a PD, the benefits derived from the PD, including without limitation decreased lot sizes and increased densities as provided for in this chapter, shall be achieved in exchange for a dedicated protection of another portion of the property containing critical areas; provided, that:

(i) The critical areas to be protected are dedicated in perpetuity, and all future rights for development are traded in exchange for the rights to derive benefits from the PD process; and

(ii) Land protected by trading development density shall be protected from encroachment and maintained free of fill material, building and construction wastes, yard wastes and other debris that would diminish the property characteristics that the dedication was intended to protect. Any use of the critical areas on site shall be governed by Chelan County's critical areas protection resolutions;

(iii) Where critical areas within the development account for less than six hundred square feet per residential unit nor less than ten percent of the overall area of the development, additional on-site recreation and open space areas, as provided for in this chapter and in the applicable zoning code provisions, shall be provided in addition to retention of critical areas in an amount that achieves a total area in critical areas/open space/on-site recreation use of at least six hundred square feet per residential unit and in no case less than ten percent of the overall area of the development.

(B) Where no critical areas exist on a site subject to a PD, the benefits derived from the PD, including without limitation decreased lot sizes and increased densities as provided for in this chapter, shall be achieved in part in exchange for a dedication of another portion of the property as on-site recreation and/or open space areas, consistent with the provisions of this chapter and other applicable sections of the zoning code, that total at least six hundred square feet per residential unit and in no case less than ten percent of the overall development; provided, that:

(i) The on-site recreation may include a combination of natural areas, parks, landscaped areas, trails, and/or visual corridors; provided, that a minimum of ten thousand square feet or sixty percent of the on-site recreation, whichever is greater, is contiguous usable space;

(ii) The on-site recreation area/areas are dedicated in perpetuity, and all future rights for development are traded in exchange for the rights to derive benefits from the PD process.

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(C) The overall area within a PD that is required to be devoted to critical areas, on-site recreation and/or open space shall be no less than six hundred square feet per residential unit, and in no case shall there be less than ten percent of the overall development devoted to these areas.

(4) Dedicated Lands. All lands dedicated for the preservation of critical areas, creation of open space or establishment of recreation facilities shall be protected in perpetuity by recorded covenants, approved by the county, which restrict uses to only those specified in the approved planned development site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose. Dedicated open space may be held in common interest by all of the property owners within the planned development, a public or private entity empowered to manage and maintain the open space, or by other appropriate legal measures that ensure the continuation of the open space/recreation areas. Perpetual restrictions shall be placed upon the title to all dedicated areas and on the face of the binding site plan or subdivision indicating that:

(A) All land uses and development shall be limited to the stated purpose of the dedicated property.

(B) If the open space/recreation areas are held in common interest by all of the property owners within the planned development, then all property owners within the planned development shall be mutually responsible for the maintenance and preservation of the dedicated lands.

(C) Dedicated lands shall be maintained free of any liens or encumbrances that could interfere with the stated purpose of the dedication.

(5) Density Credits. The following standards apply to a PD that chooses to include density credits:

(A) The maximum number of dwelling units permitted per acre for a PD shall be determined by utilizing the maximum density levels established by the comprehensive plan and zoning regulations, and the amount of public benefit or design elements provided within the proposed development. In all districts, exceeding the maximum density permitted with the district requires the connection to a domestic water and sanitary sewer system.

(B) Additional density shall be achieved by incorporating at least eleven of the following twenty items into the design and construction of the PD:

~~(i) The applicant shall use a design/development team that at a minimum consists of a licensed architect, engineer, surveyor, landscape architect, and licensed building contractor throughout the design and construction phases of the project.~~

(ii) On-site stormwater drainage retention facilities are integrated as usable recreation areas with a slope ratio not exceeding four units horizontal to one unit vertical.

(iii) Where a PD is proposed along an existing transit route, transit stops and the construction of shelters, pull-outs and other associated transit systems shall be integrated into the project.

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(~~iiiv~~) Trees shall be planted adjacent and along the entire frontage of public and/or private street rights-of-way on the property being developed. Planting areas shall be a minimum of five feet in width and consist of a minimum of sixty percent deciduous trees at least four feet high at the time of planting on no greater than fifty-foot centers. Suitable groundcover including grasses and/or low growing shrubs to complement the trees shall also be provided.

(iv) At least two covered parking spaces shall be provided for all residential dwelling units. Covered parking shall be in the form of carports, garages, or above/below ground parking garages.

(vi) Where a proposed PD consists of more than ten units, parking areas that are kept small (ten to twenty spaces) in any group and interspersed with landscaping, recreation features, structures, or other similar uses when applicable.

(vii) Provisions shall be made for bicycle, pedestrian and/or natural trail systems, the majority of which are physically and functionally separated from motor vehicle traffic by a distance of ten feet or more. Separation may include such features as landscaping, undulated berms, natural features, topography, open space, or other similar features. Trail systems shall encompass the entire development and may be incorporated as part of the on-site recreation required. The trail system components shall connect all public open space, drainage ways, shoreline areas and other trail systems designated in the comprehensive plan. Trail system components shall be a minimum of eight feet wide and improved with an all-weather surface suitable for the type of trail proposed.

(viii) Natural drainage ways shall be incorporated into the overall PD design and left undisturbed or enhanced with native ornamental landscaping when applicable.

(~~viii~~) Significant existing natural features shall be maintained on the site, including without limitation topography, significant tree stands, or particularly noteworthy trees, view points or other important natural features found on site.

(ix) The PD project shall contain a facility for a child daycare center, pursuant to applicable provisions of the Chelan County Code. The daycare facility shall be of sufficient size to serve the projected demand for such services generated by the project.

(xi) Significant recreational areas shall be developed and equipped with such features as swimming pools, tennis courts, commercial grade playground equipment, community center or other significant features.

(xii) At least twenty-five percent of the site shall incorporate duplex, multifamily or zero-lot-line dwelling units.

(xiii) Where a proposed PD incorporates the development of duplexes, multifamily units and zero-lot-line lots, disperse their locations throughout the PD.

(~~xiii~~) Solar, geothermal or other similar design and access considerations shall be incorporated into the design of the development and proposed buildings. This may include

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using topographical features of the development, siting criteria for structures, or specific structure design requirements.

(xiv) Accessory features such as benches, trash cans, tables and other similar attributes to enhance the character of the open space or other features shall be provided in the development. This shall not include primary garbage disposal areas. Trash cans shall be forty-two inches high with a total radius of two feet or less. The accessory features shall be consistent to the overall design of the development.

(xvi) An area shall be designated and developed with each PD phase for the storage of personal property and/or recreation vehicle storage. Storage areas shall be sized and designed for the sole use by the residents within the development. Common features shall include perimeter landscaping to screen them from view, accessibility to all residents, minimal lighting, and similar architectural features as the proposed residential structures. Signs for advertising purposes are prohibited.

(xvii) Pedestrian access, open space and recreation amenities shall be provided and incorporated into the PD, when the PD adjoins cultural/historical sites or water bodies such as ponds, creeks, rivers or lakes, when applicable.

(xviii) Landscape decks/garden porches shall be incorporated into the design of all duplexes and multifamily units.

(~~xviii~~) The PD shall be a secured, gated community.

(xix) The PD shall incorporate some other unique site and/or design features not listed above that distinguish it from a typical subdivision. The hearing examiner shall determine the applicability and appropriateness of this provision during the review process for each PD.

(C) In no case shall the overall density of the PD exceed the following:

(i) Eight units per acre in R-1;

(ii) Sixteen units per acre in R-2; and

(iii) Twenty-four units per acre in R-3.

(6) Binding Site Plan or Subdivision. A binding site plan is required for all multifamily PDs or a subdivision is required for single-family lot PDs and shall include the following:

(A) All information required on a preliminary plat;

(B) The location of all existing and proposed structures;

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(C) A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation landscaping structures to be installed, the type of vegetation by common name and/or taxonomic designation, the installed and mature height of all vegetation;

(D) Schematic plans and elevations of proposed building(s) with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

(E) Utility, street and stormwater drainage plans that indicate the facilities, lay-out and capacities necessary to serve the entire PD;

(F) Inscriptions or attachments setting forth the limitations and conditions of development; and

(G) The provisions ensuring the development will be in conformance with the site plan.

(7) Project Description. A detailed written explanation of the design concept, planned features of the development, measures taken to meet the purposes of the PD, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the PD shall be submitted with the binding site plan.

(8) Association Documents. An outline of the documents of the homeowner's association, by-laws, deeds, covenants and agreements governing ownership, maintenance and operation of the PD shall be submitted with the binding site plan or subdivision if applicable to the development. PD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The city/county may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce the same.

(9) Phased Developments. If a PD is planned to be completed in more than two years from the date of site plan approval, the PD will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. ~~The binding site plan for each phase shall be approved separately through a Type II administrative review of applications process pursuant to Title 14, Development Permit Procedures and Administration, and shall be consistent with all provisions of the PD.~~

(10) Required Certificates and Approval. Recording a binding site plan or subdivision shall include all of the certificates required for a final plat.

(11) Recording Required. A binding site plan or subdivision of a PD and accompanying documents, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval, shall be recorded by the Chelan County auditor.

(12) Minor Adjustments and Amendments. Minor adjustments to a PD may be authorized by the county through a full administrative review process as identified in Title 14. Minor adjustments are characterized by those which may affect the precise dimensions, siting of buildings or lot lines, but which do not affect the type, character and/or architectural style of buildings; increase the total amount of building floor area; increase the number of dwelling units, decrease or substantially change the location of required buffers; decrease the amount of required parking; decrease on-site recreation or

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open space areas and/or increase the number of points of ingress and egress to the site. Modifications that exceed the conditions of a PD approval are inconsistent with the intent of the approved PD, and/or are not minor adjustments, as determined by the county, shall be considered a request for a major revision to the PD and shall be reviewed and approved in accordance with the procedures of this section as a new application. The new application shall be reviewed according to the applicable regulations in effect at the time of new application.

(13) Expiration. A binding site plan for a PD expires unless final approval is obtained from the city/county and recorded by the Chelan County auditor within two/five years from the date of approval. For a PD that includes phases as permitted by this chapter, the PD shall expire unless final approval is obtained for the first phase from the city/county, with subsequent phases falling within the identified phasing schedule, and recorded by the Chelan County auditor within two/five years from the date of approval. Minor revisions to the phasing schedule of a PD that has not expired pursuant to this section may be granted by the city/county, provided the schedule is consistent with the overall timeframe anticipated for build-out of the PD. An applicant who files a written request with the city within thirty days before the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the final binding site plan or final subdivision.

(14) On-Site Recreation and/or Open Space Design Requirements. The following are minimum design requirements for PDs that incorporate on-site recreation and/or open space:

(A) The following areas shall not be calculated in whole or in part as a portion of the required on-site recreation or open space:

(i) Public and/or private streets, parking lots and storm drainage, except as specifically enumerated within this chapter;

(ii) Slopes in excess of forty-five percent, geologically hazardous areas, water bodies, and/or submerged or marshy/boggy land, except that these areas may be used to satisfy a maximum of fifty percent of the open space requirements.

(B) The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population, and topography of the area. On-site recreation areas shall be centrally located in the development and designed for active and passive recreation unless otherwise approved by the hearing examiner.

(C) A minimum of sixty percent of the on-site recreation or open space shall be concentrated and/or connected into large usable areas. The remaining forty percent may be designated as buffers, entry features, recreation facilities, streetscape, and/or used for a natural trail system or other uses approved by the hearing examiner.

(D) On-site recreation areas or open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PD; provided, that the building coverage of such buildings or structures shall not exceed fifty percent of the minimum on-site recreation or open space required.

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(E) At least sixty percent of the on-site recreation area or open space required shall be reasonably level to accommodate active recreational uses with slopes no greater than fifteen percent. On-site recreation areas shall be located on a public or private street with a minimum frontage width of thirty feet if the site is two acres or less in size and sixty feet of frontage width for areas larger than two acres.

(15) Minimum Development Standards. Within a PD the following minimum standards shall apply:

(A) Yard, Setback, and Width Requirements. The minimum yard, setback, and width requirements otherwise applying to the development in the zoning district may be modified from the standards of the district, provided:

(i) The minimum front, side and rear yard requirement on the exterior boundaries of the proposed PD shall not be less than twenty feet and the minimum front yard setback within the interior of the PD shall not be less than fifteen feet. Interior yards and setbacks shall be as approved on the PD binding site plan and each development will be reviewed to ensure adequate provision of light, air and life safety for all structures.

(ii) All buildings that are not attached or do not have common walls shall be separated by a minimum distance of ten feet.

(B) Each lot utilized for residential purposes shall have a minimum width of not less than thirty feet on an interior public or private street. Lots located on an exterior perimeter street shall comply with the normal minimum lot width of the district.

(C) The minimum lot sizes within a PD may be reduced from the normal standards of the district unless located on an exterior perimeter street. Lots located on the exterior perimeter boundary or along an exterior street of the PD shall be reduced by not less than ten percent of the normal minimum lot size requirement of the zoning district. Regardless of reduced minimum lot sizes, at no time shall the overall density of the development exceed the maximum densities identified in this chapter.

(D) The maximum lot coverage may be increased by twenty-five percent of the normal district requirement.

(E) The maximum building height within a PD shall be the same as permitted in the district. Whenever possible, development of the PD shall be designed to maximize views for each dwelling unit and to ensure that the views of surrounding properties have been considered.

(F) Landscaping shall be required at entries into a PD, for on-site recreation areas and facilities, and in conjunction with multifamily complexes. Natural landscape features including existing trees, shrubs and ground cover, drainage ways, rock outcroppings, and slopes shall be preserved to the greatest extent possible.

(G) A buffer shall be required when a PD has a density and/or intensity greater than that allowed within the applicable zoning district. The buffer shall include a combination of additional

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landscaping, fencing, increased setbacks and/or other alternatives that mitigate impacts to adjacent properties.

(H) Parking shall be provided in the same ratio as required for the district and shall meet the minimum provisions established in Chapter 11.90 and the following:

(i) For each ten multifamily dwelling units, four additional parking spaces shall be required for visitor parking when on-street parking is unavailable. Special considerations may be given to low traffic generators such as senior citizen or assisted living housing.

(ii) Additional parking/storage areas shall be required for recreational vehicles (RVs) such as campers, boats, trail bikes, motor homes and other similar vehicles unless these types of vehicles are precluded by the developer in the form of covenants or other restrictions approved by the ~~city~~ county. When thirty or more dwelling units are proposed, one parking space shall be provided for every ten dwelling units. The size of the parking/storage area shall be based on the following:

(a) Parking/storage stalls shall be a minimum of ten feet wide by twenty-eight feet long;

(b) Access driveways shall be a minimum of thirty feet in width;

(c) The minimum area requirement for each space, together with access and maneuvering area, shall not be less than four hundred square feet.

(I) Special Areas. A PD that is adjacent to any lake, river, drainage or other waterway shall provide pedestrian or vehicular access to said amenity, as reviewed and approved through the PD process.

(J) A PD may allow development standards different from those imposed under the Chelan County Code, except as provided in the applicable district in relation to permitted uses, and provided a clear description of the approved development standards is provided with the binding site plan that is recorded pursuant to this section. Any approved development standards that differ from those otherwise required by the county shall not require any further zoning district reclassification, variance or other county approval apart from the PD and any subsequent, associated construction plan approvals. The development standards as approved through the PD shall apply to and govern the development and implementation of each PD site in lieu of any conflicting or different standards or requirements elsewhere in the county's zoning code. (Res. 2008-143 (part), 10/7/08).

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11.72.040 Permitted uses.

In the Icicle Valley design review overlay district, uses are permitted as conditional uses as outlined in Section 11.72.050, except the following:

- (1) Agricultural uses;
- (2) Forestry uses;
- (3) Utility uses.

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Chapter 11.88
SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

Sections:

- 11.88.010 General regulations.
- 11.88.020 Concurrency.
- 11.88.030 Livestock.
- 11.88.040 Setback provisions.
- 11.88.045 Lot coverage exemption.
- 11.88.050 Public transit development.
- 11.88.060 Unsuitable land.
- 11.88.070 Ingress, egress and driveway requirements.
- 11.88.080 Light and glare.
- 11.88.090 Clear view triangle.
- ~~11.88.100 Inoperable vehicles.~~
- 11.88.110 Electric vehicle charging stations.
- 11.88.120 Exception to building height limitation.
- 11.88.130 Irregular-shaped lots.
- 11.88.140 Projections from buildings.
- 11.88.150 Verification of adequate provisions for domestic water and sewage disposal.
- 11.88.155 Location of wellhead protection and sanitary control areas.
- 11.88.160 Manufactured housing.
- 11.88.170 Accessory uses and structures.
- 11.88.175 Caretaker dwelling units.
- 11.88.190 Construction hours in and near residential areas.
- 11.88.200 Accessory dwelling unit.
- 11.88.210 Bed and breakfast.
- 11.88.220 Developed open space.
- 11.88.230 Home occupations.
- 11.88.240 In-home daycare.
- 11.88.250 Low impact public facility.
- 11.88.260 Roadside stand/winery/nursery/ value-added operation less than one thousand five hundred square feet of retail space.
- 11.88.270 Model homes.
- 11.88.280 Storage Containers.
- 11.88.290 Yurts.

11.88.010 General regulations.

(1) Except as specifically provided in this title, only one primary residential structure per lot is allowed in those zones that permit residential uses.

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(2) Riparian habitat restoration/rehabilitation projects by an agency whose mandate includes such work which is unassociated with the mitigation of a specific development proposal shall be exempt from the provisions of this title. (Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.020 Concurrency.

No development permit requiring approval under this title shall be approved without a written finding that:

(1) After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development, concurrently with the demand for such services and facilities.

(2) No county facilities will be reduced below adopted levels of service as a result of the development. (Res. 2007-98 (part), 7/2/07; Res. 2007-53 (part), 3/27/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.030 Livestock.

(1) A fence adequate to contain the animals shall be maintained at all times.

(2) Animal Densities.

(A) Inside a county urban growth area:

(i) Lots less than one acre:

(a) No livestock.

(b) Four poultry, rabbits or other similarly sized animals, excluding roosters.

(c) Two pot belly pigs.

(ii) Lots one acre or greater:

(a) One head of livestock per acre, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.

(b) Twelve poultry, rabbits or other similarly sized animals per acre.

(c) Two pot belly pigs.

(B) Outside an urban growth area:

(i) Lots less than one-half acre:

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(a) No livestock.

(b) Twenty-four poultry, rabbits or other similarly sized animals.

(c) Two pot belly pigs.

(ii) Lots one-half acre or greater, but less than five acres:

(a) One head of livestock per one-half acre, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.

(b) Twenty-four poultry, rabbits or other similarly sized animals per one-half acre.

(c) Two pot belly pigs.

(iii) Lots five acres or greater:

(a) Four head of livestock per acre, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.

(b) Twenty-four poultry, rabbits or other similarly sized animals per one-half acre.

(c) Two pot belly pigs.

(3) All structures for the housing of small stock (chickens, rabbits and similarly sized animals) must be located at least fifteen feet from any property line.

(4) All structures for the housing of all other livestock must be located at least twenty-five feet from any property line.

(5) The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with health district regulations.

(6) Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any off-premises dwelling, surface water, and any domestic or irrigation well. Waste from swine shall be prohibited within two hundred feet of any surface water and domestic or irrigation well.

(7) Pastures shall be maintained with a permanent, uniform vegetative top cover and shall be kept free of noxious weeds. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2007-98 (part), 7/2/07; Res. 2005-66 (part), 6/28/05; Res. 2003-07 (part), 1/21/03; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.040 Setback provisions.

(1) A zero-foot setback from property lines is allowed for bus shelters and related transit amenities.

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(2) Reduction of Front Yard Setback Requirements Due to Slope. Front yard setback requirements may be reduced under the following conditions; see Graphics G-1A and G-1B in Appendix A:

(A) The front yard requirement may be reduced to twenty feet from the street right-of-way or fifty feet from the street centerline, whichever distance is greater, when the average natural slope is fourteen percent or greater, as calculated within the area defined by the width of the proposed structure, projected out to the front property line, and within the first fifty feet of lot depth;

(B) The front yard requirement may be reduced to fifteen feet from the street right-of-way or forty-five feet from the street centerline, whichever distance is greater, when the average natural slope is twenty-five percent or greater, as calculated within the area defined by the width of the proposed structure, projected out to the front property line, and within the first fifty feet of lot depth;

(C) The front yard requirement may be reduced to twelve feet from the street right-of-way or forty-two feet from the street centerline, whichever distance is greater, when the average natural slope is fifty percent or greater, as calculated within the area defined by the width of the proposed structure, projected out to the front property line, and within the first fifty feet of lot depth; and

(D) If the front yard requirement is to be reduced under the conditions specified in this section (slope reduction) only, all driveways and entrances to garages and carports shall be parallel or nearly parallel to the street. The purpose of this regulation is to avoid backing of vehicles directly onto the street and to allow vehicles to be completely outside the structure before entering the street where sight distance may be limited due to slope; see Appendix Graphics G-1A through G-1C.

(3) Regardless of side and rear yard requirements of the district, a side or rear yard may be reduced to five feet for an accessory structure erected more than sixty feet from streets, other than alleys, provided the structure is located ten feet or greater from any other building.

(4) Accessory structures may be built within a required rear yard; provided, that structures do not occupy more than fifty percent of the rear yard area; and provided, that the rear yard does not abut upon any street other than an alley.

(5) If dwellings are present on both adjoining lots, each with a required front yard less than the required size for the district, the front yard for the lot may be reduced to the average distance of the two adjoining lots.

(6) Lots with street frontage on two opposite sides shall maintain front yard setbacks on both street frontages.

(7) Setbacks from easements shall be maintained as follows:

(A) Setbacks from ingress/egress easements shall be a minimum of five feet from the edge of the easement, except retaining walls which may be permitted within the setback and within the

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easement, with the signature of affected property owners. The director shall have the authority to grant administrative modification from the minimum five-foot setback requirement as follows:

- (i) The setback requirement may be adjusted pursuant to a reasonable use determination using the criteria from Section 11.98.020(5). However, in no case shall the setback be reduced below two feet.
- (ii) The setback requirement may vary subject to condition of a prior subdivision approval.
- (iii) The setback requirement may vary subject to the nonconformity provisions of this title.
- (iv) No existing structures will be deemed nonconforming due to the adoption of this code amendment.

(B) For all easements, Chelan County assumes no liability whatsoever for the existence, status, location, nor nature of said easements.

(8) No dwelling unit adjacent to the commercial agricultural zoning district shall be placed within one hundred feet of a property line, including those across a right-of-way. The entire width of any public right-of-way may be used as part of the setback area. However, in no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater; see Graphic G-2 in Appendix A.

(9) Where a project proposal is within ten percent of meeting the established minimum requirements for setback areas within the applicable zoning district, said proposal may be authorized by the administrator through a limited administrative review process identified in Title 14 of the Chelan County Code, subject to the following:

(A) No reasonable alternative exists, as determined by the administrator based on the following:

- (i) Topographic issues.
- (ii) Unique physical characteristics.
- (iii) Existing permitted structure(s) on the project site. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2011-110 (Att. A), 11/29/11; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2003-95, 7/22/03; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01).

11.88.045 Lot coverage exemption.

Where a project proposal is within ten percent of meeting the established minimum requirements for lot coverage within the applicable zoning district, except within the planned unit development overlay district (PDD), said proposal may be authorized by the administrator through a limited administrative review process identified in Title 14 of the Chelan County Code; subject to the following:

(1) No reasonable alternative exists, as determined by the administrator based on the following:

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- (A) Topographic issues.
- (B) Unique physical characteristics.
- (C) Existing permitted structure(s) on the project site. (Res. 2011-86 (Att. A) (part), 10/4/11).

11.88.050 Public transit development.

Property owners and/or developers of proposed developments requiring a development permit required under this title and located within the LINK transit service area which generate two hundred average daily trips or twenty peak hour vehicle trips or greater, as determined by the county engineer, shall negotiate with the public transit authority for the provision of facilities to address the impacts associated with the development as it relates to providing public transit in compliance with Chelan County Code Title 15. Improvements may include, but are not limited to, bus shelters, pull-outs, transit stops and/or other necessary facilities to offset transportation system impacts of the development. (Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.060 Unsuitable land.

Land which is determined to be unsuitable for the development of all permitted, accessory, administrative or conditional uses as defined by this title due to the potential failure to adequately mitigate life, health and safety issues shall not be developed unless the developer formulates adequate safeguards that are approved by the administrator or the appropriate hearing body. The safeguards shall be based on technical data and/or professional review as deemed necessary by the administrator or appropriate hearing body and in conformance with the critical area regulations contained in this title. If no adequate safeguards are available, the unsuitable land area shall be retained for agricultural, forestry, or open space purposes and properly redesigned as such in the next amendment of the comprehensive plan. Land can only be declared unsuitable through a resolution adopted by the board of Chelan County commissioners. (Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.070 Ingress, egress and driveway requirements.

- (1) In all districts, driveway and roads standards contained in Chapter 15.30 shall apply for all development permits requiring approval under this title.
- (2) An applicant for a development permit under this title shall obtain a driveway/access approach permit from the county engineer, pursuant to Chapter 8.60, or Washington State Department of Transportation, except instances where vehicular access is not required for the development permit, such as docks and piers or structures located on properties not accessed by motor vehicles. Other exceptions may be listed in Section 8.60.030, Applicability.
- (3) An applicant for a development permit under this title shall dedicate, when determined necessary by the county, right-of-way in conformance with the provisions contained in Chapter 15.30 and RCW 82.02.020.
- (4) All uses requiring approval of a development permit under this title shall abut on or be accessed by a public or private road meeting the standards outlined in Chapter 15.30. Primitive and U.S. Forest Service roads are not considered adequate access for these purposes, except as provided below:

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(A) The following uses can be allowed for property with access by a primitive road or U.S. Forest Service roads:

- (i) Single-family residences;
- (ii) Single-family accessory buildings;
- (iii) Agricultural operational buildings;
- (iv) Essential public facilities;
- (v) Developed open space;
- (vi) Passive recreation including nature trails, picnicking, sight-seeing, horseback riding, and necessary associated amenities, such as playground equipment, picnic shelters, equipment storage, signage, parking areas, restroom facilities;
- (vii) Two lot short plats are allowed off a primitive road as long as the projected AADT is less than 100.

(B) All uses or development with access by a U.S. Forest Service road shall require proof of access from the U.S. Forest Service.

(C) As a condition precedent for granting any permit for a use or development with access by a primitive road, the applicant shall sign and record with the county auditor a notice to title setting forth that the applicant and applicant's successors waive all objection to formation of a road improvement district for improvement of the primitive road when the county engineer determines that the average annual daily traffic upon the primitive road exceeds one hundred. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2010-68 (part), 7/13/10; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.080 Light and glare.

Parking lot lights, security lights, or any exterior lighting shall be low-intensity, nonflashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines. (Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.090 Clear view triangle.

(1) All corner lots at unsignalized (traffic signal) street intersections or railroads shall maintain, for safety vision purposes, a clear view triangle. The triangle shall consist of the area bounded by the centerlines of the intersecting streets extending along the centerlines for a distance of eighty feet from the intersection and a straight line connecting the ends of these two lines; provided, that each of the intersecting streets extend at least one hundred feet from the point of intersection.

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(2) Nothing within the clear view triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of three feet and ten feet above grade of centerline. (Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.100 Inoperable vehicles.

~~(1) No more than three hulk or abandoned vehicles, as defined by Title 9 of the Chelan County Code, or derelict vehicles and trailers, or parts thereof, shall be stored on a parcel or lot. Said vehicles and trailers, or parts thereof, shall be removed at the property owner's expense within fourteen days of official notification. This shall include vehicles and trailers parked on private property, and streets, roads or rights-of-way within public view. If fourteen days after official notification the vehicles are not removed, the inoperable vehicle(s) or equipment may be removed by the county, at the owner's expense.~~

~~(2) Property owners, or owners of derelict, inoperable or abandoned vehicles and trailers shall have the right to retain the above if contained in an enclosed structure, or if visually screened from public roads or private roads open to public use or surrounding property. (Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).~~

11.88.110 Electric vehicle charging stations.

(1) Electric vehicle charging stations and related infrastructure are permitted if located within one thousand feet of urban or rural collector roads, as defined in Section 15.30.220, or a state highway and in compliance with the following:

(A) Electric charging stations shall provide a parking stall using the size requirements defined in Table 11.90-4; and

(B) Electric charging station stalls shall be designated by vertical signage identifying the station as an electric vehicle charging station and indicating that it is only for electric vehicle charging. The signage must be consistent with the Manual on Uniform Traffic Control Devices, as adopted by the Department of Transportation under RCW 47.36.030. Additionally, the electric vehicle charging station must be indicated by green pavement markings. Additional signage may be permitted to inform and direct the public to the station.

(2) Parking spaces designated for electric vehicle charging may be included in the calculation of the off-street parking requirements, as defined in Section 11.90.060. (Res. 2017-119 (Att. B) (part), 12/19/17).

11.88.120 Exception to building height limitation.

The following types of structures or structural parts are not subject to the building height limitations of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, monuments, observation towers, radio, telecommunication and television towers, smoke stacks, water towers, windmills and other similar projections. None of these exemptions, except chimneys, shall be used for or attached to residential structures. (Res. 2015-73 (Atts. A, B) (part), 8/4/15: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.130 Irregular-shaped lots.

(1) In the case of a triangular shaped lot, the rear lot line shall be parallel to and at the maximum distance from the front lot line, see Appendix A Graphics G-3.

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(2) In the case of “panhandle,” “flag” or other irregularly shaped lots, the front yard setback shall be measured at the nearest point from the front lot line where the lot meets the minimum width for the zoning district in which it is situated, see Appendix A Graphics G-3.

(A) The administrator may reduce the front yard setback to ten feet for “flag” lots where one or more of the following conditions are present:

(i) Where lot width cannot be met, front lot line shall be determined by the administrator.

(ii) Where lot depth is less than one hundred feet, as measured from the required lot width to the rear property line.

(iii) Where topographical or other critical area requirements limit the building area. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2002-105 (part), 7/16/02: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.140 Projections from buildings.

(1) Cornices, eaves, gutters and sunshade features may not project more than two feet into a required yard setback.

(2) Projections for foundation support, such as attached wing-walls, landscape walls, or similar structures, may project into the required yard setback but shall not project into any critical area (including shoreline) or associated buffer or cross property lines. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.150 Verification of adequate provisions for domestic water and sewage disposal.

No building or structure to be used for human habitation or commercial enterprise shall be erected, nor shall any such building or structure be moved, altered, enlarged or rebuilt, unless the building or structure has adequate provisions for domestic water supply and sewage disposal. Approval of septic system requires two steps from the Chelan-Douglas Health District: first, design approval prior to building permit issuance and second, construction approval prior to certificate of occupancy of the building or structure. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.155 Location of wellhead protection and sanitary control areas.

The wellhead protection or sanitary control area or zone is governed by the Chelan Douglas Health District. (Res. 2014-38 (Atts. A, B) (part), 4/15/14).

11.88.160 Manufactured housing.

Manufactured and mobile housing shall be permitted as a single-family dwelling unit in all districts allowing residential uses when placed in accordance with the manufacturer’s setup manual and Chapter 3.12. Uninstalled manufactured and mobile homes, or buildings from other sites, may only be stored on a property while building and development permits are being processed and issued for that structure’s installation on that property, except storage of the structure on a manufactured home sales lot. (Res.

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2018-8 (Att. A) (part), 1/30/18: Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.170 Accessory uses and structures.

Accessory uses are permitted upon compliance with the terms and provisions of this title. They must be clearly secondary to, supportive of, and must be compatible with the principal use(s) and consistent with the purpose and intent of the zoning district:

(1)(A) Fences shall be erected and maintained to a height not to exceed six feet in the side or rear yard area and four feet in the front yard, except on corner lots.

(B) Fences for public facilities, utilities, industrial, agricultural and commercial uses may be erected and maintained to a height not to exceed eight feet in the side or rear yard area and four feet in the front yard, except on corner lots.

(C) On corner lots, all fences located in the building setback for either street shall not exceed four feet, except where superseded by a clear view triangle (Section 11.88.090) which limits height to three feet.

(D) Fences outside of the building setback or required yard areas do not have a height restriction.

(E) All fences over ~~seven~~six feet (or as required by the International Building Codes) require a building permit.

(2) Swimming pools shall not be located within a required front yard setback area. Additionally, pools must be in compliance with ~~Appendix G of the IRC~~ International Swimming Pool and Spa Code, current edition;

(3) In any district that permits single-family residences, freestanding decks shall have a maximum height of thirteen feet;

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

(5) Dwellings may be located on upper floors of commercial structures in commercial districts;

(6) Temporary occupancy of not more than two recreational vehicles per lot for a time period of not more than ten days during any sixty-day period is permitted, provided each unit is parked on an off-street parking space outside of any required front or side yard and no rental fees are charged;

(7) In all zoning districts that permit the handling and processing of hazardous wastes, on-site waste treatment facilities shall be permitted as an accessory use; provided, that such facilities meet the state siting criteria adopted pursuant to Chapter 70.105 RCW;

(8) Temporary agricultural worker housing (occupied on a seasonal basis) shall be permitted when consistent with zoning;

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(9) Permanent agricultural worker housing (occupied year-round) shall be permitted; provided, that the following conditions are met:

- (A) The dwelling units are subject to all applicable building and health regulations;
- (B) The structures shall be compatible with surrounding land uses and where necessary shall include increased setbacks from property lines, landscaping, buffering or design provisions as determined by the administrator;
- (C) The dwelling units are to be used to house agricultural workers and their families who are employed in agricultural operations on the premises or a site adjacent to the agricultural operation. A covenant shall be recorded in a form acceptable to the county that the permanent agricultural worker housing is exclusively for the use of agricultural workers and their families;
- (D) The total number of dwelling units shall not exceed the density of the district, excluding the primary residence;
- (E) One parking space per residential unit, not within a required yard setback, shall be provided;

(10) Vehicle and other Storage.

- (A) Outside storage shall be maintained in an orderly manner and shall create no fire, safety, health or sanitary hazard;
- (B) Required front yard areas shall not be used for storage;
- (C) Commercial/Industrial Storage. Every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building with the following exceptions:
 - (i) Where inside storage is not practical or desired for reasons related to health, fire or safety codes;
 - (ii) Where outside storage of merchandise is a normal and standard practice;
- (D) Uninstalled mobile/manufactured homes or buildings from other sites, see Section 11.88.160;
- (E) Vehicles. Unless addressed within a municipal urban growth area, no more than a combined total of five cars, boats, trucks or recreational vehicles per dwelling unit may be stored outside of an enclosed building on any lot, with no more than two of the five being inoperable vehicles regulated under Section 11.88.100. An exemption to this provision is the storage of operable agricultural equipment used for agricultural purpose; Unless parked within the confines of a legal wrecking yard or on the premises of a legally established vehicle repair business, abandoned, unlicensed, inoperable or partially dismantled vehicles, or junk vehicles can be parked within an enclosed building and shall not be parked outdoors; provided, that not more than two vehicles intended to be repaired or restored may be parked outdoors if they are 100 percent visually screened from off-site.

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(F) In all districts, unless otherwise permitted through a planned development or conditional use permit, no more than a combined total of five cars, boats, trucks, trailers, toy haulers, cargo trailers, or recreational vehicles per residential lot may be stored outside of an enclosed building on any lot. An exemption to this provision is the storage of operable agricultural equipment used for agricultural purpose;

(11) Accessory Residential Kitchens. Establishment of an accessory residential kitchen, as defined in Section 14.98, within or accessory to single-family residences shall be subject to the following:

(A) The accessory kitchen shall share the same water supply as the associated primary residential kitchen in the dwelling or on the same lot.

(B) A Notice to Title shall be recorded in a form acceptable to the County stipulating the accessory residential kitchen is for incidental use associated with the primary single-family residence, and not for use as an additional dwelling unit on the property.

(C) Use of the accessory residential kitchen for any commercial purpose must follow the home occupation requirements of this Title and all applicable local and state regulations.

~~(11)~~(12) Governing Standards.

(A) An accessory structure shall meet the dimensional standards of the district in which it is located, except as modified by this chapter.

(B) Accessory structures shall not be used as a dwelling unit, defined by the IRC, unless allowed under this title.

(C) Regardless of side and rear yard requirements of the district, a side or rear yard may be reduced to five feet for an accessory structure erected more than sixty feet from streets, other than alleys, provided the structure is located ten feet or greater from any other building.

(D) Accessory structures may be built within a required rear yard; provided, that structures do not occupy more than fifty percent of the rear yard area; and provided, that the rear yard does not abut upon any street other than an alley.

(E) Accessory buildings shall not exceed the building height limitation set forth in the applicable zoning district, except for barns and similar agricultural buildings shall not exceed fifty feet in height. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2002-105 (part), 7/16/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.175 Caretaker dwelling units.

Where permitted in the Chelan County Code Section 11.04.020 district use chart, caretaker dwelling units may be placed subject to the following standards:

(1) Dwelling units floor area shall be equal to or less than one thousand two hundred square feet.

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(2) One additional structure may be permitted for a garage and or storage when equal to or less than three hundred square feet. (Res. 2011-86 (Att. A) (part), 10/4/11).

11.88.190 Construction hours in and near residential areas.

No construction activity shall be permitted within one thousand feet of an occupied residence between the hours of ten p.m. to seven a.m. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2007-98 (part), 7/2/07; Res. 2003-07 (part), 1/21/03).

11.88.200 Accessory dwelling unit.

Accessory dwelling units shall meet the following criteria:

(1) There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family dwelling unit.

(2) An accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit.

(3) The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary residence.

(4) The floor area of the accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit; provided, that the floor area of an accessory dwelling shall not exceed one thousand two hundred square feet. Excluded from the calculation of the allowed floor area are the following: garages, and any space subservient to the primary garage use (e.g., storage, mechanical, bathroom, utility room), carports, stairwells and uncovered decks.

(5) The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence.

(6) No recreational vehicle shall be considered an accessory dwelling unit.

(7) A common driveway servicing both the existing or new single-family dwelling unit and the accessory dwelling unit shall be used to the greatest extent possible.

(8) Both the titleholder and the director of the Chelan County community development department shall sign a notice to title. Said notice to title shall be notarized, and be recorded by the Chelan County auditor for the property prior to building permit issuance stating:

The separate sale or division of the accessory dwelling unit from the single-family dwelling unit is prohibited, unless all standards in zoning and subdivision can be met. This covenant is intended to run with the land burdening and benefiting the parties' successors and assigns.

(Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07).

11.88.210 Bed and breakfast.

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Bed and breakfast operations may have three or less lodging units for rent and shall meet the following criteria:

- (1) Bed and breakfast facilities shall meet all applicable health, fire safety and building codes and shall be operated so as to not give appearance of being a business, and those facilities shall not infringe upon the right of neighboring residents to peaceful occupancy of their home.
- (2) The bed and breakfast facility shall be the principal residence of the operator.
- (3) Signage shall be in accordance with Chapter 11.92.
- (4) Driveways accessing a bed and breakfast which are greater than one hundred fifty feet in length shall have an improved width of at least twelve feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.
- (5) One off-street patron parking space in addition to the residential parking requirements, not located within a setback, shall be provided for each lodging unit rented.
- (6) The administrator may impose other conditions, such as additional parking, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site or the facility. (Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07).

11.88.220 Developed open space.

(1) Developed open space normally is considered a permitted use with the following criteria:

- (A) Lighting shall be directed away from adjoining residential zones.
- (B) Hours of operation shall be established for a proposed nighttime use. The administrator may impose hours of operation for other uses.
- (C) The administrator may require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07).

11.88.230 Home occupations.

The following minimum conditions shall apply to home occupations:

- (1) Not over twenty-five percent of the entire floor area of the dwelling is to be used for the home occupation.
- (2) The home occupation is to be secondary to the main use of the dwelling as a residence.
- (3) Not more than one person outside the resident family shall be employed in the home occupation.

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- (4) Signage shall be in accordance with Chapter 11.92.
- (5) No entrance to the space devoted to the home occupation other than from within the dwelling shall be allowed except when otherwise required by law.
- (6) There shall be no exterior display or storage of materials.
- (7) There shall be no stock in trade nor quantity kept for sale which is not produced on the premises, except storage of stock and commodities kept primarily for off-premises sales which is stored entirely indoors, and items which are accessory to the product or services produced on the premises may be allowed.
- (8) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the residence or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- (9) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicles having more than two axles.
- (10) Home occupations may be conducted in an accessory building; provided, that at least two parking spaces other than those required for the dwelling are provided, and that the use of only one building of not more than five hundred square feet shall be allowed. (Res. 2007-98 (part), 7/2/07).

11.88.240 In-home daycare.

In-home daycare shall meet the following criteria:

- (1) Care, supervision and guidance is provided for a child or group of children up to twelve years of age or under for a period of greater than four hours, but less than twenty-four hours per day where the facility meets all state and local licensing requirements.
- (2) The daycare shall be for the care of twelve or fewer children. (Res. 2007-98 (part), 7/2/07).

11.88.250 Low impact public facility.

(1) The minimum lot size in the district where a public facility structure is located may be waived on a finding that the waiver will not result in noise or other detrimental effects on adjacent properties.

(A) When the minimum lot size is waived, a note shall be placed on the face of the plat that states that the parcel is not a building site other than for the permitted public facility use. The requirement for verification of adequate provision for water and sewage may be waived.

(B) When the minimum lot size is waived, a notice to title shall be recorded with the Chelan County auditor stating that the parcel is not an allowable building site other than for the permitted public facility use.

(2) Adequate ingress and egress to the site shall be provided pursuant to Title 15 of the Chelan County Code.

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(3) If the use involves outside storage, the use shall be enclosed in a view-obscuring fence or total view-obscuring landscape buffer.

(4) Lighting shall be directed away from any adjacent residential district.

(5) If the use requires parking, said parking shall be in accordance with Chapter 11.90 of this title.

(6) The hearing examiner may impose any additional requirements as may be necessary to mitigate negative impacts created by the use. (Res. 2007-98 (part), 7/2/07).

11.88.260 Roadside stand/winery/nursery/ value-added operation less than one thousand five hundred square feet of retail space.

(1) Wineries less than one thousand five hundred square feet of retail space, including decks, patios or terraces associated with the retail use are limited to the small-scale processing and sale of wine or spirits, wine tasting, incidental and/or accessory food and beverage service, and limited sale of ancillary items related to the winery and its products, subject to the following conditions:

(A) The applicant shall submit a site design plan which addresses and mitigates, if necessary, the impacts of the facility. Such issues may include, but are not limited to, parking, noise, lighting, odor, drainage, and traffic impacts.

(B) The use shall adhere to all applicable building, fire safety and health codes, and all zoning restrictions of the district in which it is located.

(C) The administrator may impose other conditions, such as additional parking, noise, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

(D) Incidental and/or accessory uses shall consist of no more than twenty percent of the overall allowed retail space.

(2) Roadside stands, nurseries, and value-added operations with less than one thousand five hundred square feet of retail space shall be permitted, provided the following criteria are met:

(A) The use shall be located on a site with a bona fide agricultural operation.

(B) A minimum of seventy-five percent of the products sold shall be produced within the local area.

(C) Ingress and egress shall be approved by the county engineer and/or WSDOT if appropriate.

(D) The use shall adhere to all applicable building, fire safety, health codes, and all zoning regulations of the district in which it is located.

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(E) Promotional items advertising the agricultural business may be sold concurrently with the sale of on-site produced agricultural products.

(F) Other related uses, such as, but not limited to, value-added operations, farm stays and U-pick/Rent-A-Tree operations may be allowed; provided, that these uses are accessory to the roadside stand/nursery and that any required criteria for these uses are met.

(G) Food service may be allowed as part of the value-added operation; provided, that the primary focus of the food service is the agricultural product grown on-site.

(H) The administrator may impose other conditions, such as additional parking, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility. (Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2008-141 (part), 10/7/08; Res. 2007-98 (part), 7/2/07).

11.88.270 Model homes.

Model homes may be placed on land divisions which have received preliminary approval when consistent with Chapter 12.02. (Res. 2018-8 (Att. A) (part), 1/30/18).

11.88.280 Storage Containers.

(1) Truck trailers including semi-trailers which are or may be licensed shall not be allowed for use, with or without modifications, as accessory structures, as fences or barriers, or sight screening.

(2) Storage containers may only be used as single units. Units may not be stacked or combined into larger structures, as fences or barriers, or sight screening.

(A) Except they may be allowed for such purposes for construction as allowed and permitted through the building codes per CCC Title 3 and enumerated under RCW 19.27.

(3) Temporary use of storage containers during construction in conjunction with an active building permit may be authorized in all zoning districts by the building official.

(4) Storage containers are allowed as an accessory use to a permitted business within all zoning districts.

(A) Provided, that they are not located within a designated loading dock or loading bay and shall be located no less than fifty feet from any existing residential zoning district and screened from view off-site.

(5) Storage containers located within the 100-year SFHA (Special Flood Hazard Area) shall comply with the requirements of CCC Chapter 3.20 Flood Hazard Development.

11.88.290 Yurts.

The use of a yurt that meets the following criteria may be allowed as a single-family residence when consistent with the following:

(1) Shall be placed on a permanent foundation or pad;

(2) Is not a camping unit or recreational vehicle as defined in Section 14.98.

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- (3) Meets the current building code, as amended and Chelan-Douglas Health Department requirements

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11.93.200 Isolated nonresidential uses.

Expansion of legally established, isolated nonresidential uses ~~in existence prior to July 1, 1990:~~
Expansion shall be limited to a maximum of fifty percent of the existing building footprint and/or fifty percent of the existing outdoor working area; provided, that the total expansion does not exceed a total of one thousand five hundred square feet for areas inside of urban growth areas and three thousand square feet for areas outside of urban growth areas, and that all of the standards below are met. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of July 1, 1990.

(2) The expansion shall meet the setback and lot coverage requirements of the district;

~~(2)~~(3) The expansion shall not include a new residential component;

~~(3)~~(4) Expanded or permitted hours of operation shall take into consideration impacts to adjoining land uses;

(5) The hearing examiner may limit hours of operation or require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property.

(Res. 2011-86 (Att. A) (part), 10/4/11: Res. 2007-98 (part), 7/2/07: Res. 2002-8 (part), 1/15/02: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00. Formerly 11.93.190).

11.93.290 Isolated small-scale business.

The intent of this section is to provide for small-scale businesses in noncommercial zones per the provisions of the comprehensive plan. Businesses shall be created to export services or products and shall not be designed to service local needs. Such uses may include manufacturing/assembly, research facilities, telemarketing, online/telephone sales and services. The following minimum conditions shall apply:

~~(1) A two-hundred-foot setback shall be maintained from all adjoining properties for new construction. The building shall meet the setback and lot coverage requirements of the district~~

~~(2) Maximum building size shall be five thousand square feet.~~

(3) Maximum of five hundred square feet may be used for a retail component of the use.

(4) The hearing examiner may limit hours of operation or require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property. (Res. 2011-86 (Att. A) (part), 10/4/11: Res. 2007-98 (part), 7/2/07: Res. 2002-8 (part), 1/15/02: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00. Formerly 11.93.270).

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14.04.050 Hearing examiner.

The hearing examiner shall review and make decisions on the following applications:

~~(1) Preliminary subdivisions;~~

~~(2) Planned developments;~~

~~(3) Rezones which are not of general applicability (site-specific);~~

~~(4) Applications for variances and conditional use permits;~~

~~(5) Applications for shoreline variances and shoreline conditional use permits;~~

~~(6) Amendments and/or alterations to plats;~~

~~(7) Petitions for plat vacations;~~

~~(8) Appeals alleging an error in a decision of a county official in the interpretation or the enforcement of the zoning code or any other part of the development code;~~

~~(9) Appeals alleging an error in a decision of a county official in taking an action on a short subdivision or binding site plan;~~

~~(10) Appeals alleging an error in administrative decisions or determinations pursuant to Chapter 43.21C RCW; and~~

(1) Applications for conditional use permits, variances, and planned development district applications under Title 11 of the Chelan County Code;

(2) Applications for shoreline substantial development permits, time extensions to shoreline permits, revisions, shoreline variances, and shoreline conditional use permits under the shoreline master program;

(3) Applications for plat alterations, preliminary and final major subdivisions, and plat vacations under Title 12 of the Chelan County Code;

(4) Applications for zoning resolution text and map amendments not of general applicability (site-specific) under Title 14 and Section 11.96.010 of the Chelan County Code;

(5) Appeals of administrative decisions and interpretations relating to the subdivision resolution, the SEPA resolution, the zoning resolution and the shoreline master program;

(6) Appeals of the administrative denials of short plats, certificates of exemption, binding site plans, and boundary line adjustments under Title 12 of the Chelan County Code.

~~(11)~~ Any other matters as specifically assigned to the hearing examiner by the board of county commissioners or as prescribed by the county code. (Res. 2012-78 (part), 8/14/12; Res. 2007-55 (part), 3/27/07).

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14.08.050 Notice of application.

(1) Within fourteen calendar days after issuing a determination of completeness, the department shall issue a notice of application. If an open record pre-decision hearing or administrative decision is required, the notice of application shall be provided at least fifteen calendar days prior to the date of open record hearing. The notice shall include, but not be limited to, the following:

(A) The date of application, the date of the determination of completeness, and the date of the notice of application;

(B) A description of the proposed project action, a list of permits required for the application, and, if applicable, a list of any studies requested;

(C) The identification of other required permits not included in the application, to the extent known by the director;

(D) The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;

(E) A statement of the public comment period, which shall be not less than fourteen calendar days nor more than thirty calendar days (for permits reviewed pursuant to the Shoreline Management Act and Chelan County shoreline master program) following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights. Public comments will be accepted at any time prior to the closing of the record of an open meeting predecision hearing or prior to the decision on the project permit if no predecision open record hearing is required;

(F) The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;

(G) A statement of the preliminary State Environmental Policy Act (SEPA) determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development;

(H) Any other information determined by the department to be appropriate.

(2) Notice of application shall be provided to the public and the departments and agencies with jurisdiction in the following manner:

(A) Where no other public notice, such as the required notice of a public hearing, is required, the notice of application shall be published in a newspaper of general circulation in the general area where the proposal is located. Said notice shall contain information regarding the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed.

(B) Posting the notice of application on the subject property by the applicant for site-specific proposals for the duration of the public comment period. The sign must be maintained at the location and in good condition and shall be the responsibility of the applicant until the sign(s) and post(s) are returned to the county after the required public comment period. After the public

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comment period, the applicant shall sign an affidavit of posting with the department verifying that the above requirements have been met. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

(C) Mailing to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet or greater if required by other ordinances.

(D) When the subject property is located in a remote area and posting the notice of application will not provide reasonable and meaningful notice to the public, the director may require additional and/or alternative means of informing the public of the notice of application.

(3) The notice of application is not a substitute for any required notice of a public hearing. It may serve as notice of a public hearing, provided it contains all of the information required for a public hearing notice and complies with all other public notice requirements for the type of action being sought.

(4) A notice of application is not required for the following actions or when the actions are categorically exempt from SEPA or environmental review has been completed in connection with other project permits.

(A) Application for a single-family residence, accessory uses or other minor construction building permits.

(B) Application for boundary line adjustments or certificate of exemption.

(C) Any application for which limited administrative review is determined applicable.

(D) Legislative actions such as comprehensive plan amendments, area-wide rezones, etc.

(5) A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12; Res. 2007-55 (part), 3/27/07; Res. 2004-16 (part), 1/27/04; Res. 2000-126 (part), 10/17/00).

14.08.060 Notice of public hearing.

(1) Except as otherwise required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:

(A) Publication in the official newspaper at least ten calendar days before the date of a public meeting, hearing or pending action; and

(B) Mailing at least ten calendar days before the date of a public meeting, hearing or pending action to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet, not including street rights-of-way, or the boundaries of the property which is the subject of the meeting or pending action.

(2) The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

(3) If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12; Res. 2007-55 (part), 3/27/07).

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14.10.040 Quasi-judicial review of applications.

(1) Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for appeals of administrative decisions, major subdivisions, conditional use permits, planned developments, variances, shoreline substantial development permits, shoreline variances, shoreline conditional uses, rezones that are not of general applicability (site-specific) and other similar applications.

(2) The review procedure under quasi-judicial review shall be as follows:

(A) A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.

(B) The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

(C) The notice of public hearing shall be given as identified in Chapter 14.08.

(D) At least ~~five working~~ seven calendar days prior to the date of the public hearing, the department will issue a written staff report, integrating the SEPA review and threshold determination and shall make available to the public a copy of the staff report for review and inspection, and shall ~~mail and e-mail, if address is provided,~~ provide a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

(E) Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded on ~~either audio or audio-visual tape~~ electronic equipment. If for any reason the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.

(F) Within ~~ten working~~ fourteen calendar days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).

(G) The hearing body may approve, approve with conditions or deny the application and shall ~~mail and e-mail, if address is provided,~~ provide the notice of its decision to the department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:

(i) A statement of the applicable criteria, standards and law; and

(ii) A statement of the findings of fact and conclusions of law the hearing body made showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards; and

(iii) A statement of the conditions of approval (if any); provided, however, all conditions of approval attached to any land-use approval shall be based on statutory requirements or peer-reviewed science. Such statutes (including the specific applicable section or sections) or science shall be cited in the condition or footnoted to each condition of approval. It is expected of any agency or department requesting a condition to demonstrate compliance with this provision, and no approval authority will attach conditions which do not meet this test; and

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(iv) A statement that the decision is final unless appealed. The appeal closing date shall be listed; and

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Chelan County department of community development. The notice shall list the place and telephone number of the department. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.10.060 Notice of final decision.

(1) The county should not exceed one hundred twenty days, pursuant to RCW 36.70B.080, to issue a written notice of final decision on an application reviewed pursuant to either a full administrative or a quasi-judicial review process within one hundred twenty calendar days after the date of the determination of completeness, unless timelines are specified otherwise in the respective title. In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen calendar days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (1)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (1)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

(2) The time limit by which the county will issue a notice of final decision does not apply if an application:

(A) Requires an amendment to the comprehensive plan or a development regulation.

(B) Requires approval of a new fully self-contained community, a master planned resort, or the siting of an essential public facility, as are provided in Chapter 36.70A RCW and as may be hereafter amended.

(C) Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete as provided for in Section 14.08.030.

(3) If the county is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

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(4) The review authority shall provide the notice of decision or copy of findings of fact and conclusions of law and decision to the applicant, agent (if applicable), surveyor (if applicable), commenting agencies of jurisdiction, and any parties of record (any person who prior to the rendering of the decision requested notice of decision, submitted written comments on the application, or testified at the public hearing). (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2002-10 (part), 1/15/02: Res. 2000-126 (part), 10/17/00).

14.12.005 Appeals.

(1) An appeal of an administrative decision shall be timely filed with the department, pursuant to Section 14.12.010, by the applicant or any party of record. The administrative appeal shall be heard as an open record appeal by the hearing examiner at a public hearing.

(2) An appeal of a final legislative decision or final quasi-judicial decision of the board of county commissioners shall be timely filed as a judicial appeal pursuant to Section 14.12.020.

(3) An appeal of the final decision of the hearing examiner shall be timely filed as a judicial appeal.

(4) The county shall have no obligation to the applicant or any party to defend an appeal from a decision of the department, hearing examiner, planning commission or the board of county commissioners. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.12.010 Administrative appeals.

(1) An administrative appeal to the hearing examiner shall be filed with the department within ~~ten working~~ fourteen calendar days of the issuance of the decision appealed, together with the applicable appeal fee.

(2) The notice of appeal shall contain a concise statement identifying:

(A) The decision being appealed;

(B) The name and address of the appellant and his/her interest(s) in the application or proposed development;

(C) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous;

(D) The specific relief sought by the appellant;

(E) The appeal fee. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

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14.14.050 Applications for comprehensive plan map or urban growth area amendments.

(1) Application Requirements for Individual Requests for Comprehensive Plan Map or Urban Growth Area (UGA) Amendments. Applications for amendments to the Chelan County comprehensive plan maps, or county-adopted city comprehensive plan maps as these plans related to the unincorporated portions of each city's urban growth area (UGA), must be submitted in writing to the director of the community development department on the application form provided by the department. Applications must be in conformance with the requirements and process outlined in this title. Separate applications must be submitted for properties under separate ownerships and must contain the following information:

(A) Application information as outlined in the application including:

- (i) The name, address and phone number of each person submitting the application; and
- (ii) The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and
- (iii) The name, address and phone number of all owners with an interest in the affected property;

(B) Parcel/site information as outlined in the application;

(C) Comprehensive plan amendment information as outlined in the application including:

- (i) A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended; and
- (ii) Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and
- (iii) A statement of how the amendment complies with or supports the comprehensive plan's goals and policies; and
- (iv) A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria; and
- (v) A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required; and
- (vi) For land use designation amendments, identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation; and

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(vii) Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas; and

(viii) How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and

(ix) Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare; and

(x) For any proposed urban growth area boundary changes submitted pursuant to Section 14.14.040, a detailed statement describing:

(a) That the designated area of expansion is contiguous to an existing UGA; and

(b) How the area is characterized by urban growth; and

(c) The availability of or plans of urban governmental services; and

(d) The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and

(e) That there is insufficient land within the existing urban growth area to permit the urban growth that is forecast to occur in the twenty-year time frame covered by the comprehensive plan, or there can be shown an overriding public interest which shall clearly demonstrate that the amendment of the urban growth area is necessary to protect the health, safety, and welfare;

(D) A completed SEPA checklist;

(E) The applicable processing fee for comprehensive plan amendments and SEPA review as determined by the county's adopted fee schedule, as amended, except that amendment requests by the cities shall not require the collection of said fees; and

(F) Additional information determined by the director of the community development department as being necessary for an initial evaluation of the proposal.

(2) Application Fees. An application processing fee for comprehensive plan map or urban growth area amendments shall be collected, defined in the county's fee schedule, as amended. Fees collected pertaining to an application for a comprehensive plan amendment within the unincorporated portion of a city urban growth area shall be equally shared with the relevant city.

(3) Application Deadlines for the Chelan County Comprehensive Plan. Deadlines to submit all applications for proposed comprehensive plan map or urban growth area amendments must be submitted in writing to the director of the community development department no later than the first

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business calendar day of March. All proposed amendments submitted after the above-noted dates shall be processed during the next year's amendment cycle.

(4) Where an individual application for a site-specific amendment to the Chelan County comprehensive plan land use designations map or county-adopted city comprehensive plan land use designations map (as it relates to the unincorporated portions of each city's UGA) may be processed concurrently with an application to amend the corresponding zoning map before the Board of County Commissioners. ~~is approved, a subsequent application for an amendment to the corresponding zoning map (site-specific rezone) is required to be submitted by the applicant to be reviewed and processed before the county hearing examiner according to the provisions of this title for quasi-judicial review of applications, Chapters 36.70 and 36.70B RCW, as applicable. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12; Res. 2008-103, 7/15/08; Res. 2007-55 (part), 3/27/07; Res. 2004-85 (part), 7/27/04; Res. 2000-126 (part), 10/17/00).~~

Chapter 14.98 DEFINITIONS

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- 14.98.020 Definitions.
- 14.98.025 AASHTO.
- 14.98.030 Adequate public facilities.
- 14.98.035 Abate.
- 14.98.040 Abut.
- 14.98.045 Access.
- 14.98.050 Accessory dwelling unit.
- 14.98.055 Accessory use/structure.
- 14.98.060 Act.
- 14.98.065 Adjacent.
- 14.98.070 Adjacent land.
- 14.98.075 Adjoining land.
- 14.98.080 Administrative use.
- 14.98.085 Administrator.
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- 14.98.100 After-the-fact permit.
- 14.98.105 Agricultural processing facility.
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- 14.98.135 Agricultural worker housing, permanent.
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- 14.98.145 Agriculturally related industry.
- 14.98.150 Alley.
- 14.98.155 Alternative antenna support structure.
- 14.98.160 Amendment.
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- 14.98.170 Antenna.

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- 14.98.185 Antenna, directional (panel antenna).
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- 14.98.370 Churches and religious facilities.
- 14.98.375 Citation.
- 14.98.380 Civil code violation.
- 14.98.385 Clear view triangle.
- 14.98.390 Clearing.
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14.98.830 Floor area.
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- 14.98.985 Industrial park.
- 14.98.990 Inert waste.
- 14.98.995 Inert waste site.
- 14.98.1000 Infill.
- 14.98.1005 Injection well.
- 14.98.1010 Intervening ownership in riparian buffers.
- 14.98.1015 Isolated cottage industry.
- 14.98.1020 Isolated nonresidential use.
- 14.98.1025 Isolated small scale businesses.
- 14.98.1030 Joint-use driveway tract.
- 14.98.1035 Junk.
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- 14.98.1050 Kitchen facility.
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- 14.98.1150 Lot line.
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- 14.98.1710 Sign, directional.
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- 14.98.1730 Sign, off-premises advertising.
- 14.98.1735 Sign, off-premises directional.
- 14.98.1740 Sign, on-premises advertising.
- 14.98.1745 Sign, portable.
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- 14.98.1785 Slope.
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- 14.98.1915 Utility, high impact.
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- 14.98.1935 Vehicle sales.
- 14.98.1940 Vulnerability.
- 14.98.19XX Warehouse.
- 14.98.1945 Water-dependent use/structure.
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- 14.98.1955 Water purveyor.
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- 14.98.1965 Waters of the state.
- 14.98.1970 Wellhead protection area.
- 14.98.1975 Wetland or wetlands.
- 14.98.1980 Wetland classification.
- 14.98.1985 Wetland delineation.
- 14.98.1990 Wetland delineation manual.
- 14.98.1995 Wetland four-tiered rating system.
- 14.98.2000 Wholesale trade.
- 14.98.2005 Winery.
- 14.98.2010 Wireless communications facility.
- 14.98.2015 Wireless communications service.
- 14.98.2020 Wireless communications service provider.
- 14.98.2025 Working days.
- 14.98.2030 Xeriscape.
- 14.98.2035 Yard.
- 14.98.2055 Yurt.
- 14.98.2060 Zoning map.
- 14.98.2065 Zoning resolution.

14.98.010 Purpose and applicability.

The purpose of this chapter is to provide a primary source for the definition of terms used in Titles 10, 11, 12, 13, 14, 15 and 16 of the Chelan County Code. The definitions herein are applicable to those titles within the context of their use. These definitions do not supersede or replace the definitions of other terms found in the enumerated titles.

If a term is not specifically defined in this section, an applicant may request from the administrator an administrative interpretation, in which the administrator shall reference the most current edition of Webster's Dictionary, Black's Law Dictionary or the New Illustrated Book of Development Regulations.

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Whenever the following words and phrases appear in this title, they shall be given the meanings attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. (Res. 2012-78 (part), 8/14/12; Res. 2007-100 (part), 7/2/07).

14.98.020 Definitions.¹

(Res. 2012-78 (part), 8/14/12).

14.98.025 AASHTO.

"AASHTO" means the American Association of State Highway and Traffic Officials. (Res. 2012-78 (part), 8/14/12).

14.98.030 Adequate public facilities.

"Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. (Res. 2012-78 (part), 8/14/12).

14.98.035 Abate.

"Abate" means to take whatever steps are necessary to return a property to the condition in which it existed before a code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair. (Res. 2012-78 (part), 8/14/12).

14.98.040 Abut.

"Abut" means to physically touch or border upon; or to share a common property line but not overlap. (Res. 2012-78 (part), 8/14/12).

14.98.045 Access.

"Access" means a way or means of approach to provide physical vehicular or pedestrian entrance to a property. (Res. 2012-78 (part), 8/14/12).

14.98.050 Accessory dwelling unit.

"Accessory dwelling unit" means a separate dwelling unit, which may be attached, detached, or located within the primary residence. No mobile home or recreational vehicle shall be an accessory dwelling unit. Such dwelling shall be subject to the requirements and conditions provided in Chapter 11.88. (Res. 2012-78 (part), 8/14/12).

14.98.055 Accessory use/structure.

"Accessory use/structure" means a use of land or building or portion thereof which is customarily incidental and subordinate to a principal use of the land or building and located on the same lot or within the same project as the principal use. For the purpose of determining an accessory use/structure, a dock/pier is not considered a principal use. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.060 Act.

"Act" means doing or performing something. (Res. 2012-78 (part), 8/14/12).

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14.98.065 Adjacent.

“Adjacent” means abutting on public roads, streets, rights-of-way or easements in which street system improvements are installed or directly connecting to street system improvements through an interest in real property such as an easement or license. (Res. 2012-78 (part), 8/14/12).

14.98.070 Adjacent land.

Adjacent Land. See “Adjoining land.” (Res. 2012-78 (part), 8/14/12).

14.98.075 Adjoining land.

“Adjoining land” means a lot or parcel that shares all or part of a common lot line with another lot or parcel of land. (Res. 2012-78 (part), 8/14/12).

14.98.080 Administrative use.

“Administrative use” means a use which by the fact of its location, operational characteristics or intensity may require some limited standards of review or performance criteria. (Res. 2012-78 (part), 8/14/12).

14.98.085 Administrator.

“Administrator” shall mean the director of the Chelan County community development department or his/her designated representative, who is vested with the duty of administering subdivision and platting regulations within the unincorporated area of Chelan County. For Chapter 15.30, Road Standards, “administrator” shall mean the Chelan County public works director. (Res. 2012-78 (part), 8/14/12).

14.98.090 ADT.

“ADT” means average daily traffic as determined by the latest edition of the Trip Generation Manual as published by the Institute of Transportation Engineers. (Res. 2012-78 (part), 8/14/12).

14.98.095 Adult family home.

“Adult family home” means a regular family abode in which a person or persons provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. (Res. 2012-78 (part), 8/14/12).

14.98.100 After-the-fact permit.

“After-the-fact permit” means a permit application for work/development commenced prior to authorization by the department, whether or not the development is the subject of a code violation investigation. (Res. 2012-78 (part), 8/14/12).

14.98.105 Agricultural processing facility.

“Agricultural processing facility” means a facility which adds value to, refines, or processes raw agricultural goods, including but not limited to washing, sorting, cutting, drying, bagging, freezing, cold storage/controlled atmosphere and/or packing. Types of businesses include but are not limited to cold storage/controlled atmosphere buildings handling less than three hundred thousand boxes a year.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

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14.98.110 Agricultural structure(s).

“Agricultural structure(s)” means a building or structure, such as a barn, outbuilding, pumphouse or other structure necessary for the support and service of agricultural activities. It does not include retail structures.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.115 Agricultural support service.

“Agricultural support service” means any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services exist within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Such services include, but are not limited to, ag equipment repair, trucking operations, equipment rental and agricultural research facilities.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.120 Agricultural theme market.

“Agricultural theme market” means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on or off site, and may include, as incidental and accessory to the principal use, wineries, places of public/private assembly, and food and beverage service. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and a greater range of products offered. This definition does not include the sale of livestock, gasoline or fuels.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.125 Agricultural tourism.

“Agricultural tourism” refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.130 Agricultural use.

“Agricultural use” means the tilling of the soil, the raising of crops, forestry, horticulture, gardening, keeping or raising of livestock and poultry and any agricultural industry or business such as dairies, nurseries, wholesale greenhouses or similar uses.

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All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16: Res. 2012-78 (part), 8/14/12).

14.98.135 Agricultural worker housing, permanent.

“Agricultural worker housing, permanent” means dwellings provided on-site by the owner/operator of an agricultural operation for the purpose of housing permanent (year-round) workers employed by said owner/operator. Dwellings are subject to all applicable building and health regulations. (Res. 2012-78 (part), 8/14/12).

14.98.140 Agricultural worker housing, temporary.

“Agricultural worker housing, temporary” means a place, area, or piece of land where sleeping places or housing sites are provided on-site by an agricultural operator for his or her employees for temporary or seasonal occupancy as per Chapter 246-359 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.145 Agriculturally related industry.

“Agriculturally related industry” means uses directly related to the processing, storage, or physical or chemical alteration of the agricultural product. Such industries include, but are not limited to, canning, butchering, bottling, refining, cold storage/controlled atmosphere, food processing facilities. Types of businesses include but are not limited to cold storage/controlled atmosphere buildings handling three hundred thousand or more boxes a year.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16: Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.150 Alley.

“Alley” means a service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation. (Res. 2012-78 (part), 8/14/12).

14.98.155 Alternative antenna support structure.

“Alternative antenna support structure” includes flat roofs of buildings, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other manmade structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception. (Res. 2012-78 (part), 8/14/12).

14.98.160 Amendment.

“Amendment” means a change in the wording, context, or substance of this title or a change in the zoning district boundaries upon the zoning map, which is a part of this title when adopted by the board. (Res. 2012-78 (part), 8/14/12).

14.98.165 Animal boarding facility.

“Animal boarding facility” means a facility where animals are housed, fed, and cared for, excluding a veterinary clinic and kennels, for a period greater than 24 hours for commercial purposes. Such uses shall include, but are not limited to, boarding stables and riding academies. (Res. 2012-78 (part), 8/14/12).

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14.98.170 Antenna.

“Antenna” means a specific device the surface of which is used to receive or capture incoming and/or transmit outgoing radio frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. (Res. 2012-78 (part), 8/14/12).

14.98.175 Antenna, ancillary.

“Antenna, ancillary” means an antenna designed primarily to receive and transmit signals described as “personal wireless communication services,” including global positioning satellite (GPS) data, personal communications service (pcs) technology and pagers. (Res. 2012-78 (part), 8/14/12).

14.98.180 Antenna array.

“Antenna array” means two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for commercial communications purposes and may include omni-directional, directional, parabolic, or ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or midway thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building, are included in the definition of antenna array. (Res. 2012-78 (part), 8/14/12).

14.98.185 Antenna, directional (panel antenna).

“Antenna, directional (panel antenna)” means an antenna designed to receive and/or transmit signals in a directional pattern which is less than three hundred sixty degrees, typically an arc of approximately one hundred twenty degrees. (Res. 2012-78 (part), 8/14/12).

14.98.190 Antenna, omni-directional (whip antenna).

“Antenna, omni-directional (whip antenna)” means an antenna, up to twenty feet in height or length, and up to five inches in diameter, designed to receive and/or transmit signals in a three-hundred-sixty-degree pattern. (Res. 2012-78 (part), 8/14/12).

14.98.195 Antenna, parabolic (dish antenna).

“Antenna, parabolic (dish antenna)” means an antenna, generally a bowl-shaped device, that is designed to receive and/or transmit signals in an approximate direction. (Res. 2012-78 (part), 8/14/12).

14.98.200 Antenna support structure.

“Antenna support structure” means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is significantly above the base of such structure; antenna support structures include the following:

- (1) “Lattice tower” means a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;
- (2) “Monopole tower” means a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, typically round or square, and driven into the ground or attached to a foundation. (Res. 2012-78 (part), 8/14/12).

14.98.205 Applicant.

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“Applicant” means a person(s) or developer who submits an application for a land use action with the county. (Res. 2012-78 (part), 8/14/12).

14.98.210 Application.

“Application” means a request for any land use permit required from the county for a proposed development or action. (Res. 2012-78 (part), 8/14/12).

14.98.215 Approved site plan.

“Approved site plan” means a drawing which identifies the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local governmental body having authority to approve the site plan; and contains provisions establishing conformity with the site plan. (Res. 2012-78 (part), 8/14/12).

14.98.220 Aquifer.

“Aquifer” means a water-bearing stratum of permeable rock, sand or gravel. (Res. 2012-78 (part), 8/14/12).

14.98.225 Aquifer recharge.

“Aquifer recharge” means the movement or percolation (usually downward) of surface water through an unsaturated zone of soil or rock into a groundwater body. (Res. 2012-78 (part), 8/14/12).

14.98.230 Aquifer recharge area.

“Aquifer recharge area” means an area with a recharging effect on aquifers used for potable water. (Res. 2012-78 (part), 8/14/12).

14.98.235 As-built.

“As-built” means the original construction drawings revised to incorporate information pertaining to the street and/or utility improvements as they were constructed. (Res. 2012-78 (part), 8/14/12).

14.98.240 Auditor.

“Auditor” means the Chelan County auditor. (Res. 2012-78 (part), 8/14/12).

14.98.245 Automobile wrecking yard.

“Automobile wrecking yard” means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers or the storage or sale of dismantled, obsolete or wrecked vehicles or their parts or the storage of motor vehicles unable to be moved under the power of the vehicle. (Res. 2012-78 (part), 8/14/12).

14.98.250 Auxiliary lane.

“Auxiliary lane” means the portion of the roadway adjoining the traveled way for parking, turning, or other purposes supplementary to through-traffic movement. (Res. 2012-78 (part), 8/14/12).

14.98.255 AWWA.

“AWWA” means the American Water Works Association. (Res. 2012-78 (part), 8/14/12).

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14.98.260 Base flood.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the “one-hundred-year flood.” (Res. 2012-78 (part), 8/14/12).

14.98.265 Bed and breakfast.

“Bed and breakfast” means a facility in which one kitchen, a shared dining area, and not more than a total of three lodging units are available within a single-family residence providing short-term lodging for paying guests. (Res. 2012-78 (part), 8/14/12).

14.98.270 Benefit area.

“Benefit area” means that area which includes all parcels of real property adjacent to street system improvements or likely to require connection to or service by utility system improvements constructed by a developer. (Res. 2012-78 (part), 8/14/12).

14.98.275 Berm.

“Berm” means an earthen mound designed to provide visual interest, screen undesirable views, decrease noise or separate incompatible uses. (Res. 2012-78 (part), 8/14/12).

14.98.280 Best management practices.

“Best management practices” means conservation practices or systems or practices and management measures that:

- (1) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment.
- (2) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of hydrologically related critical areas. (Res. 2012-78 (part), 8/14/12).

14.98.285 Binding site plan.

“Binding site plan” means a drawing that identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this chapter; contains inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land; and contains provisions requiring any development proceeding thereunder. (Res. 2012-78 (part), 8/14/12).

14.98.290 Bio-engineering.

“Bio-engineering” means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. (Res. 2012-78 (part), 8/14/12).

14.98.295 Block.

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries. (Res. 2012-78 (part), 8/14/12).

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14.98.300 Board.

“Board” shall mean the board of Chelan County commissioners. (Res. 2012-78 (part), 8/14/12).

14.98.305 Buffer.

“Buffer” means a portion of land that is designed and designated to remain permanently vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access. (Res. 2012-78 (part), 8/14/12).

14.98.310 Buildable area.

“Buildable area” means the area of a lot remaining after the minimum yard setbacks, open space, critical area buffers, and all other requirements have been met. (Res. 2012-78 (part), 8/14/12).

14.98.315 Buildable site.

“Buildable site” means the buildable area necessary for a structure. (Res. 2012-78 (part), 8/14/12).

14.98.320 Building.

“Building” means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind. (Res. 2012-78 (part), 8/14/12).

14.98.325 Building height.

“Building height” means the vertical distance from the average elevation of the actual or proposed finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. (Res. 2012-78 (part), 8/14/12).

14.98.330 Building official.

“Building official” means the individual designated by Chelan County to enforce the provisions of the international codes. (Res. 2012-78 (part), 8/14/12).

14.98.335 Bulb.

“Bulb” means a round area for vehicle turnaround typically located at the end of a cul-de-sac street. (Res. 2012-78 (part), 8/14/12).

14.98.340 Cabin.

“Cabin” means a permanent structure which provides basic accommodation for temporary use. (Res. 2012-78 (part), 8/14/12).

14.98.345 Caliper.

“Caliper” means the trunk diameter of a tree measured six inches above the ground for trees up to four inches in size, and twelve inches above the ground for larger trees. (Res. 2012-78 (part), 8/14/12).

14.98.350 Camp site.

“Camp site” means a specific area within an RV park or campground that is set aside for use by a camping unit. (Res. 2012-78 (part), 8/14/12).

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14.98.355 Campground.

“Campground” means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. (Res. 2012-78 (part), 8/14/12).

14.98.360 Camping unit.

“Camping unit” means any structure, shelter or vehicle designed and intended for occupancy by persons engaged in camping. The basic units are: recreational vehicle, tent, teepee, yurt, or other portable shelter or a permanent structure when related to glamping. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.365 Carport.

“Carport” means an accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides. (Res. 2012-78 (part), 8/14/12).

14.98.370 Churches and religious facilities.

“Churches and religious facilities” means buildings or structures, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses such as daycare and schools. (Res. 2012-78 (part), 8/14/12).

14.98.375 Citation.

“Citation” means a written order issued by the administrator imposing a fine for failure to abate a civil code violation(s). (Res. 2012-78 (part), 8/14/12).

14.98.380 Civil code violation.

“Civil code violation” means any act or omission contrary to any ordinance, resolution or regulation regulated by this title or an act or omission contrary to the conditions of any permit, notice and order, or stop work order issued pursuant to any such ordinance, regulation or resolution regulated by this title. Each civil code violation shall constitute a separate infraction for each and every day or portion thereof during which a violation is continued. (Res. 2012-78 (part), 8/14/12).

14.98.385 Clear view triangle.

“Clear view triangle” shall consist of the area bounded by the centerlines of the intersecting streets extending along the centerlines for a distance of eighty feet from the intersection and a straight line connecting the ends of these two lines; provided, that each of the intersecting streets extend at least one hundred feet from the point of intersection. (Res. 2012-78 (part), 8/14/12).

14.98.390 Clearing.

“Clearing” means the destruction and removal of vegetation by burning, mechanical, or chemical methods. (Res. 2012-78 (part), 8/14/12).

14.98.395 Closed record appeal.

“Closed record appeal” means an appeal on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. (Res. 2012-78 (part), 8/14/12).

14.98.400 Cluster development.

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“Cluster development” means the arrangement or grouping of lots on an overall parcel or parcels to increase densities on some portions of the property to preserve the rest of the parcel for open space, forest or agricultural use, recreation or preservation of environmentally sensitive areas or for future development if zoning regulations allow. (Res. 2012-78 (part), 8/14/12).

14.98.405 Co-location.

“Co-location” means the use of a single antenna support structure, alternative antenna support structure, or underground conduit or duct, by more than one wireless communication service provider to accommodate wireless communications facilities of two or more wireless communications service providers. (Res. 2012-78 (part), 8/14/12).

14.98.410 Commercial amusement/recreation facilities.

“Commercial amusement/recreation facilities” means establishments engaged in providing entertainment or recreation for a fee and including, but not limited to, such activities as dance halls; studios; theatrical productions; bands; orchestras; bowling alleys; billiard establishments, arenas, rinks; membership sports and health clubs, swimming pools; expositions; game parlors; amusement parks; racetracks; and golf courses. (Res. 2012-78 (part), 8/14/12).

14.98.415 Commercial feed lot.

“Commercial feed lot” means a confined area or structure used for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods. (Res. 2012-78 (part), 8/14/12).

14.98.420 Commercial use.

“Commercial use” means any activity involving the sale of goods or services carried out for profit. (Res. 2012-78 (part), 8/14/12).

14.98.425 Communication tower.

“Communication tower” means any tower, pole, mast, whip, antenna, or any combination used for radio, television, cellular, or microwave telecommunications broadcast transmission or line-of-sight relay, including amateur radio service. (Res. 2012-78 (part), 8/14/12).

14.98.430 Comprehensive plan.

“Comprehensive plan” means any map, plan, or policy statement pertaining to the development of land use, streets and roads, or public utilities and facilities, for all or any portion of the unincorporated territory of Chelan County which has been officially adopted by the county commissioners of Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.435 Conditional use.

“Conditional use” means a use permitted only after demonstrating that such use, in the specified location, will comply with all conditions and standards of operation of the use as specified in Chelan County Code and by the hearing examiner. (Res. 2012-78 (part), 8/14/12).

14.98.440 Confined aquifer.

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“Confined aquifer” means a section of an aquifer overlain by low-permeability strata that lower the probability of ground water contamination from surface sources. A highly confined aquifer will receive very little leakage from the confining strata, but may be subject to artificial penetrations such as abandoned boreholes. Depending on (A) the presence of permeable pathways and/or (B) the existence of certain hydrogeologic conditions, contamination is possible. (Res. 2012-78 (part), 8/14/12).

14.98.445 Conservancy environment.

“Conservancy environment” (as defined and designated in the shoreline master program use regulations of Chelan County) means an area characterized by a potential for diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related development. (Res. 2012-78 (part), 8/14/12).

14.98.450 Conservation easement.

“Conservation easement” means a legal agreement between a landowner and a conservation organization or agency which transfers development rights to the conservation organization or agency for the purpose of protecting environmentally significant land. (Res. 2012-78 (part), 8/14/12).

14.98.455 Contaminant.

“Contaminant” means any chemical, physical, biological, or radiological substance at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging. (Res. 2012-78 (part), 8/14/12).

14.98.460 Contaminant loading potential.

“Contaminant loading potential” means the degree to which the activities of a business or industry could contaminate an aquifer recharge area based upon the type of materials that are used, handled or stored on-site. (Res. 2012-78 (part), 8/14/12).

14.98.465 Contractor’s storage yard.

“Contractor’s storage yard” means an area used for the storage and routine maintenance of construction equipment, construction vehicles and material pertinent to the primary business activity. (Res. 2012-78 (part), 8/14/12).

14.98.470 Cottage industry.

“Cottage industry” means small-scale industrial, commercial, or service operations, on a parcel where the operator resides; frequently with an art or craft orientation or related to information processing or the natural resources of the area. However, it may be of any type, so long as the scale of the operation is in keeping with the surrounding area and off-site impacts are compatible in intensity to those generated by residential use allowed in the zone. (Res. 2012-78 (part), 8/14/12).

14.98.475 County.

“County” means Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.480 County engineer.

“County engineer” means the Chelan County engineer or authorized representative. (Res. 2012-78 (part), 8/14/12).

14.98.485 Critical areas.

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“Critical areas” include the following areas and ecosystems:

- (1) Wetlands; and
- (2) Areas with a critical recharging effect on aquifers used for potable water; and
- (3) Fish and wildlife habitat conservation areas; and
- (4) Frequently flooded areas; and
- (5) Geologically hazardous areas.

“Fish and wildlife habitat conservation areas” do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. (Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2012-78 (part), 8/14/12).

14.98.490 Critical material.

“Critical material” means a substance present in sufficient quantity that its accidental or intentional release would result in the impairment of the aquifer water to be used as potable drinking water. (Res. 2012-78 (part), 8/14/12).

14.98.495 Cul-de-sac.

“Cul-de-sac” means a street having one end open to traffic and the other temporarily or permanently terminated by a vehicle turnaround. (Res. 2012-78 (part), 8/14/12).

14.98.500 Day nursery and nursery school.

“Day nursery and nursery school” means a facility which is primarily engaged in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours a day. (Res. 2012-78 (part), 8/14/12).

14.98.505 Daycare center.

“Daycare center” means a center for the care of thirteen or more children during part of the twenty-four-hour day. (Res. 2012-78 (part), 8/14/12).

14.98.510 Daycare center/preschool.

“Daycare center/preschool” means any preschool, day nursery, nursery school, child home-based daycare nursery or other building or premises regularly used for the daycare of a group of children for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state daycare center licensing provisions and conducted in accordance with state requirements. (Res. 2012-78 (part), 8/14/12).

14.98.515 Daycare, family home.

“Daycare, family home” means any day nursery or nursery school operation located within a single-family residence regularly used for the daycare of a group of children, not to exceed twelve children, for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state

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daycare center licensing provisions and conducted in accordance with state requirements. (Res. 2012-78 (part), 8/14/12).

14.98.520 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to him no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. (Res. 2012-78 (part), 8/14/12).

14.98.525 Density.

“Density” means the number of dwelling units per unit of land. (Res. 2012-78 (part), 8/14/12).

14.98.530 Department.

“Department” means the Chelan County community development department or the department of public works, as required. (Res. 2012-78 (part), 8/14/12).

14.98.535 Dependent care housing.

“Dependent care housing” means temporary housing provided to assist in the care of persons in need of special assistance by reason of advanced age, infirmity or disability. (Res. 2012-78 (part), 8/14/12).

14.98.540 Developed open space.

“Developed open space” means a landscaped area maintained for the purpose of human activity, including, but not limited to, parks, bridal paths, play fields, playgrounds, golf courses, arboretums, botanical gardens, non-motorized trails and other similar uses, including uses and structures that are accessory and supportive of the primary open space activity. Driving ranges are not considered developed open space unless operated accessory to a golf course. (Res. 2012-78 (part), 8/14/12).

14.98.545 Developer.

“Developer” means any person, firm, partnership, association, joint venture or corporation, or any other entity, who undertakes to improve residential, commercial, or industrial property or to subdivide for the purpose of resale and profit. (Res. 2012-78 (part), 8/14/12).

14.98.550 Development.

“Development” means the construction or exterior alteration of a structure or structures, dredging, drilling, dumping, filling, removal of natural resources or vegetation, placing of obstructions, any project of a permanent nature or changes in the use of land or preparation for the change of use of land except as allowed by the provisions of this title. (Res. 2012-78 (part), 8/14/12).

14.98.555 Development agreement.

“Development agreement” means an agreement, pursuant to RCW 36.70B.170, which sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. (Res. 2012-78 (part), 8/14/12).

14.98.560 Development, major.

“Development, major” includes the following or similar land uses: three residential dwelling units or greater, feed lots, mine development, active recreation, commercial and industrial structures greater than one thousand five hundred square feet in size, short subdivisions three lots or greater in size, major

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subdivisions, conditional use permits which have the potential to have moderate or high levels of impact to fish and wildlife conservation areas, and planned developments. (Res. 2012-78 (part), 8/14/12).

14.98.565 Development, minor.

“Development, minor” includes the following or similar uses: home occupations and daycare facilities, dependent care housing, bed and breakfasts, agricultural uses, signage, single-family dwelling units, duplexes, commercial and industrial structures smaller than one thousand five hundred square feet in size, residential lot segregations in the interim commercial agricultural district, two lot short plats, accessory structures, drainage of natural ponds, and alteration of land or vegetation that is not exempt under this chapter or defined as major development, which may or may not include SEPA review. (Res. 2012-78 (part), 8/14/12).

14.98.570 DHV.

“DHV” means design hourly volume as determined by the latest edition of the Trip Generation Manual as published by the Institute of Transportation Engineers. (Res. 2012-78 (part), 8/14/12).

14.98.575 Direct marketing.

“Direct marketing” means any marketing method whereby farmers sell their products directly to consumers. (Res. 2012-78 (part), 8/14/12).

14.98.580 Director.

“Director” means the director of the Chelan County department of community development or designee. This term is synonymous with administrator. (Res. 2012-78 (part), 8/14/12).

14.98.582 Distillery.

“Distillery” means a place where distillation (a process of separating the component substances from a liquid mixture by selective evaporation and condensation to create alcohol) takes place. For the purpose of administration of Chelan County codes, distillery is synonymous with winery. (Res. 2015-73 (Atts. A, B) (part), 8/4/15).

14.98.585 Dock/pier.

“Dock/pier” means a structure extending into navigable water for use as a landing place or promenade. (Res. 2012-78 (part), 8/14/12).

14.98.590 Dock/pier, community.

“Dock/pier, community” means a structure extending into navigable water for use as a landing place or promenade servicing more than three residences and/or serving a commercial function. (Res. 2012-78 (part), 8/14/12).

14.98.595 Drive-thru espresso stand.

“Drive-thru espresso stand” means a commercial coffee/beverage business utilizing a driveway to accommodate the business transaction from one’s car. Additionally, a drive-thru espresso stand may include, as an incidental use, a walk-up window to serve pedestrian and nonvehicular customers. (Res. 2012-78 (part), 8/14/12).

14.98.600 Driveway.

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“Driveway” means a privately maintained access to residential, commercial, or industrial properties. (Res. 2012-78 (part), 8/14/12).

14.98.605 Duplex.

“Duplex” means a building containing two single-family dwelling units totally separated from each other by a fire separation wall extending from ground to roof. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.610 Dwelling.

“Dwelling” means a building or portion thereof that is used for human habitation. (Res. 2012-78 (part), 8/14/12).

14.98.615 Dwelling, multifamily.

“Dwelling, multifamily” means a building containing three or more dwelling units, including units that are located over the other. (Res. 2012-78 (part), 8/14/12).

14.98.620 Dwelling, single-family.

“Dwelling, single-family” means a building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. (Res. 2012-78 (part), 8/14/12).

14.98.625 Dwelling unit.

“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as a separate living quarters with sleeping, sanitary facilities and kitchen facilities provided within the dwelling unit for the exclusive use of a single household. (Res. 2012-78 (part), 8/14/12).

14.98.630 Easement.

“Easement” means a right to use land for a specific purpose or purposes and held by persons or entities other than the owner. (Res. 2012-78 (part), 8/14/12).

14.98.635 Eating and drinking establishment.

“Eating and drinking establishment” means a retail establishment where food (prepared off-site) and/or drink is sold for consumption. (Res. 2012-78 (part), 8/14/12).

14.98.637 Electric vehicle charging station.

“Electric vehicle charging station” means a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle. It may include a battery charging station, battery exchange station, rapid charging station and/or electric vehicle infrastructure, as defined in RCW 36.70A.695(5). (Res. 2017-119 (Att. B) (part), 12/19/17).

14.98.640 Emergency.

“Emergency” means a situation which the administrator determines requires immediate action to prevent or eliminate a threat to the health or safety of persons, property or the environment. (Res. 2012-78 (part), 8/14/12).

14.98.645 Emergency exemption.

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“Emergency exemption” means an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this code. (Res. 2012-78 (part), 8/14/12).

14.98.650 Endangered species (federal).

“Endangered species (federal)” means those species listed by federal agencies under the federal register for the Endangered Species Act of 1973, as amended, as endangered species. (Res. 2012-78 (part), 8/14/12).

14.98.655 Endangered species.

“Endangered species” means those species listed by Washington State agencies as endangered species pursuant to WAC 232-12-014, as amended. (Res. 2012-78 (part), 8/14/12).

14.98.660 Engineer.

“Engineer” means an individual licensed as an engineer pursuant to Chapter 18.43 RCW. (Res. 2012-78 (part), 8/14/12).

14.98.665 Engineer, professional.

“Engineer, professional” means a professional engineer licensed to practice in the state of Washington. (Res. 2012-78 (part), 8/14/12).

14.98.670 Engineering geology.

“Engineering geology” means a specialty of geology affecting the planning, design, operation, and maintenance of engineering works and other human activities where geological factors and conditions impact the public welfare or the safeguarding of life, health, property, and the environment. (Res. 2012-78 (part), 8/14/12).

14.98.675 Enhanced on-site sewage system.

“Enhanced on-site sewage system” means a system determined by the Chelan-Douglas health district to have natural or designed features providing a fifty percent increase in phosphate soil binding sites above what would otherwise be provided by minimal compliance with Chelan-Douglas health district requirements, or an equivalent means of phosphate reduction. (Res. 2012-78 (part), 8/14/12).

14.98.680 Environmental health standards.

“Environmental health standards” means those rules and regulations for the provision of adequate water and sewage treatment facilities in Chelan County that have been adopted by the district board of health of the Chelan-Douglas health district. (Res. 2012-78 (part), 8/14/12).

14.98.685 Equipment enclosure.

“Equipment enclosure” means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilations, or auxiliary electricity generators. (Res. 2012-78 (part), 8/14/12).

14.98.690 Erosion.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice. (Res. 2012-78 (part), 8/14/12).

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14.98.695 Erosion control, permanent.

“Erosion control, permanent” means the continuous on-site and off-site control measures that are needed to reasonably control conveyance or deposition of earth, turbidity or pollutants after development, construction or restoration. (Res. 2012-78 (part), 8/14/12).

14.98.700 Erosion control, temporary.

“Erosion control, temporary” means the on-site or off-site control measures that are needed to reasonably control conveyance or deposition of earth, turbidity, or pollutants during development, construction or restoration. (Res. 2012-78 (part), 8/14/12).

14.98.705 Essential public facilities.

“Essential public facilities” means those facilities, privately or publicly owned, typically difficult to site, such as airports, state educational facilities, state and regional transportation facilities, correctional facilities, solid waste handling facilities, inpatient facilities including substance abuse treatment centers, mental health facilities, group homes and secure community transition facilities and/or any facility listed on the state ten-year capital plan maintained by the Office of Financial Management. (Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2012-78 (part), 8/14/12).

14.98.710 Exemption.

“Exemption” means certain specific developments are exempt from the definition of development and are therefore exempt from the development permit process. (Res. 2012-78 (part), 8/14/12).

14.98.715 Extirpated plant.

“Extirpated plant” means a plant that has been pulled up or removed by the roots. (Res. 2012-78 (part), 8/14/12).

14.98.720 Extremely gravelly.

“Extremely gravelly” means equal to or greater than sixty percent gravel and coarse fragments by volume. (Res. 2012-78 (part), 8/14/12).

14.98.725 Eyebrow.

“Eyebrow” means a partial bulb located adjacent to the serving road that provides access to lots and serves as a vehicle turnaround. (Res. 2012-78 (part), 8/14/12).

14.98.730 FAA.

“FAA” means the Federal Aviation Administration. (Res. 2012-78 (part), 8/14/12).

14.98.735 Family daycare home.

“Family daycare home” means a home that regularly provides care during part of a twenty-four-hour day to twelve or fewer children. (Res. 2012-78 (part), 8/14/12).

14.98.740 FCC.

“FCC” means the Federal Communications Commission. (Res. 2012-78 (part), 8/14/12).

14.98.745 FDC.

“FDC” means fire department connection. (Res. 2012-78 (part), 8/14/12).

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14.98.750 Fence.

“Fence” means an artificially constructed barrier of an approved material or combination of materials erected to enclose, screen, or separate areas. (Res. 2012-78 (part), 8/14/12).

14.98.755 Fertigation.

“Fertigation” means mechanical distribution of fertilizer through an irrigation system. (Res. 2012-78 (part), 8/14/12).

14.98.760 Fill, fill material.

“Fill, fill material” means a deposit of material placed by human or mechanical means. (Res. 2012-78 (part), 8/14/12).

14.98.765 Filling.

“Filling” means the act of placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material. (Res. 2012-78 (part), 8/14/12).

14.98.770 Final plat.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW, as amended, and in this code. (Res. 2012-78 (part), 8/14/12).

14.98.775 Fire apparatus access road.

“Fire apparatus access road” means any road or driving surface as defined and regulated in accordance with WAC 51-54A-0503, whether public or private, that is used to meet the access requirement of the currently adopted edition of the International Fire Code. (Res. 2012-78 (part), 8/14/12).

14.98.780 Fire area.

“Fire area” means the floor area, in square feet, used to determine the required fire flow. (Res. 2012-78 (part), 8/14/12).

14.98.785 Fire department.

“Fire department” means the office of the county fire marshal. (Res. 2012-78 (part), 8/14/12).

14.98.790 Fire flow.

“Fire flow” means the rate of water delivery needed for the sole purpose of fighting fires. (Res. 2012-78 (part), 8/14/12).

14.98.795 Fire hydrant.

“Fire hydrant” means a mechanical device which is self-draining, frost free, and is constructed to provide the required fire flow for the area serviced. (Res. 2012-78 (part), 8/14/12).

14.98.800 Fire hydrant, private.

“Fire hydrant, private” means a fire hydrant which is situated and maintained so as to provide water for fire fighting purposes with restrictions as to its use or accessibility by the public. (Res. 2012-78 (part), 8/14/12).

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14.98.805 Fire hydrant, public.

“Fire hydrant, public” means a fire hydrant which is dedicated or otherwise permanently appropriated to the public for public use. (Res. 2012-78 (part), 8/14/12).

14.98.810 Fire marshal.

“Fire marshal” means the appointed Chelan County fire marshal. (Res. 2012-78 (part), 8/14/12).

14.98.815 Floodplain.

“Floodplain” includes all lands subject to flooding as depicted on the flood insurance rate maps (FIRM) and the floodway maps as published and from time to time amended by the Federal Emergency Management Agency (FEMA). (Res. 2012-78 (part), 8/14/12).

14.98.820 Floodway.

“Floodway” means the primary channel of the river or other watercourse that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Res. 2012-78 (part), 8/14/12).

14.98.825 Floodway fringe.

“Floodway fringe” means the portion of a riverine floodplain beyond the limits of the floodway. Here, flood waters are generally shallow and slow moving. (Res. 2012-78 (part), 8/14/12).

14.98.830 Floor area.

“Floor area” means the area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior wall shall be the usable area under the horizontal projection of the roof or floor above. (Res. 2012-78 (part), 8/14/12).

14.98.835 Food and beverage service.

“Food and beverage service” means on-site preparation, catered food, and/or pre-packaged food served and consumed for activities and uses that are accessory to places of public and private assembly, wineries and other similar uses. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.840 Forest practice.

“Forest practice” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction; harvesting, final and intermediate; precommercial thinning, reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. “Forest practices” shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (Res. 2012-78 (part), 8/14/12).

14.98.845 Forest products processing facility.

“Forest products processing facility” means a facility which adds value to or processes timber and other forestry goods, including but not limited to cutting, drying, splitting, shaking, pulping, or forming. (Res. 2012-78 (part), 8/14/12).

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14.98.850 Forestry support services.

“Forestry support services” means any nonforestry use which is directly related to forestry and directly dependent on forestry for its existence. These support services exist within districts that are intended to facilitate the production, marketing and distribution of forest products, such as, but not limited to, equipment repair, trucking operations and equipment rental. (Res. 2012-78 (part), 8/14/12).

14.98.855 Frequently flooded area.

“Frequently flooded area” means an area subject to flooding, as defined by FIRM, once every one hundred years. (Res. 2012-78 (part), 8/14/12).

14.98.860 Frontage.

“Frontage” denotes the property line which abuts the principal means of access to the property. (Res. 2012-78 (part), 8/14/12).

14.98.865 Geologically hazardous areas.

“Geologically hazardous areas” means areas susceptible to erosion, sliding, earthquake, or other geological events. (Res. 2012-78 (part), 8/14/12).

14.98.870 Geologist.

“Geologist” means a person who has a bachelor of science degree in geologic sciences or a related field from an accredited college or university and has a minimum of five years of related experience. (Res. 2012-78 (part), 8/14/12).

14.98.875 Geologist, engineering.

“Geologist, engineering” means a geologist who, by reason of his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology, has met the qualifications in engineering geology under Chapter 18.220 RCW, and has been issued a license in engineering geology. (Res. 2012-78 (part), 8/14/12).

14.98.880 Geo-technical engineer.

“Geo-technical engineer” means a practicing professional/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geo-technical engineering, including at least five years’ professional experience in evaluating geologically hazardous areas. (Res. 2012-78 (part), 8/14/12).

14.98.882 Glamping.

“Glamping” means glamorous camping involving accommodations and facilities more luxurious than those associated with traditional camping, with additional amenities such as, but not limited to, electrical power, heat, running water; also see Section 14.98.360. (Res. 2014-38 (Atts. A, B) (part), 4/15/14).

14.98.885 Grade.

“Grade” means the average elevation of the finished ground level at the center of all exterior walls of the building. (Res. 2012-78 (part), 8/14/12).

14.98.890 Grading.

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“Grading” means any excavating, filling, cleaning, leveling, or contouring of the ground surface by human or mechanical means. (Res. 2012-78 (part), 8/14/12).

14.98.895 Gravelly, high.

“Gravelly, high” means equal to or greater than thirty-five percent and less than sixty percent gravel and coarse fragments, by volume. (Res. 2012-78 (part), 8/14/12).

14.98.900 Ground water management program.

“Ground water management program” means a comprehensive program designed to protect groundwater quality, to assure ground water quantity, and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to Chapter 173-100 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.905 Groundcover.

“Groundcover” means low growing evergreen or deciduous plants, typically less than twenty-four inches in height at maturity, that provide relatively complete ground coverage beneath the foliage. (Res. 2012-78 (part), 8/14/12).

14.98.910 Guest house.

“Guest house” means an accessory building designed, constructed, and used for the purpose of providing temporary sleeping accommodations for guests, or for members of the same family as that occupying the main structure. (Res. 2012-78 (part), 8/14/12).

14.98.915 Guest inn.

“Guest inn” means a facility with one kitchen, a shared dining area, with not more than a total of six lodging units, which are available within a single-family residence and/or cabin outbuildings providing short-term lodging for paying guests. (Res. 2012-78 (part), 8/14/12).

14.98.920 Habitable space.

“Habitable space” means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space. (Res. 2012-78 (part), 8/14/12).

14.98.925 Habitat management and mitigation plan.

“Habitat management and mitigation plan” means a plan developed by a project proponent for the purposes of addressing how the effects of the project on surrounding habitat will be avoided or mitigated. (Res. 2012-78 (part), 8/14/12).

14.98.930 Half-street.

“Half-street” means a street constructed along the common right-of-way and development property line, utilizing a portion of the existing roadway. (Res. 2012-78 (part), 8/14/12).

14.98.935 Hazardous substance processing or handling.

“Hazardous substance processing or handling” means the use, storage, manufacture, or other land use activity involving hazardous substances in applications or quantities larger than is typical of household use. (Res. 2012-78 (part), 8/14/12).

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14.98.940 Hazardous substance(s).

“Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products. (Res. 2012-78 (part), 8/14/12).

14.98.945 Hazardous waste.

“Hazardous waste” includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70-105 RCW and Chapter 173-303 WAC.

(1) “Dangerous waste” means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residue or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(A) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(B) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(2) “Extremely hazardous waste” means any waste which:

(A) Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of humans or wildlife; and

(B) Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment. (Res. 2012-78 (part), 8/14/12).

14.98.950 Hazardous waste treatment and storage facility.

“Hazardous waste treatment and storage facility” means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.955 Highly permeable soils.

“Highly permeable soils” include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravelly coarse sands or coarser, all extremely gravelly soils. 1B: Very gravelly medium sand, very gravelly fine sand, very gravelly very fine sand, very gravelly loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand). (Res. 2012-78 (part), 8/14/12).

14.98.960 Home-based business.

“Home-based business” means a limited-scale contracting, service or fabrication business operating from an established residence or residential accessory building where the business is subordinate to the primary use of the premises as a residence occupied by the operator. (Res. 2012-78 (part), 8/14/12).

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14.98.965 Home occupation.

“Home occupation” means a lawful occupation carried on entirely within a primary residential building as a clearly secondary use involving the occupant(s) thereof. Transacting wholesale-retail establishments are not considered home occupations. (Res. 2012-78 (part), 8/14/12).

14.98.970 Hospital.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical and mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences. (Res. 2012-78 (part), 8/14/12).

14.98.975 Impervious surface.

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. For purposes of determining whether thresholds for application of core elements are exceeded, open, uncovered retention or detention facilities shall not be considered as impervious surfaces. Open, uncovered retention or detention facilities shall be considered impervious surfaces for purposes of runoff modeling. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.980 Impoundment.

“Impoundment” means a body of water, such as a pond, confined by a dam, dike, floodgate or other barrier. (Res. 2012-78 (part), 8/14/12).

14.98.985 Industrial park.

“Industrial park” means a tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses with special attention to circulation, parking, utility needs and compatibility. (Res. 2012-78 (part), 8/14/12).

14.98.990 Inert waste.

“Inert waste” means substances defined by WAC 173-350-990, such as construction materials, that have not been tainted, through exposure from chemical, physical, biological, or radiological substances, such that they present a threat to human health or the environment greater than that inherent to the material. These may include cured concrete, asphaltic materials that have been used for structural and construction purposes, brick and masonry, ceramic materials, glass, stainless steel and aluminum, and other items which are not capable of catching fire and burning from contact with flames, and maintain physical and chemical structure under expected conditions of storage. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.995 Inert waste site.

“Inert waste site” means a site in which construction, demolition or yard waste and/or inert material such as aggregate, soil, wood, vegetation, etc., is dumped and covered with soil or other suitable

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material or composted. Said wastes shall not include hazardous or toxic material. (Res. 2012-78 (part), 8/14/12).

14.98.1000 Infill.

“Infill” means the development of new housing or other buildings on scattered vacant sites in a built-up area. (Res. 2012-78 (part), 8/14/12).

14.98.1005 Injection well.

“Injection well” means a well that is used for the purpose of subsurface emplacement of fluids, as per Chapter 178-218 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.1010 Intervening ownership in riparian buffers.

“Intervening ownership in riparian buffers” means legal lots of record within riparian buffers which are separated from being adjacent to rivers, streams or lakes by an intervening legal lot of record; and provided, that such intervening legal lot of record is: a buildable lot adequate in size for the purposes of the placement of a single-family home or cabin or other structures of similar size or greater; or the legal lot of record is utilized as a public or private road or railway. (Res. 2012-78 (part), 8/14/12).

14.98.1015 Isolated cottage industry.

“Isolated cottage industry” means an industry operated primarily by family members. (Res. 2012-78 (part), 8/14/12).

14.98.1020 Isolated nonresidential use.

“Isolated nonresidential use” means an existing commercial, retail or industrial business ~~in existence~~ prior to July 1, 1990. (Res. 2012-78 (part), 8/14/12).

14.98.1025 Isolated small scale businesses.

“Isolated small scale businesses” means businesses created to export services or products and not designed to service local needs; may include manufacturing/assembly, research facilities, telemarketing, online/telephone sales and services. (Res. 2012-78 (part), 8/14/12).

14.98.1030 Joint-use driveway tract.

“Joint-use driveway tract” means a jointly owned and maintained tract or easement serving two properties. (Res. 2012-78 (part), 8/14/12).

14.98.1035 Junk.

“Junk” means storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, appliances, demolition waste, or any used material. (Res. 2012-78 (part), 8/14/12).

14.98.1040 Junkyard.

“Junkyard” means any area, lot, parcel, building, structure or part thereof used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, junk or reclaimable material. (Res. 2012-78 (part), 8/14/12).

14.98.1045 Kennel.

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“Kennel” means a lot or building in which four or more dogs, cats or animals at least four months of age are kept ~~commercially~~ for board, propagation, training or sale. (Res. 2012-78 (part), 8/14/12).

14.98.10XX Kitchen, accessory residential.

“Kitchen, accessory residential” means a second kitchen, in addition to the principal kitchen serving the single-family dwelling that is incidental to the primary single-family dwelling and is located in the same dwelling or on the same lot. This definition does not include catering kitchens operated as a home business.

14.98.1050 Kitchen facility.

“Kitchen facility” means an area within a building intended for the preparation and storage of food. (Res. 2012-78 (part), 8/14/12).

14.98.1055 Land.

“Land” means ground, soil, or earth. (Res. 2012-78 (part), 8/14/12).

14.98.1060 Land use, high intensity.

“Land use, high intensity” means land uses which are associated with moderate or high levels of human disturbance or substantial wetland or riparian habitat impacts including, but not limited to, medium and high density residential, multifamily residential, active recreation, and commercial and industrial land uses. (Res. 2012-78 (part), 8/14/12).

14.98.1065 Land use, low intensity.

“Land use, low intensity” includes single-family residential and related accessory structures and home occupational uses, uses that are associated with low levels of human disturbance or low wetland or riparian habitat impacts including but not limited to agriculture or forest management uses. (Res. 2012-78 (part), 8/14/12).

14.98.1070 Landfill.

“Landfill” means a disposal facility or part of a facility which includes the permanent placement of hazardous or dangerous waste, solid waste, special waste, wood waste, inert and demolition waste landfills or unlined surface impoundments. (Res. 2012-78 (part), 8/14/12).

14.98.1075 Landing.

“Landing” means a road or driveway approach area to any public or private road. (Res. 2012-78 (part), 8/14/12).

14.98.1080 Landscaping.

“Landscaping” means any combination of grass, groundcover, shrubs, vines, hedges, trees, or other plant materials and nonliving materials used to enhance existing site conditions. (Res. 2012-78 (part), 8/14/12).

14.98.1085 Latecomer’s agreement.

“Latecomer’s agreement” means a written contract between the county and one or more developers providing partial reimbursement for cost of construction of street system improvements and/or utility system improvements to the developer by owners of property who are likely to utilize the

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improvements and who did not contribute to the original cost of construction. (Res. 2012-78 (part), 8/14/12).

14.98.1090 Legal lot of record.

“Legal lot of record” means:

- (1) A lot created by a recorded subdivision or short subdivision; or
- (2) A lot greater than twenty acres in size meeting the requirements for an exempt parcel as defined in the Chelan County subdivision code; or
- (3) An approved certificate of exemption or boundary adjustment; or
- (4) A lot created prior to October 17, 2000. (Res. 2012-78 (part), 8/14/12).

14.98.1095 Livestock.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals. (Res. 2012-78 (part), 8/14/12).

14.98.1100 Loading space, off-street.

“Loading space, off-street” means space logically and conveniently located and scaled to accommodate bulk and delivery trucks for the use. (Res. 2012-78 (part), 8/14/12).

14.98.1105 Lodging facilities.

“Lodging facilities” means establishments providing transient sleeping accommodations and may also provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may include, but are not limited to, hotels, motels and lodges greater than six rooms. (Res. 2012-78 (part), 8/14/12).

14.98.1110 Lodging unit.

“Lodging unit” means one self-contained unit designated by number, letter or some other method of identification. (Res. 2012-78 (part), 8/14/12).

14.98.1115 Long-term commercial significance.

“Long-term commercial significance” means the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land. (Res. 2012-78 (part), 8/14/12).

14.98.1120 Loop.

“Loop” means a road of limited length forming a loop, having no other intersecting road, and functioning mainly as direct access to abutting properties that may be designated for one-way or two-way traffic. (Res. 2012-78 (part), 8/14/12).

14.98.1125 Lot.

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“Lot” means a fractional part of divided lands having fixed boundaries, also known as property lines. The term shall include tracts and parcels. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2012-78 (part), 8/14/12).

14.98.1130 Lot area.

“Lot area” means the total area within the lot lines of a lot, excluding any street right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.1135 Lot, corner.

“Lot, corner” means a lot or parcel of land abutting upon two or more streets, other than an alley, at their intersection. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1140 Lot coverage.

“Lot coverage” means the ratio of the surface area measured by the exterior walls of the ground floor of all principal and accessory structures and decks, patios, etc., on a lot to the total lot area, as measured on a horizontal plain. (Res. 2012-78 (part), 8/14/12).

14.98.1145 Lot depth.

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line. For the purposes of Chapter 11.78 and 11.80, lot depth is measured at the maximum and minimum points perpendicular to the opposing property line(s) or the ordinary high water mark, where the parcel is dissected by the water body. In the case of triangular or irregularly shaped lots where the minimum measurement would be zero, the common line setback, unless otherwise designated by the administrator or a hearing body, shall be determined with a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. (Res. 2012-78 (part), 8/14/12).

14.98.1150 Lot line.

“Lot line” means a line that divides one lot from another lot or from a public or private street or any other public space. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2012-78 (part), 8/14/12).

14.98.1155 Lot line, front.

“Lot line, front” means a lot that abuts a street right-of-way or other primary means of vehicular access, other than an alley. Corner lots, or lots bounded by more than one street right-of-way, shall be considered to have two or more front lot lines each requiring a front yard setback. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1160 Lot line, rear.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. (Res. 2012-78 (part), 8/14/12).

14.98.1165 Lot line, side.

“Lot line, side” means any lot line other than the front or rear lot line, except, where there are three or more front and/or rear lot lines then the remaining lot line shall be a side lot line. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1170 Lot, reverse frontage.

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“Lot, reverse frontage” means a lot that has two opposite sides abutting two parallel or approximately parallel streets. The remaining lot lines will be side lot lines. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1175 Lot width.

“Lot width” means the horizontal distance between the side lot lines of a lot, measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback. (Res. 2012-78 (part), 8/14/12).

14.98.1180 Major subdivision.

“Major subdivision” means a division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or the transfer of ownership; provided, however, for lands located in an urban growth area, a major subdivision is ten or more lots, except where the county has adopted the city’s subdivision code. (Res. 2012-78 (part), 8/14/12).

14.98.1185 Manufactured home.

“Manufactured home” means a single-family dwelling constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements; and designed for transportation after fabrication in one or more sections on its own chassis and wheels. (Res. 2012-78 (part), 8/14/12).

14.98.1190 Manufactured home, designated.

“Manufactured home, designated” means a manufactured home that meets the following:

- (1) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- (2) Was originally constructed with and now has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and
- (3) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences. (Res. 2012-78 (part), 8/14/12).

14.98.1195 Manufactured/mobile home park.

“Manufactured/mobile home park” means a site, lot, or tract of land under the management of one person, firm, or corporation intended for the occupancy of three or more manufactured/mobile homes for dwelling or sleeping purposes. This definition does not include parks for the location of recreational vehicles. (Res. 2012-78 (part), 8/14/12).

14.98.1200 Mapped point location.

“Mapped point location” means generally but not limited to an individual occurrence, breeding location, communal roost or haul-out site for a state priority species, as identified by the priority habitats and species database and wildlife heritage database. (Res. 2012-78 (part), 8/14/12).

14.98.1205 Master planned resort.

“Master planned resort” means a fully integrated, self-contained planned unit development, in a setting of significant natural amenities, with its primary focus on destination resort facilities, consisting of short-

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term visitor accommodations associated with a range of developed on-site indoor and/or outdoor recreational facilities. (Res. 2012-78 (part), 8/14/12).

14.98.1210 Meeting, public.

“Meeting, public” means an informal meeting, hearing, workshop or other public gathering to obtain comments from the public or other agencies on an application, proposed action or issue of community interest. A public meeting does not constitute an open record hearing. (Res. 2012-78 (part), 8/14/12).

14.98.1215 Mineral extraction, long-term.

“Mineral extraction, long-term” means any activity which utilizes the extraction, processing and sale of commercial and noncommercial mineral resources. “Long-term” shall mean for a duration of greater than six years. (Res. 2012-78 (part), 8/14/12).

14.98.1220 Mineral extraction, short-term.

“Mineral extraction, short-term” means any activity which utilizes the extraction, processing, and sale of commercial and noncommercial mineral resources. “Short-term” shall mean for a duration of six years or less. (Res. 2012-78 (part), 8/14/12).

14.98.1225 Mineral resource activity.

“Mineral resource activity” means any activity which utilizes the storage, extraction, processing and sale of commercial and noncommercial mineral resources. Such activities may include, but are not limited to, stockpiling, crushing, sorting, batching of asphalt or concrete, preparation of a mining site for operation, ore extraction and reclamation of a mining site. (Res. 2012-78 (part), 8/14/12).

14.98.1230 Mineral resource materials.

“Mineral resource materials” means rock, gravel, sand and metallic and nonmetallic substances of commercial value. (Res. 2012-78 (part), 8/14/12).

14.98.1235 Mini-storage facility.

“Mini-storage facility” means a facility including buildings segregated into storage cubicles used exclusively for the storage of property and outdoor storage of vehicles and boats. (Res. 2012-78 (part), 8/14/12).

14.98.1240 Mining.

“Mining” means the act of extraction from the earth minerals and/or ores (including sand and gravel) via open pit, shaft, leaching or hydraulic methods. (Res. 2012-78 (part), 8/14/12).

14.98.1245 Mitigation.

“Mitigation” means methods used to alleviate or lessen the impact of development. (Res. 2012-78 (part), 8/14/12).

14.98.1250 Mixed use development.

“Mixed use development” means the development of a tract of land, building, or structure with a variety of uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment in a compact urban-like form. (Res. 2012-78 (part), 8/14/12).

14.98.1253 Model home.

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“Model home” means a dwelling unit permitted in an approved preliminary plat prior to final plat recording which does not transfer ownership until after the final plat recording. (Res. 2018-8 (Att. A) (part), 1/30/18).

14.98.1255 Mobile home.

“Mobile home” means ~~a single family dwelling unit constructed prior to June 15, 1976, designed on a permanent chassis, transportable in one or more sections that are eight feet or more in width and thirty two feet or more in length.~~ a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes per WAC 296-150M-0020.

(Res. 2012-78 (part), 8/14/12).

14.98.1260 Modular home.

“Modular home” means a manufactured structure designed for initial movement in whole or units without benefit of an undercarriage frame or wheels to a site of permanent placement on a full perimeter foundation. A modular home constructed to ~~international codes standards the~~ requirements of WAC Chapter 296-150M and bearing the gold insignia from the Washington State Department of Labor and Industries shall be considered a single-family dwelling and not a manufactured/mobile home. (Res. 2012-78 (part), 8/14/12).

14.98.1265 National Wetlands Inventory Maps.

“National Wetlands Inventory Maps” means those maps provided to the county by the United States Department of the Interior which depict those areas which, based on aerial photography and soils data, have a strong likelihood of containing a wetland. (Res. 2012-78 (part), 8/14/12).

14.98.1270 Native vegetation.

“Native vegetation” means vegetation indigenous to, or originating naturally in Chelan County or north central Washington. (Res. 2012-78 (part), 8/14/12).

14.98.1275 Natural environment.

“Natural environment” (as defined and designated in the shoreline master program use regulations of Chelan County) means an area containing some unique natural or cultural features considered valuable in a natural or original condition which are relatively intolerant of intensive human uses. (Res. 2012-78 (part), 8/14/12).

14.98.1280 Natural resource support facility.

“Natural resource support facility” means any facility that provides equipment, supplies and/or service to industries and operations that are involved in mineral resource, timber, agriculture and other activities related to natural resources. Such facilities may include, but are not limited to, equipment sales and service, chemical sales and technical support, and processing of resource materials. (Res. 2012-78 (part), 8/14/12).

14.98.1285 Neighborhood-oriented commercial.

“Neighborhood-oriented commercial” means a commercial area providing convenience goods and services for the residents of the surrounding area. (Res. 2012-78 (part), 8/14/12).

14.98.1290 NFPA.

“NFPA” means the National Fire Protection Association. (Res. 2012-78 (part), 8/14/12).

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14.98.1295 Noncompliance.

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“Noncompliance” means an activity or use that is not in conformity with current rules and regulations. (Res. 2012-78 (part), 8/14/12).

14.98.1300 Nonconforming.

“Nonconforming” means a lot, use, building or structure which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the current requirements of the zoning district. (Res. 2012-78 (part), 8/14/12).

14.98.1305 Normal maintenance and repair.

(1) “Normal maintenance” means those acts to prevent a decline, lapse, or cessation from a lawfully established condition.

(2) “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(1)(b)). (Res. 2012-78 (part), 8/14/12).

14.98.1310 Notice and order.

“Notice and order” means a written notice declaring that a code violation(s) has occurred which specifies the action required to abate the violation and the civil fine for failure to comply with the notice and order. (Res. 2012-78 (part), 8/14/12).

14.98.1315 Noxious weeds.

“Noxious weeds” means those plants that are non-native, highly destructive and competitive as defined in Chapter 17.10 RCW, as now or hereafter amended. (Res. 2012-78 (part), 8/14/12).

14.98.1320 Nursery.

“Nursery” means land or structures, such as greenhouses, used to raise plants, flowers and shrubs for sale. (Res. 2012-78 (part), 8/14/12).

14.98.1322 Observation tower.

“Observation tower” means a public or commercially owned structure used to view areas/events from long distances. (Res. 2015-73 (Atts. A, B) (part), 8/4/15).

14.98.1325 Off-street parking space.

“Off-street parking space” means an area accessible to vehicles, exclusive of roadways, sidewalks, and other pedestrian facilities, that is improved, maintained, and used for the purpose of parking a motor vehicle on a dedicated street right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.1330 Omission.

“Omission” means a failure to act. (Res. 2012-78 (part), 8/14/12).

14.98.1335 On center (O.C.).

“On center (O.C.)” means a method of measurement to indicate plant spacing whereby the measurement is taken from the center of one plant to the center of the next. As used in this title for trees, average spacing “on center” is used for calculating the minimum number of trees necessary to

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meet the planting requirements and does not necessarily refer to the specific location or relative special arrangement of the trees. (Res. 2012-78 (part), 8/14/12).

14.98.1340 On-farm retail sales.

“On-farm retail sales” means a secondary, subordinate and supplemental element of the operation of an ongoing commercial agriculture activity as defined by RCW 84.34.020(2). (Res. 2012-78 (part), 8/14/12).

14.98.1345 Open record hearing.

“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application. (Res. 2012-78 (part), 8/14/12).

14.98.1350 Open space, passive.

“Open space, passive” means any area of land essentially unimproved and set aside, dedicated, designated, or reserved for public or private use as a natural environment and/or passive activities, such as trails. (Res. 2012-78 (part), 8/14/12).

14.98.1355 Open space, active.

“Open space, active” means any area of land set aside, dedicated, designated, or reserved for public or private use which includes active areas, such as playgrounds, and/or infrastructure, such as well pumps, utility easements and may include septic systems under certain circumstances. (Res. 2012-78 (part), 8/14/12).

14.98.1360 Ordinary high water mark (OHWM).

“Ordinary high water mark (OHWM)” means a mark on all lakes, streams, and tidal waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. RCW 90.58.030(2)(b). (Res. 2012-78 (part), 8/14/12).

14.98.1365 Parcel.

“Parcel” means a tract, lot or plat of land of any size which may or may not be subdivided or improved. (Res. 2012-78 (part), 8/14/12).

14.98.1370 Park and ride facility.

“Park and ride facility” means a parking area designed for drivers to leave their cars and use mass transit or other ride sharing which begins or ends at the park and ride facility. (Res. 2012-78 (part), 8/14/12).

14.98.1375 Park model ~~home~~ trailer.

“Park model ~~home~~ trailer” shall be defined pursuant to RCW 46.04.622, and for the purposes of this code shall be treated similar to a stick built or manufactured home provided it is in compliance with all development standards of the Chelan County Code. (Res. 2012-78 (part), 8/14/12).

14.98.1380 Parking area.

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“Parking area” means any area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets. (Res. 2012-78 (part), 8/14/12).

14.98.1385 Parking space.

“Parking space” means a space for the parking of a motor vehicle within a parking area. (Res. 2012-78 (part), 8/14/12).

14.98.1390 Pavement width.

“Pavement width” means the paved area on shoulder-type roads or paved surfaces between curb, thickened edge or gutter flow line on all other roads. (Res. 2012-78 (part), 8/14/12).

14.98.1395 Perennial.

“Perennial” means containing water continuously year-round. (Res. 2012-78 (part), 8/14/12).

14.98.1400 Permeability.

“Permeability” means the property or condition of being able to pass liquids and gases through a soil or other geologic formation; also the rate of flow of that liquid or gas through the soil or other geologic formation. (Res. 2012-78 (part), 8/14/12).

14.98.1405 Permitted use.

“Permitted use” means any use allowed outright in a zoning district. (Res. 2012-78 (part), 8/14/12).

14.98.1410 Person.

“Person” means any individual, firm, association, partnership, corporation, or any entity, public or private. (Res. 2012-78 (part), 8/14/12).

14.98.1415 Personal and professional services.

“Personal and professional services” means establishments engaged in providing services involving the care of a person, personal goods or providing services based on a recognized profession. (Res. 2012-78 (part), 8/14/12).

14.98.1420 Pipe stem.

“Pipe stem” means a strip of land having a width narrower than that of the lot or parcel to be served and is designed for providing access to that lot or parcel. Also known as a flag lot. (Res. 2012-78 (part), 8/14/12).

14.98.1425 Place of habitation.

“Place of habitation” means a building used in whole or in part as habitable space. (Res. 2012-78 (part), 8/14/12).

14.98.1430 Place of public/private assembly.

“Place of public/private assembly” means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation; such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, theaters, and churches and religious facilities. (Res. 2019-54 (Att. A) (part), 4/23/19; Res. 2012-78 (part), 8/14/12).

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14.98.1435 Planned unit development (PUD).

“Planned unit development (PUD)” means an area of a minimum contiguous size to be planned, developed, operated, and maintained as a single entity and containing one or more structures with appurtenant/supportive common areas. (Res. 2012-78 (part), 8/14/12).

14.98.1440 Planning commission.

“Planning commission” means the Chelan County planning commission. (Res. 2012-78 (part), 8/14/12).

14.98.1445 Plat.

“Plat” means a map or representation of a subdivision, showing thereon the division of land into lots, blocks, streets and alleys or other divisions, dedications and information. (Res. 2012-78 (part), 8/14/12).

14.98.1450 Plat, final.

“Plat, final” means the final drawing of a subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements as set forth in Title 12 of the Chelan County Code and Chapter 58.17 RCW. (Res. 2012-78 (part), 8/14/12).

14.98.1455 Plat, preliminary.

“Plat, preliminary” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Res. 2012-78 (part), 8/14/12).

14.98.1460 Plat, short.

“Plat, short” means a map or representation of a short subdivision. (Res. 2012-78 (part), 8/14/12).

14.98.1465 Pre-decision.

“Pre-decision” means an open record hearing held prior to the decision on a project permit. (Res. 2012-78 (part), 8/14/12).

14.98.1470 Primary association.

“Primary association” means use of a habitat area by a species regulated by Chapter 11.78 for rearing young, roosting, feeding, breeding, vulnerable aggregations, migration or foraging on a regular basis during the appropriate season. (Res. 2012-78 (part), 8/14/12).

14.98.1475 Principal, primary use.

“Principal, primary use” means a specific and primary purpose for which land, a building or structure is, or may be, occupied, arranged, designed, intended or maintained. (Res. 2012-78 (part), 8/14/12).

14.98.1480 Priority habitats.

“Priority habitats” means habitats which include one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, important fish and wildlife movement corridors, limited availability, high vulnerability to habitat alteration, and/or unique or dependent species. These habitats may include: Aspen stands, caves, cliffs, instream habitat, Juniper Savannah, old growth/mature forests, prairies and steppe, riparian areas, rural natural open space, shrub steppe (large

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blocks), shrub steppe (small blocks), snags, talus, urban natural open space, and freshwater wetlands and deepwater. (Res. 2012-78 (part), 8/14/12).

14.98.1485 Private road.

“Private road” shall mean a road, though approved by the county, which is not a county road and is not maintained by the county. (Res. 2012-78 (part), 8/14/12).

14.98.1490 Property line.

Property Line. See “Lot line.” (Res. 2012-78 (part), 8/14/12).

14.98.1495 Prosecuting attorney.

“Prosecuting attorney” means the Chelan County prosecuting attorney. (Res. 2012-78 (part), 8/14/12).

14.98.1500 Protective improvements.

“Protective improvements” means project-specific facilities such as storm water detention ponds, natural floodways, fences designed to protect the public from hazardous areas and similar improvements and facilities. (Res. 2012-78 (part), 8/14/12).

14.98.1505 Public facility, high impact.

“Public facility, high impact” means a building or structure owned and operated by a public agency to provide a governmental service to the public. Such uses shall include, but are not limited to, composting facility, utility substations, solid waste transfer station, equipment storage/maintenance yard. (Res. 2012-78 (part), 8/14/12).

14.98.1510 Public facility, low impact.

“Public facility, low impact” means a building or structure owned and operated by a public agency to provide a governmental service to the public. Such uses shall include, but are not limited to, unoccupied emergency services buildings, transit shelters, rest areas and interpretive sites. (Res. 2012-78 (part), 8/14/12).

14.98.1515 Qualified ground water scientist.

“Qualified ground water scientist” means a hydrogeologist, geologist, engineer or other scientist who meets all of the following criteria:

(1) Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and

(2) Has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water vulnerability. (Res. 2012-78 (part), 8/14/12).

14.98.1520 Qualified professional wetland biologist/consultant.

“Qualified professional wetland biologist/consultant” means the holder of at least a four-year degree in science with specific or related fields with course work in wetland ecology, hydrology or soils science with at least two years of professional experience in wetland delineation, functional assessment and mitigation. (Res. 2012-78 (part), 8/14/12).

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14.98.1525 Recreational development.

“Recreational development” means development that may include, but is not limited to, campgrounds, RV parks, developed swimming beaches or similar types of uses. (Res. 2012-78 (part), 8/14/12).

14.98.1530 Recreational vehicle.

“Recreational vehicle” means a vehicular-type unit primarily designed for recreational camping or travel use certified as a recreational vehicle (RV) by the Department of Labor and Industries. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.1535 Recreational vehicle park/campground.

“Recreational vehicle park/campground” means any lot or parcel of land upon which two or more recreational vehicle, camp sites, and/or lodge or cabin units, as allowed, are located, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes.

(1) “Major recreational vehicle (RV) parks/campgrounds” means developed campgrounds having more than fifty camp or RV sites, cabins and/or lodge units as allowed.

(2) “Minor recreational vehicle (RV) parks/campgrounds” means developed campgrounds having fifty or fewer camp or RV sites, cabins and/or lodge units as allowed. (Res. 2012-78 (part), 8/14/12).

14.98.1540 Recreational vehicle, park model trailers.

“Recreational vehicle, park model trailers” means recreational vehicles used primarily as destination camping units and regulated consistent with other recreational vehicles. (Res. 2012-78 (part), 8/14/12).

14.98.1545 Redevelopment.

“Redevelopment” means any land-disturbing activity occurring on existing developed property. (Res. 2012-78 (part), 8/14/12).

14.98.1550 Remote industrial use.

“Remote industrial use” means those industrial uses which cannot be sited in urban areas or rural industrial districts due to noise, odor, or operational characteristics. (Res. 2012-78 (part), 8/14/12).

14.98.1555 Rent-a-tree operation.

“Rent-a-tree operation” means arrangements where customers rent or lease trees from farmers. (Res. 2012-78 (part), 8/14/12).

14.98.1560 Repeat violation.

“Repeat violation” means any civil code violation of the same ordinance, resolution or regulation in any location by the same person for which voluntary compliance has been sought within five years or a notice and order, stop work order or citation has been issued within five years; or a violation of a condition stated on a permit. (Res. 2012-78 (part), 8/14/12).

14.98.1565 Reserve easement.

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“Reserve easement” (or dedication) is a strip of land between a subdivision boundary and a street within an approved subdivision, the control of which is deeded or dedicated to the county as a nonaccess right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.1570 Resource agencies.

“Resource agencies” means those various federal, state and local agencies and organizations whom the county relies upon for technical expertise and comment. (Res. 2012-78 (part), 8/14/12).

14.98.1575 Restaurant.

“Restaurant” means an establishment where food and drink are prepared and served on-site and may be consumed on- or off-site. (Res. 2012-78 (part), 8/14/12).

14.98.1580 Restoration.

“Restoration” means to revitalize or reestablish characteristics and processes of a wetland or fish and wildlife habitat area which have been diminished or lost by past alterations, activities, or catastrophic events. (Res. 2012-78 (part), 8/14/12).

14.98.1585 Retail sales.

“Retail sales” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and customary auxiliary uses and services incidental to the sale of such goods. (Res. 2012-78 (part), 8/14/12).

14.98.1590 Retail space.

Retail Space. See “Retail sales.” (Res. 2012-78 (part), 8/14/12).

14.98.1595 Retaining wall.

“Retaining wall” means a structure or barrier constructed and erected between areas of different elevations to protect structures, support a surcharge, and/or prevent erosion. (Res. 2012-78 (part), 8/14/12).

14.98.1600 Revegetation.

“Revegetation” means to provide with a new vegetative cover composed of locally prescribed native vegetation in consultation with the applicable resource agencies. (Res. 2012-78 (part), 8/14/12).

14.98.1605 Right-of-way, ingress/egress.

“Right-of-way, ingress/egress” means land, property, or property interest dedicated, or under fee ownership, used primarily for transportation and associated land uses. (Res. 2012-78 (part), 8/14/12).

14.98.1610 Riparian.

“Riparian” means relating to, living or located along the bank of a watercourse including ponds, lakes, perennial and intermittent streams, and rivers. (Res. 2012-78 (part), 8/14/12).

14.98.1615 Road.

“Road” means a facility providing public or private access including the roadway and all other improvements inside the right-of-way. “Road” and “street” will be considered interchangeable terms for the purpose of these standards. (Res. 2012-78 (part), 8/14/12).

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14.98.1620 Road, public.

“Road, public” means a road established and adopted by the proper authorities for use by the general public for vehicular circulation and a means of access to abutting properties. A road may serve as, but not be limited to, a location for public utilities, walkways, public open space and recreation area, cut and fill slopes, and drainage. (Res. 2012-78 (part), 8/14/12).

14.98.1625 Roadside stand.

“Roadside stand” means a temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and non-food items. This use is to be seasonal in duration, open for the duration of the harvest season. (Res. 2012-78 (part), 8/14/12).

14.98.1630 Roadway.

“Roadway” means that surfaced portion of a street or alley right-of-way that is improved for vehicular traffic only. (Res. 2012-78 (part), 8/14/12).

14.98.1635 Rural area.

“Rural area” means those areas of the county outside of an urban growth area as depicted in the Chelan County comprehensive plan. (Res. 2012-78 (part), 8/14/12).

14.98.1640 Rural environment.

“Rural environment” (as defined and designated in the shoreline master program use regulations of Chelan County) means an area characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. (Res. 2012-78 (part), 8/14/12).

14.98.1645 Rural tourism, recreational.

“Rural tourism, recreational” means an experience involving visits to rural settings or rural environments for the purpose of participation in or experiencing activities, events or attractions not readily available in urbanized areas. These activities are not necessarily agricultural in nature. (Res. 2012-78 (part), 8/14/12).

14.98.1650 Sanitary landfill.

“Sanitary landfill” means land upon which solid waste material consisting in whole or part of garbage, refuse, trash, rubbish, sludge or any other solid waste is dumped and covered with earth or other suitable material. (Res. 2012-78 (part), 8/14/12).

14.98.1655 Sedimentation.

“Sedimentation” means the deposition and settling of loose transported material into an open water body through the action of erosion or land instability. (Res. 2012-78 (part), 8/14/12).

14.98.1660 Sensitive species (state).

“Sensitive species (state)” means those species listed by state agencies as sensitive species pursuant to WAC 232-12-011, as amended. (Res. 2012-78 (part), 8/14/12).

14.98.1665 Service drive.

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“Service drive” means any driveway, accessway or easement designed and used primarily for the purpose of obtaining access to a service entrance or loading area of a building or structure. (Res. 2012-78 (part), 8/14/12).

14.98.1670 Setback.

“Setback” means the distance between the nearest load-bearing member of a structure to any lot line, as measured on a horizontal plane. Exemptions are listed in Chapter 11.88. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.1675 Shoreline environment designations.

“Shoreline environment designations” means the categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctly different shoreline areas. (Res. 2012-78 (part), 8/14/12).

14.98.1680 Shoreline substantial development.

“Shoreline substantial development” means any development on designated shorelines which meet the requirements of RCW 90.58.030. (Res. 2012-78 (part), 8/14/12).

14.98.1685 Shorelines of the state.

“Shorelines of the state” means shorelines and shorelines of state-wide significance as defined in RCW 90.58.030. (Res. 2012-78 (part), 8/14/12).

14.98.1690 Short subdivision.

“Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of lease, sale, or transfer of ownership; provided, however, that in the Peshastin or Manson urban growth areas, a short subdivision is nine or fewer lots. (Res. 2012-78 (part), 8/14/12).

14.98.1695 Shoulder.

“Shoulder” means the paved or unpaved portion of the roadway outside the traveled way that is available for emergency parking or nonmotorized use. (Res. 2012-78 (part), 8/14/12).

14.98.1700 Shrub.

“Shrub” means a woody deciduous or evergreen plant with multiple stems or branches adapted for growth in Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.1705 Sign.

“Sign” means a display or device affixed to the ground, attached to a building or other structure using graphics, symbols, and/or written copy designed specifically for the display of a commercial or other advertisement to the public. (Res. 2012-78 (part), 8/14/12).

14.98.1710 Sign, directional.

“Sign, directional” means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which the public is directed. (Res. 2012-78 (part), 8/14/12).

14.98.1715 Sign, fascia.

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“Sign, fascia” means a flat sign which projects one and one-half feet or less horizontally from the vertical face of a canopy awning or parapet upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such wall awning or parapet. (Res. 2012-78 (part), 8/14/12).

14.98.1720 Sign, freestanding.

“Sign, freestanding” means a sign not attached to or forming part of a building. (Res. 2012-78 (part), 8/14/12).

14.98.1725 Sign, illuminated.

“Sign, illuminated” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. (Res. 2012-78 (part), 8/14/12).

14.98.1730 Sign, off-premises advertising.

“Sign, off-premises advertising” means a sign which advertises or promotes merchandise, services, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which said sign is located, or is available for rent or lease. (Res. 2012-78 (part), 8/14/12).

14.98.1735 Sign, off-premises directional.

“Sign, off-premises directional” means a sign which directs persons to a premises different from where the sign is located. These signs typically include an address or street name or direction such as “two blocks south on the right.” (Res. 2012-78 (part), 8/14/12).

14.98.1740 Sign, on-premises advertising.

“Sign, on-premises advertising” means a sign which carries only advertisements related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business and name of the person, firm or corporation occupying the premises. “On-premises sign” also means a sign which contains religious, political, social and other noncommercial messages. (Res. 2012-78 (part), 8/14/12).

14.98.1745 Sign, portable.

“Sign, portable” means any sign designed to move or be moved by a trailer or vehicle to advertise at different locations. Further, these signs include any sign which is not firmly fastened to a building or the ground. (Res. 2012-78 (part), 8/14/12).

14.98.1750 Sign, projecting.

“Sign, projecting” means a sign which projects more than one and one-half feet horizontally from the vertical face of a building, or parapet. (Res. 2012-78 (part), 8/14/12).

14.98.1755 Sign, rooftop.

“Sign, rooftop” means a sign erected upon the roof of a building or canopy or a sign attached to a building which projects vertically above the roof, eave, awning or parapet; however, this does not include signs attached to the vertical face of a parapet, awning or canopy; providing the sign does not project above the vertical face of the parapet, awning or canopy to which it is attached. (Res. 2012-78 (part), 8/14/12).

14.98.1760 Sign, rotating.

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“Sign, rotating” means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. (Res. 2012-78 (part), 8/14/12).

14.98.1765 Sign, temporary.

“Sign, temporary” means any sign which is not permanently installed or affixed to any sign structure or building, and not displayed for longer than thirty calendar days. In case of construction project signs, they may be maintained for the duration of the construction. (Res. 2012-78 (part), 8/14/12).

14.98.1770 Significant habitat block.

“Significant habitat block” means an area, or site in conjunction with an area, which is adequate in size to contain the sum of all environmental factors of a specific place necessary for the support and sustenance on a permanent or seasonal basis of a species, population or community. (Res. 2012-78 (part), 8/14/12).

14.98.1775 Silvicultural practices.

“Silvicultural practices” means pertaining to the cultivation and care of forest trees. (Res. 2012-78 (part), 8/14/12).

14.98.1780 Site plan.

“Site plan” means a written drawing illustrating a parcel of land, all existing and proposed structures, location of access, critical areas and the requested change to said areas. (Res. 2012-78 (part), 8/14/12).

14.98.1785 Slope.

“Slope” means the inclined ground surface of an area, the inclination of which is expressed as a ratio (percentage) of rise (vertical distance) to run (horizontal distance) by the following formula:

$$\text{Rise/Run (x100)} = \text{Average \% grade.}$$

(Res. 2012-78 (part), 8/14/12).

14.98.1790 Sludge.

“Sludge” means the material pumped out of septic tanks, cesspools, seepage pits or other receptacles built and maintained to receive and collect sewage from buildings not connected to a sewer and, in addition, includes treatment residues from water treatment plants and municipal wastewater treatment plants. (Res. 2012-78 (part), 8/14/12).

14.98.1795 Small scale recreation and tourism.

“Small scale recreation and tourism” means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.1800 Sole source aquifer.

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“Sole source aquifer” means an aquifer which supplies at least fifty percent of the drinking water consumed in the area overlying the aquifer. These areas can have no alternative drinking water source(s) that could physically, legally, and economically supply all those who depend upon the aquifer for drinking water. (Res. 2012-78 (part), 8/14/12).

14.98.1805 State natural area preserves and natural resource conservation areas.

“State natural area preserves and natural resource conservation areas” are those areas defined, established, and managed as such by the Washington State Department of Natural Resources. (Res. 2012-78 (part), 8/14/12).

14.98.1810 Street frontage.

“Street frontage” means the linear frontage of a parcel or property abutting a street or access easement. (Res. 2012-78 (part), 8/14/12).

14.98.1815 Street, private.

“Street, private” means a privately owned and maintained access provided for by a tract, easement, or other legal means, typically serving three or more potential dwelling units. (Res. 2012-78 (part), 8/14/12).

14.98.1820 Street, public.

“Street, public” means a publicly owned facility providing access, including the roadway and all other improvements, inside the right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.18XX Storage.

“Storage” means a space or place where goods, materials, and/or personal property are placed for more than 24 consecutive hours.

14.98.18XX Storage, container.

“Storage, container” means intermodal transport units, isotainers, and similar shipping containers that are generally transported on cargo ships, railroad cars, trucks, and/or planes.

14.98.1825 Structure.

“Structure” means that which is built, constructed, erected or any kind or any piece of work artificially built up or composed of parts joined together which requires location on the ground or attached to something having a location on the ground with the exception of retaining walls. Not included are structures or similar improvements less than four feet in height. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12).

14.98.1830 Structure, plant communities.

“Structure, plant communities” means the associated characteristics of species richness, number of canopy levels, the degree of maturation of the community, and the dominant individuals that define the community. (Res. 2012-78 (part), 8/14/12).

14.98.1835 Structure, temporary.

“Structure, temporary” means a structure without any foundation or footings and erected for a period of less than one hundred eighty calendar days. (Res. 2012-78 (part), 8/14/12).

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14.98.1840 Substantial changes.

“Substantial changes” means changes to a proposed development, within the discretion of the director, that affect access, density, utilities, drainage, critical areas or other relevant provisions or changes that warrant review from commenting agencies. (Res. 2012-78 (part), 8/14/12).

14.98.1845 Susceptibility.

“Susceptibility” means the condition of being especially sensitive and open to contamination. (Res. 2012-78 (part), 8/14/12).

14.98.1850 Temporary use.

“Temporary use” means a use established for a period of one hundred eighty calendar days or when the need for the use has ceased, whichever is shorter. Temporary uses do not involve the construction or alteration of a permanent structure. (Res. 2012-78 (part), 8/14/12).

14.98.1855 Tent.

“Tent” means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported in any manner except by air or the contents it protects. (Res. 2012-78 (part), 8/14/12).

14.98.1860 Threatened species (federal).

“Threatened species (federal)” means those species listed by federal agencies under the federal register for the Federal Endangered Species Act of 1973, as amended, as threatened species. (Res. 2012-78 (part), 8/14/12).

14.98.1865 Threatened species (state).

“Threatened species (state)” means those species listed by state agencies as threatened species pursuant to WAC 232-12-011, as amended. (Res. 2012-78 (part), 8/14/12).

14.98.1870 Traditional forest practices.

“Traditional forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to, road and trail construction, thinning, reforestation, prevention and suppression of disease and insects, salvage of trees and brush control. (Res. 2012-78 (part), 8/14/12).

14.98.1875 Traveled way.

“Traveled way” means that part of the road made for vehicle travel excluding shoulders and auxiliary lanes. (Res. 2012-78 (part), 8/14/12).

14.98.1880 Tree.

“Tree” means a large deciduous or evergreen woody plant having one or more self-supporting trunks and numerous branches and normally growing to a minimum height of twelve feet adapted for growth in Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.1885 U-Pick operation.

“U-Pick operation” means farms or orchards where the customers themselves harvest the fruit or agricultural product. (Res. 2012-78 (part), 8/14/12).

14.98.1890 Urban environment.

EXHIBIT A

“Urban environment,” as defined and designated in the shoreline master program use regulations of Chelan County, means an area of high intensity land use including residential, commercial, and industrial development in addition to open space and public uses. (Res. 2012-78 (part), 8/14/12).

14.98.1895 Urban growth area.

“Urban growth area” means those areas designated by the county where urban growth will be supported by public facilities and services, as established by RCW 36.70A.110. (Res. 2012-78 (part), 8/14/12).

14.98.1900 Urban wildland interface area.

“Urban wildland interface area” means that geographical area where structures and other human development meet or intermingle with wildland or vegetative fuels. All areas shown as having moderate, high, or extreme risk hazard on the current edition of the Chelan County fire map, developed by the Washington State Department of Natural Resources, are urban wildland interface areas. (Res. 2012-78 (part), 8/14/12).

14.98.1905 Use.

“Use” means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained. (Res. 2012-78 (part), 8/14/12).

14.98.1910 Utility.

“Utility” means a company providing public service such as gas, electric power, telephone, telegraph, water, sewer, or cable television, whether or not such company is privately owned or owned by a governmental entity. (Res. 2012-78 (part), 8/14/12).

14.98.1915 Utility, high impact.

“Utility, high impact” means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. High impact public utilities shall include, but are not limited to, generating and switching stations, substations, pumping stations and antennas or repeaters when not installed on a building. (Res. 2012-78 (part), 8/14/12).

14.98.1920 Utility, low impact.

“Utility, low impact” means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. Low impact utilities shall include, but are not limited to, poles, lines, pipes, antennas or repeaters when installed on a building, carrier hotels and similar technology infrastructure. (Res. 2012-78 (part), 8/14/12).

14.98.1925 Value added operation.

“Value added operation” means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value added operations may include bagging, packaging, bundling, pre-cutting, food and beverage service, etc. (Res. 2012-78 (part), 8/14/12).

14.98.1930 Variance.

EXHIBIT A

“Variance” is the means by which an adjustment is made in the application of the specific dimensional standards of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges in conformance with the provisions of Chapter 11.95 (RCW 36.70.020). (Res. 2012-78 (part), 8/14/12).

14.98.10XX Vehicle, inoperable.

“Vehicle, inoperable” means a motor vehicle meeting at least three of the following requirements:

- (1) Is three years old or older;
- (2) Is extensively damaged, such damage including, but not limited to, any of the following: a buildup of debris that obstructs use, broken window or windshield; missing wheels, tires, tail/headlights, or bumpers; missing or nonfunctional motor or transmission; or body damage;
- (3) Is apparently inoperable, or missing major component parts, including engines and short blocks, fumes, transmissions or transfer cases, cabs, doors, front or rear boxes, seats, and hoods;
- (4) Is without a valid, current license or registration plate; or
- (5) Has an approximate fair market value equal only to the approximate value of the scrap in it.

14.98.1935 Vehicle sales.

“Vehicle sales” means the sale to the general public of new or used motorized or nonmotorized vehicles, to include, but not be limited to, automobiles, trucks, recreational vehicles, boats or motorcycles. (Res. 2012-78 (part), 8/14/12).

14.98.1940 Vulnerability.

“Vulnerability” means the combined effect of susceptibility to contamination and the presence of potential contaminants. (Res. 2012-78 (part), 8/14/12).

14.98.19XX Warehouse.

“Warehouse” means a building or portion thereof primarily used for storage and/or distribution of products, equipment, materials or commodities that are not available for retail sale on the premises.

14.98.1945 Water-dependent use/structure.

“Water-dependent use/structure” means those uses and/or structures that cannot exist in any other location and require location on the shoreline by reason of the intrinsic nature of their operations, such as: (A) ferry and passenger terminals, (B) terminal and transfer facilities for marine commerce and industry, (C) marine construction, dismantling and repair, (D) marinas—boat and seaplane, (E) intakes and outfalls, (F) boat launch facilities, (G) shoreline recreation, including parks, bike trails, beaches, etc., (H) aquaculture, (I) marina and limnological research and education, (J) hydroelectric power plants. (Res. 2012-78 (part), 8/14/12).

14.98.1950 Water main.

EXHIBIT A

“Water main” means the piping used or which may be used to deliver domestic or industrial water and/or fire flows intended for fire protection in amounts prescribed in this chapter, and excludes storage facilities, hydrants, and service connections. (Res. 2012-78 (part), 8/14/12).

14.98.1955 Water purveyor.

“Water purveyor” means a federal, state, or county agency, or city, town, municipal corporation, firm, company, association, corporation, partnership, district, institution, person or persons owning or operating a public or private water system. (Res. 2012-78 (part), 8/14/12).

14.98.1960 Water system, public.

“Water system, public” means any system of water supply intended to be used for human consumption or other domestic uses, including, but not limited to, sources, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use. (Res. 2012-78 (part), 8/14/12).

14.98.1965 Waters of the state.

“Waters of the state” means Type 1 through 5 Waters as classified by WAC 222-16-030, Water Typing System. (Res. 2012-78 (part), 8/14/12).

14.98.1970 Wellhead protection area.

“Wellhead protection area” means the surface and subsurface area surrounding a well or well field for a distance of one hundred feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. (Res. 2012-78 (part), 8/14/12).

14.98.1975 Wetland or wetlands.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands (RCW 36.70A.030). (Res. 2012-78 (part), 8/14/12).

14.98.1980 Wetland classification.

“Wetland classification” means a rating given to wetlands to differentiate between them based on their sensitivity to disturbance, rarity, irreplaceability and the functions and values they provide. (Res. 2012-78 (part), 8/14/12).

14.98.1985 Wetland delineation.

“Wetland delineation” means a process to determine the location and boundaries of a wetland. (Res. 2012-78 (part), 8/14/12).

14.98.1990 Wetland delineation manual.

EXHIBIT A

“Wetland delineation manual” means the Washington State Wetlands Identification and Delineation Manual, (DOE Publication No. 96-94, March 1997), as amended. (Res. 2012-78 (part), 8/14/12).

14.98.1995 Wetland four-tiered rating system.

“Wetland four-tiered rating system” means the system established in the Washington State Wetland Rating System for Eastern Washington (DOE Publication No. 91-58, October 1991), as amended. (Res. 2012-78 (part), 8/14/12).

14.98.2000 Wholesale trade.

“Wholesale trade” means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. (Res. 2012-78 (part), 8/14/12).

14.98.2005 Winery.

“Winery” means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area. Distilleries and breweries, for the purposes of placement in various zoning districts and regulation requirements, are synonymous with winery. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.2010 Wireless communications facility.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas. (Res. 2012-78 (part), 8/14/12).

14.98.2015 Wireless communications service.

“Wireless communications service” means the providing or offering for rent, sale, lease or, in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. (Res. 2012-78 (part), 8/14/12).

14.98.2020 Wireless communications service provider.

“Wireless communications service provider” means every person who provides wireless telecommunications service for rent, sale, lease or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person. (Res. 2012-78 (part), 8/14/12).

14.98.2025 Working days.

“Working days” means those days in which the office of Chelan County community development is open to the public. (Res. 2012-78 (part), 8/14/12).

14.98.2030 Xeriscape.

EXHIBIT A

“Xeriscape” is a patented name that stands for water conserving landscapes. (Res. 2012-78 (part), 8/14/12).

14.98.2035 Yard.

“Yard” means an open space on a tract or lot which is unoccupied and unobstructed from the ground upward, except as permitted in Title 11. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located. For example, front yard extends from the front lot line. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.2055 Yurt.

“Yurt” means a circular, domed, portable tent. (Res. 2012-78 (part), 8/14/12).

14.98.2060 Zoning map.

“Zoning map” means the map or maps that are part of this title and delineate the boundaries of zoning districts. (Res. 2012-78 (part), 8/14/12).

14.98.2065 Zoning resolution.

“Zoning resolution” shall mean the officially adopted zoning code of Chelan County as it now exists or may be subsequently amended. (Res. 2012-78 (part), 8/14/12).



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

**ISSUANCE OF
DETERMINATION OF NONSIGNIFICANCE**

Description of Proposal: The purpose of the limited text amendments is to clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration as they relate to storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, the hearing examiner and quasi-judicial process, and combining the process for amending the comprehensive plan map and zoning map. Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14.

Proponent: Chelan County, Washington

Location of Proposal: The proposed amendment cover all of unincorporated Chelan County

Lead agency: Chelan County Department of Community Development

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This DNS is issued under 197-11-340(2). The lead agency will not act on this proposal for fourteen (14) days from the date of publication on April 8, 2020.

Responsible Official: Deanna Walter
Position/Title: SEPA Responsible Official
Interim Director, Chelan County Department of Community
Development
Phone: 509-667-6228
Address: 316 Washington Street, Suite 301
Wenatchee, WA 98801

Deanna Walter, SEPA Responsible Official

Date of Issuance: April 3, 2020 Date of Publication: April 8, 2020

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

The help links in this checklist are intended to assist users in accessing guidance on the checklist questions. Links are provided to the specific sections of the guidance applicable to the questions. However, the links may not work correctly on all devices. If the links do not work on your device, open the guidance at www.ecy.wa.gov/programs/sea/sepa/apguide/EnvChecklistGuidance.html and navigate to the appropriate section.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:
Limited Text Amendments to Chelan County Code Chapter 1.61 Hearing Examiner, Title 11 Zoning, and Title 14 Development Permits Procedures and Administration
2. Name of applicant:
Chelan County
3. Address and phone number of applicant and contact person:
Kirsten Larsen, AICP
316 Washington Street, Suite 301
Wenatchee, WA. 98801
Phone: 509-667-6246
Email: kirsten.larsen@co.chelan.wa.us
4. Date checklist prepared:
March 30, 2020
5. Agency requesting checklist:
Chelan County
6. Proposed timing or schedule (including phasing, if applicable):
The proposed amendments are tentatively scheduled to be heard by the Planning Commission on April 22, 2020 and the Board of County Commissioners in Spring 2020.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
Does not apply
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
N/A
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain
No.
10. List any government approvals or permits that will be needed for your proposal, if known.

Requires approval by the Chelan Board of County Commissioners.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this

page. (Lead agencies may modify this form to include additional specific information on project description.)

The purpose of the limited text amendments is to clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration as they relate to storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, the hearing examiner and quasi-judicial process, and combining the process for amending the comprehensive plan map and zoning map. Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Chelan County

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

N/A

b. What is the steepest slope on the site (approximate percent slope)?

N/A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling,

excavation, and grading proposed. Indicate source of fill.

N/A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described

waters? If yes, please describe and attach available plans.

N/A

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A

2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A

4. **Plants**

a. Check the types of vegetation found on the site:

___deciduous tree: alder, maple, aspen, other

___evergreen tree: fir, cedar, pine, other

___shrubs

___grass

___pasture

___crop or grain

___ Orchards, vineyards or other permanent crops.

___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

___water plants: water lily, eelgrass, milfoil, other

___other types of vegetation

N/A

b. What kind and amount of vegetation will be removed or altered?

N/A

c. List threatened and endangered species known to be on or near the site.

N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A

e. List all noxious weeds and invasive species known to be on or near the site.

N/A

5. *Animals*

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

N/A

b. List any threatened and endangered species known to be on or near the site.

N/A

c. Is the site part of a migration route? If so, explain.

N/A

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

e. List any invasive animal species known to be on or near the site.

N/A

6. *Energy and Natural Resources*

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

N/A

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

N/A

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

4) Describe special emergency services that might be required.

N/A

5) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A

3) Proposed measures to reduce or control noise impacts, if any:

N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

N/A

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

N/A

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

N/A

c. Describe any structures on the site.

N/A

d. Will any structures be demolished? If so, what?

N/A

e. What is the current zoning classification of the site?

N/A

f. What is the current comprehensive plan designation of the site?

N/A

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

i. Approximately how many people would reside or work in the completed project?

N/A

j. Approximately how many people would the completed project displace?

N/A

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

N/A

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

c. Proposed measures to reduce or control housing impacts, if any:

N/A

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

b. What views in the immediate vicinity would be altered or obstructed?

N/A

b. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

N/A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

N/A

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

N/A

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A

h. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

N/A

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:



Name of signee: Kirsten Larsen, AICP

Position and Agency/Organization: Planning Manager/Community Development

Date Submitted: April 3, 2020

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed amendments would not likely result in an increase discharge to water, emissions to air, relate to hazardous substances or produce noise. Projects reviewed under CCC Title 11 may trigger a project level SEPA analysis which will address impacts and mitigation measures or the impacts and mitigation measures are already addressed in the code.

Proposed measures to avoid or reduce such increases are:

A review of all uses and developments would be reviewed through the permit process. All projects would be required to adhere to Federal, State, and local requirements.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed regulations would not result in a direct impact and each project will be reviewed and, when appropriate, be required to mitigate impacts.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Each proposed amendment will modify uses or developments which will be reviewed and, when appropriate, required to mitigate impacts.

3. How would the proposal be likely to deplete energy or natural resources?

The development of land uses may require additional energy sources which would be determined at the time of the proposed use or development.

No depletion of natural resources is likely based on the type of proposed amendments.

Proposed measures to protect or conserve energy and natural resources are:

Each proposed amendment will modify uses or developments which will be reviewed for availability, as appropriate, with the service provider. Applicants may have to provide

alternatives to traditional energy sources if the service is not available or is determined inadequate for the proposed use or development.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed amendments would not likely affect environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Each proposed amendment will modify uses or developments which may require review for potential impacts. If impacts are identified a mitigation or modification may be required.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendments are consistent with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposed amendments would be regulated through the land use permit, building permit process, or code enforcement to address potential impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed amendment will not directly result in impacts. Each project will be required to review transportation and meet code requirements in place at that time.

Proposed measures to reduce or respond to such demand(s) are:

Project review would occur with permits required for the individual projects.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed amendments do not conflict with local, state or federal laws relating to environmental protection.

DETERMINATION OF NON-SIGNIFICANCE & NOTICE OF HEARING

PURSUANT to RCW 43.21C, NOTICE IS HEREBY GIVEN THAT on April 3, 2020 Chelan County Community Development (LEAD AGENCY) did issue a determination of non-significance relative to the environmental impact for **ZTA 2020-005**: purpose of the limited text amendments is to clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration as they relate to storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, the hearing examiner and quasi-judicial process, and combining the process for amending the comprehensive plan map and zoning map. Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14.

. The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.C.030 (2)(c). This decision was made after review of completed environmental checklist and other information on file with the lead agency. This information is available to the public on request and may be reviewed by contacting Kirsten Larsen at kirsten.larsen@co.chelan.wa. Comments on this determination should be sent to the email provided above or mailed to Chelan County Community Development, 316 Washington Street, #301, Wenatchee, WA 98801. Comments on the determination must be received by April 22, 2020.

NOTICE IS HEREBY GIVEN that the Chelan County Department of Community Development draft the following limited text amendments and on April 8, 2020, this proposal was noticed to the public. **The Planning Commission will hold a hearing on this item April 22, 2020 at 7:00 pm at 400 Douglas Street, Wenatchee, WA. If you are interested in participating in the public meeting please contact Kirsten Larsen at kirsten.larsen@co.chelan.wa.us.**

The County encourages public comments before the hearing. Comments must include your name, current address and signature; and, should be as specific as possible and may be mailed, emailed to kirsten.larsen@co.chelan.wa.us, or mailed to the department. Any person has the right to receive notice, participate in any Hearings, request a copy of the final decision and appeal the decision as provided by law. For updates on the amendment, please become a party of record by emailing kirsten.larsen@co.chelan.wa.us or contacting Community Development.

(Please publish once on April 8, 2020. Send bill and affidavit of publication to Chelan County Dept. of Community Development, 316 Washington St., Suite 301, Wenatchee, WA 98801)



THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2020-S-1332

Submittal Date Time: 04/06/2020

Submittal Information

Jurisdiction	Chelan County
Submittal Type	60-day Notice of Intent to Adopt Amendment
Amendment Type	Development Regulation Amendment

Amendment Information

Brief Description

Limited text amendments to clarify sections of the Chelan County Code Title 1, Title 11, Title 14 related to: accessory uses, utilities as a permitted use within the IVROD, isolated nonresidential uses and small-scale businesses, Peshastin planned developments, definitions, hearing examiner and quasi-judicial process, and comp plan and zoning map amendment process.

Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 06/09/2020

Attachments

Attachment Type	File Name	Upload Date
Development Regulation Amendment - Draft	Final Draft Limited Text Amendments.pdf	04/06/2020 11:37 AM
SEPA Materials	Signed DNS.pdf	04/06/2020 11:38 AM
SEPA Materials	Signed SEPA Checklist.pdf	04/06/2020 11:39 AM
Public Notice	Notice of DNS & Hearing.docx	04/06/2020 11:39 AM

Contact Information

Prefix	Ms.
First Name	Kirsten
Last Name	Larsen
Title	Planning Manager
Work	(509) 667-6246

Cell
Email kirsten.larsen@co.chelan.wa.us

Yes, I would like to be contacted for Technical Assistance.

Certification

■ I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name Kirsten Larsen
Email kirsten.larsen@co.chelan.wa.us



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

04/06/2020

Ms. Kirsten Larsen
Planning Manager
Chelan County
316 Washington Street Suite 301
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2020-S-1332--60-day Notice of Intent to Adopt Amendment

Dear Ms. Larsen:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Limited text amendments to clarify sections of the Chelan County Code Title 1, Title 11, Title 14 related to: accessory uses, utilities as a permitted use within the IVROD, isolated nonresidential uses and small-scale businesses, Peshastin planned developments, definitions, hearing examiner and quasi-judicial process, and comp plan and zoning map amendment process.

We received your submittal on 04/06/2020 and processed it with the Submittal ID 2020-S-1332. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 06/05/2020.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team
Growth Management Services

Short-Term Rental Materials

April 10, 2020 | Cover Sheet

Behind this cover sheet are a series of documents in this order.

Fact Sheet – 4/10/20

Draft Short-term Rental Code – 4/10/20

- Draft Code
- Attachment: Map Combination: Overlay Options Leavenworth Lake Wenatchee Area

Supplemental Public Comments – 4/1 to 4/3/20

Summary Options and BOCC Direction – 3/31/20

Situation Assessment – 3/30/20

Chelan County Short-Term Rentals 2020 Fact Sheet

April 10, 2020

What is a short-term rental?

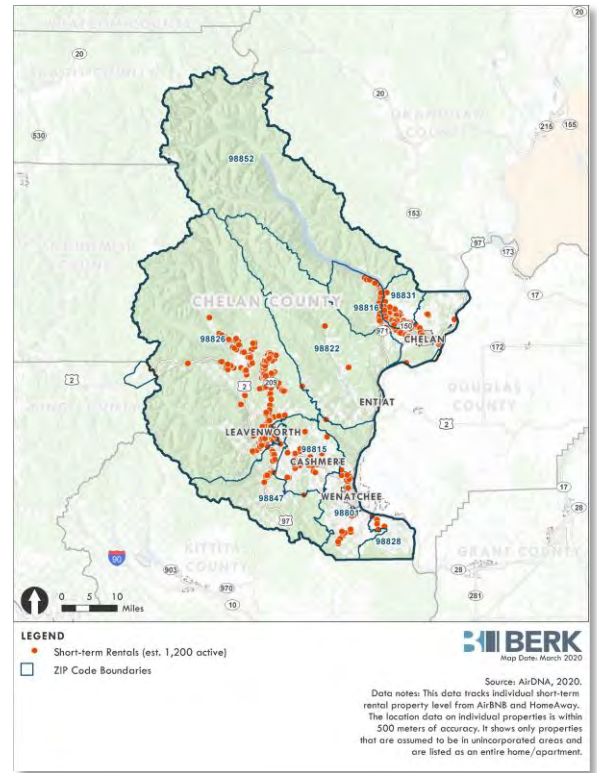
A short-term rental refers to a residential dwelling rented out on a nightly basis for less than 30 days to individual guests. It could be a whole home or just part of it.

Where are short-term rentals in unincorporated Chelan County?

Short-Term Rentals are found across the county, but particularly in the Leavenworth-Peshastin area, Lake Wenatchee, Manson and Chelan.

How fast have short-term rentals grown in the County?

The number of short-term rentals has increased rapidly in the last six years especially in Leavenworth and Manson areas.



Unincorporated Chelan County Listings December 2014-19: AirBnB & Home Away Monthly Data

Zip Code	Zip Code Place	2014	2015	2016	2017	2018	2019
98815	Cashmere		4	11	25	30	35
98816	Chelan	1	3	14	64	60	75
98822	Entiat		3	4	4	2	2
98826	Leavenworth	59	110	205	611	816	868
98828	Malaga	1	2	2	4	4	4
98831	Manson*	6	9	56	212	215	229
98847	Peshastin	4	8	16	41	47	56
98801	Wenatchee	5	6	14	25	32	39
Grand Total		76	145	322	986	1,206	1,308

Note: *Includes about 83 units in 2019 on tribal land.

Source: AirDNA, BERK 2020

What is the goal of short-term rental regulations?

The goal is to allow for property owner income while protecting the character of residential communities across the county.

What happened to the draft proposals in 2019?

In 2019 Chelan County considered draft regulations. The Planning Commission and Board of County Commissioners heard comments and felt proposals didn't meet the County's and community's needs, and denied the 2019 draft. The Board of County Commissioners desire to look at new code options in 2020. See below for an update on 2020 draft regulations and how you can participate.

What is covered in the draft regulations in 2020?

In 2020, an initial draft set of regulations includes the following features.

#	Topic	Approach in Draft Code on Short-Term Rentals
1	Establish protections for the supply and affordability of housing	Allow a small increase annually in short-term rentals, e.g. 1% countywide. In areas with a high concentration, maintain existing short-term rentals but restrict new ones.
2	Preserve neighborhood quality	Address nighttime and daytime occupancy, managing parking, restricting trespass, ensuring solid waste management, etc.
3	Create protections for the wellbeing of guests	Provide for property management plan, health and safety, inspections by fire and health officials at start, self-certification at annual renewal, and insurance.
4	Establish oversight and complaint procedures for the wellbeing of neighbors	Provide process for code compliance integrated with County code and state laws.
5	Preserve public tax revenues and level the playing field	Require short-term rentals owners/operators to comply with local and state tax requirements.
6	Regular permitting & record keeping	Provide process for initial permit and annual renewal.
7	Establish clear definitions	Consider state definitions and adapt for local needs.

How can you provide input on Chelan County's draft regulations in 2020?

Chelan County is interested in your views on draft short-term rental regulations. In 2020, the County anticipates a review and comment process following the steps below. Check out the County's webpage for meeting information and background documents: <https://www.co.chelan.wa.us/community-development>



For questions about the process and next steps, please contact:

Kirsten Larsen, AICP, Planning Manager Community Development Department
 316 Washington Street, Suite 301, Wenatchee, WA 98807
 (509) 667-6225 | Kirsten.Larsen@co.chelan.wa.us

Sign up for newsletter updates here: <https://www.co.chelan.wa.us/community-development/forms/join-newsletter>

Chelan County

Draft Short-term Rental Code

DRAFT April 10, 2020

Discussion notes are identified in italicized blue text. Code proposals are in standard text format for all new sections; or, in some cases track changes to amended sections are shown in ~~strikeout~~ or underline. Additional review is pending with the Prosecuting Attorney's office and other adjustments may be proposed.

Use Allowance Amendments

CHAPTER 11.04 DISTRICT USE CHART

Discussion: Targeted edits are proposed to add short-term rentals to the use table for rural and resource areas. Short-term rentals would be allowed in all rural designations that allow residential or commercial uses including zones where the purpose is recreational residences. The number would be limited by the 1% cap and short-term rental overlays to control density (see new subsection 11.88.280), and thus the zone allowances are more permissive due to other means of limiting such uses.

11.04.020 District Use Chart

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

- P — Permitted use
- P(1) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards
- P(2) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence
- 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

District Use Chart

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

CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

Discussion: This set of amendments treats short-term rentals similar in the Peshastin and Manson UGAs. The cap of 1% and limits on the location and share of short-term rentals in UGAs is found in the new subsection 11.88.280.

11.22.030 Permitted, Accessory and Conditional Uses

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

(2) The following acronyms apply to the following use chart:

Uses:

PRM = Permitted use

ACC = Accessory use

CUP = Conditional use

Where a cell is empty, the use is prohibited in that zone. All of these assume compliance with any and all development standards.

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

Land Uses	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
RESIDENTIAL USES								
<u>Short-Term Rentals</u>	<u>PRM</u>	<u>PRM</u>	<u>PRM</u>	<u>ACC</u>	<u>ACC</u>			

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

² Indoor facility only.

CHAPTER 11.23 MANSON URBAN GROWTH AREA

Discussion: This set of amendments treats short-term rentals similar in the Peshastin and Manson UGAs. The cap of 1% and limits on the location and share of short-term rentals in UGAs is found in the new subsection 11.88.280.

11.23.030 District use chart.

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

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

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

Table 9.1 – District Use Chart

USE/ACTIVITY	UR1	UR2	UR3	CT	CD	MLI	UP
Vacation-Short-Term Rentals	P ¹	P ¹	P ¹	A ¹	A ¹		

P¹ = Permitted with Standards

11.23.040 STANDARDS.

~~(3) Vacation-Short-Term Rentals. See 11.88.280 Short-Term Rentals. Vacation rentals, any unit being rented for less than thirty consecutive days, shall be permitted as identified in Section 11.23.030, District use chart. All vacation rentals shall receive an annual permit from January 1st to December 31st, under Title 14 limited administrative review, documenting conformance and agreement to conform to the following provisions:~~

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

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

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

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

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

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

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

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

Short-Term Rental Standards

Section 11.88.280 is all new.

CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

11.88.280 Short-Term Rental Regulations

(1) PURPOSE

Based on language in Dan Beardslee's proposal.

(A) The purpose of this section is to establish regulations for the operation of short-term rentals as defined in Chelan County Code (CCC) 14.98.1692, within the unincorporated portions of Chelan County. This chapter also establishes a short-term rental land use permit.

(B) The provisions of this chapter are necessary to promote the public health and safety by protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the impact of short-term rentals on adjacent residences.

(2) NUMBER AND LOCATION

The 1% cap and associated zone allowances are similar to options described in the Chelan County Short-Term Rental Situation Assessment & Options, March 30, 2020. There is a simpler permit allowance in the use tables because their number and density are limited in (A) and (C) below.

(A) Number. The annual number of new short-term rental land use permits issued must be capped to one percent (1%) of the total number of permitted short-term rentals in the county as determined through land use permit procedures in subsection (4) below.

The County has applied city zones in UGAs. If there is no reference to allowable uses in city-assigned UGAs there could be confusion since these city zones do not appear within the County Code. The County would allow short-term rentals if the cities allow them in the subject city zones in the UGA, but the permitting procedures would be those the County adopts. To avoid future nonconformities since cities have different review procedures and operational rules, it may be

appropriate to allow existing legal short-term rentals in the UGAs and avoid adding new ones until such time as they annex or until the County adopts city review procedures where feasible (note: the County does not appear to have the same business license regulatory allowances as cities though land use authority is similar).

(B) Zones Allowed. Short-term rentals must be permitted, accessory permitted, conditionally permitted, or prohibited pursuant to:

- (i) Section 11.04.020 applicable to all Rural and Resource Designations, except as limited in Subsection (2)(C) Leavenworth–Lake Wenatchee Overlay, and in Subsection (2)(D) Density Limits.
- (ii) Section 11.22.030 applicable to the Peshastin Urban Growth Area, except as limited in Subsection (2)(D) Density Limits.
- (iii) Section 11.23.030 applicable to the Manson Urban Growth Area, except as limited in Subsection (2)(D) Density Limits.
- (iv) In city-assigned Urban Growth Areas, pursuant to a city’s land use regulations, development standards, and land use designations, where the County has adopted such pursuant to the County-City Memorandum of Understanding filed with the Chelan County Auditor July 8, 1997; provided that, the County’s review procedures in this subsection 11.88.280 must control.

Discussion: Census Tract 9602 is similar in size and boundary as the corresponding zip code. Data about housing and population is produced by federal agencies by census tract as well as by the State Office of Financial Management (OFM). The State OFM also produces data by zip code though federal census data would not be available. Tracking permit applications by zip code could make it simpler to enforce the locational allowances. Another option would be to use finer-grained HUC-12 boundaries, used in watershed planning; however, it would be more difficult to track population and housing information by them. It would allow a more targeted planning boundary to be created. We recommend the Zip Code boundary for the greatest ease of code and permit implementation while still having state population and housing information tracked. Different mapping options are attached.

(C) Leavenworth–Lake Wenatchee Overlay Established. An overlay district within which density limits are applied is hereby established as co-terminus with **[Zip Code 98826]** encompassing Leavenworth–Lake Wenatchee.

Density limits are meant to reduce the share of short-term rentals over time in impacted locations to address community compatibility and housing affordability. In city-assigned UGAs density limits are meant to minimize nonconformities with city regulations particularly where there are city licensing requirements. Recognizing there are likely to be reductions in short-term rentals over time if the percentage share is reduced to a level that appears to have less impact on housing supply the County could begin allowing them again; for example, after three years when the County has determined the 1% cap annually and licensed existing and new ones it may have data supporting the timing of re-opening these areas. The percent share of short-term rentals is “blank” for this draft pending discussion. A rate of 5% percent has been suggested by public comments to date. Data tracked in the situation assessment show the most affected Zip Codes with over 5% to over 10%. A study of Oregon jurisdictions¹ found that where short-term rental growth and household formation is increasing at a faster rate than total housing unit growth there can be a constraint on housing affordability; the rate of short-term rental growth has been occurring faster than new home construction in

¹ See copy of study hosted by the City of Olympia’s website: <https://engage.olympiawa.gov/4076/documents/5992>.

the Leavenworth Zip Code within unincorporated areas. The Zip Codes with greater than 10% share of short-term rentals compared to total dwellings within unincorporated areas include Leavenworth (12.3%) and Manson (11.2%). Peshastin Zip Code is at 5.5%. Chelan is 1.8% and others are less than 1%.

(D) Density Limits.

(i) The number of short-term rentals established in (2)(A) may locate in the zones where permitted or accessory permitted in (2)(B), except that existing legal short-term rentals as of the effective date of this code (XXX, 2020) are permitted and no new short-term rentals are permitted in the following locations:

- (a) Leavenworth–Lake Wenatchee Overlay and all associated base zones therein
- (b) Residential zones in the Peshastin Urban Growth Area
- (c) Residential zones in the Manson Urban Growth Area
- (d) Residential zones in the UGAs assigned to the cities of Chelan, Entiat, Leavenworth, or Wenatchee

(ii) After three years from the effective date of this code (XXX, 2020), new short-term rentals may be established in the locations cited in subsection (2)(D)(i) if the percentage of short-term rentals as a share of total dwelling units is less than X percent (X%) and the applications meet all requirements of this section 11.88.280 as determined by the Director.² 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. Short-term rental percentages must be determined at the time the number of allowed short-term rentals is determined per subsections (2)(A) and (3) of this section.

(3) SHORT-TERM RENTAL STANDARDS

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

(B) Occupancy.

(i) Overnight Occupancy. The owner or operator must limit overnight occupancy to no more than two guests per bedroom, not to exceed a total of 10 guests. A guest is a person over six years of age. Occupancy limits must comply with the International Residential Code. Advertisement of bedrooms is proof of the number of bedrooms.

(ii) Daytime Occupancy. At no time shall the total number of persons at a short-term rental exceed 10 persons, including children.³

² Per 14.98.580 Director. "Director" means the director of the Chelan County department of community development or designee. This term is synonymous with administrator.

³ Discussions with staff have indicated 10 has been considered recently, the same as the overnight occupancy. Other examples: [Ventura County, CA](#) allows a total of the maximum overnight occupancy plus 6 additional persons; twice the night-time limit. [Forsyth County, GA](#), allows 4 plus total overnight guests excluding children.

(C) Parking. At least one additional off-street parking space must be provided for the short-term rental in addition to the parking required for the dwelling per CCC 11.90, Off-Street Parking and Loading. The number of vehicles allowed at the short-term rental must be limited to the number of bedrooms plus one; this requirement must be included in the Property Management Plan per Section (2)(K).

(D) Garbage. Trash and recycling containers must be provided. Trash and recycling must be in proper containers on collection day. Receptacles must be set out on the right-of-way and removed within twenty-four hours of pickup. Trash must be managed in compliance with CCC Chapter 4.04 Garbage. This requirement must be included in the Property Management Plan per Section (3)(K) and good neighbor guidelines per subsection (3)(M).

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

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

(G) Signs. All owners or operators must display the address of the residence so that it is clearly visible from the street or access road. The rental must have a sign or other identifier on outside as short-term rental. The sign must be made of natural materials not exceeding two square feet in area and if illuminated, must be indirectly illuminated.

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

(I) Fire Safety and Outdoor Burning. Each owner or operator must include a fire protection plan in their property management plan in subsection (3)(K) to alert renters to respect firewise efforts on a property, or to comply with travel or activity restrictions of CCC Chapter 7.52, Fire Hazard Areas. This includes, but is not limited to, restricting use of outdoor fire places or grills and to properly secure and restrict portable barbeques.

(J) Qualified Person.

(i) The owner or operator must provide the name, telephone number, address, and email of a qualified person (which can be a person or company) who can be contacted concerning use of the property and/or complaints and can respond to the property within 30 minutes to complaints related to the short-term rental consistent with the requirements of this section. The owner or operator must provide a valid telephone number where qualified person can be reached 24 hours per day, every day.

(ii) The owner or operator must post a sign of similar materials and dimension as subsection (3)(G) with the contact information of the qualified person. If the permanent contact information changes during the permit period, the new information must be changed on the sign. Renewal applications must provide evidence of the sign. The Director may allow annual mailings to neighboring properties and an interior posted notice for tenants in lieu of an exterior sign where a property's size and visibility make an exterior sign ineffective. The purpose of this sign is so that adjacent property owners and residents

can contact a qualified person to report and request resolution of problems associated with the operation of the short-term rental.

(K) Property Management Plan. Vacation rentals must maintain an up-to-date property management plan on file with the Chelan County Community Development Department and property owners within 300 feet of the building within which the short-term rental is located. The property management plan must include the following:

- (i) Provide a map clearly depicting the property boundaries of the short-term rental, and the escape route in case of an emergency. The map must indicate if there is an easement that provides access to the shoreline; if so, the boundaries of the easement must be clearly defined. If there is no access, this must be indicated together with a warning not to trespass;
- (ii) Provide the unified business identifier number, and the names and addresses of the property owner;
- (iii) Designate a qualified person and provide contact information consistent with (3)(j) ; and
- (iv) Provide information required for Consumer Safety per (3)(H) and RCW 64.37.030 and fire protection plan per (3)(I).

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

(M) Good Neighbor Guidelines. Owners and operators must acknowledge receipt and review of a copy of the good neighbor guidelines. Owners and operators must provide evidence that the good neighbor guidelines have been effectively relayed to short-term rental tenants, by incorporating it into the property management plan, and rental contract, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.⁴

(N) Liability Insurance. A short-term rental owner or operator must maintain primary liability insurance consistent with RCW 64.37.050.

(O) Taxes. The owner or operator must be in compliance with CCC Chapter 6.30 Lodging Tax, and other local sales taxes and state hotel/motel and sales taxes in accordance with the Department of Revenue.

(4) LAND USE PERMITS

Per the draft code, the County would require annual renewal of existing units in one period (e.g. September-October). The Community Development Department would have about 90 calendar days [~60 workdays] to permit the compliant applications (November-January). The Director would report on the new baseline short-term rentals, to establish the maximum number of new short-term rentals by February 1 of the following year. New short-term rentals could apply within a subsequent two month window (e.g. February-March).

⁴ See Bend, Oregon example: See example on page 21 of City of Chelan Ordinance: <https://cityofchelan.us/pdfdocs/2019/12/Ord2019-1570-Short-Term-Rental-Regulations-with-Exhibits.pdf>. Similar to example on page 21 of City of Chelan Ordinance: <https://cityofchelan.us/pdfdocs/2019/12/Ord2019-1570-Short-Term-Rental-Regulations-with-Exhibits.pdf>.

If the county finds that the fire and health district do not have sufficient resources to provide inspections within the first permit window, the County could provisionally approve initial short-term rental applications without inspection provided the inspections occur prior to the first renewal and provided there are signed-self-certification forms. This was allowed by the City of Chelan in its short-term rental code. Alternatively a different first-year window could be provided.

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

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

(C) Permit Applications. Short-term Rental owners must apply for a land use permit to establish compliance with this code.

(D) Application Acceptance.

(i) From September 1 to October 31 each year, existing short-term rental owners must submit a Short-Term Rental Land Use Application. By February 1 of each following year the Director must report the baseline number of authorized existing short-term rentals and identify the number of new short-term rentals allowed pursuant to subsection (2)(A). From February 15 to April 15, the Director must accept new applications for short-term rentals. New short-term rental applications will be accepted on a first-come, first-served basis up to the cap allowed by subsection (2)(A). If found to meet approval criteria in subsection (4)(J), the Director must approve the Short-Term Rental Land Use Permit, which remains valid until such time as an annual renewal is required.

(ii) Within the first year of adoption of this code (effective date XXX, 2020), the Director may provisionally approve initial short-term rental land use permits subject to the owner completing a self-certification form provided that inspections in subsection (4)(H) are accomplished prior to the first renewal thereafter.

Term and applicant information is based on language in Dan Beardslee proposal. Nonuse is based on City of Chelan regulations.

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

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

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

(H) Fire, safety, health and building compliance.

(i) Fire and Emergency Safety. Prior to approving the initial short-term rental permit, the applicable fire district or fire marshal must perform a life-safety inspection, except as provided under subsections (H)(iii) and (H)(iv).

(ii) Water and Wastewater. The Chelan-Douglas Health District must inspect the short-term rental to ensure that there is a verifiable legal source of water that meets applicable standards, and an approved on-site sewage disposal system, except as provided under subsections (H)(iii) and (H)(iv).

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

(iv) The County building official must review each initial short-term rental application to ensure occupancy and other applicable building code requirements are met.

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

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

(I) Non-transferable. The short-term rental land use permit must be issued in the name of the owner and is not transferable. New owners must certify compliance with the conditions of permit approval within 90 days after the closing date of the sale of the property. Written certification must be submitted to the Community Development Department on forms specified by the Director. New owners must apply for a new permit by the annual deadline.

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

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

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

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

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

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

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

(5) ENFORCEMENT

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

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

Definitions

14.98 DEFINITIONS

“Vacation Rental” is used in Manson UGA code and is defined as “any unit being rented for less than thirty consecutive days.” “Short-term rental” in RCW 64.37 excludes short-term rentals of less than three bedrooms or where the operator occupies the unit for at least six months. The City of Chelan definition is similar but more detailed than the Manson UGA definition, more inclusive than the state definition, and more similar to the discussion of the Board of County Commissioners and public to date. A blend of the Chelan and State definition is proposed.

Note: Consultants and County staff are reviewing definitions for other types of accommodations like bed and breakfasts, temporary dwellings, etc. to ensure ease of implementation and consistency with the Building Code.

14.98.1692 Short-Term Rental

“Short-Term Rental” means a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty consecutive nights. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms “overnight rental,” “nightly rental,” and “vacation rental” are interchangeable with short-term rentals. Subleasing or subletting of units for short-term rental is prohibited if the underlying zone prohibits such use.

The following definition is based on definitions in RCW 64.37, and in some cases the Chelan Municipal Code.

14.98.1693 Short-Term Rental Operator

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

The following definition is based on definitions in RCW 64.37.

14.98.1694 Short-Term Rental Owner

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

16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS

Except for violations of RCW 64.37.030 Consumer Safety, which appears to have a specific process and fine to be issued by a county or city attorney, the code compliance process and civil penalties are consistent with Chelan County Code Title 16. It does not appear that RCW 64.37 limits a county’s authority to apply its own code compliance process when reviewing RCW 7.80.010 since it allows a county or city to hear and determine civil infractions

according to its own system established by ordinance. Per the discussion by the BOCC on March 31, 2020, on-site citations are allowed. Revocation is similar to the City of Chelan code, except it includes “three strikes” per the BOCC member code options dated January 27, 2020. Note this section is still pending review by the Prosecuting Attorney’s office.

16.20.010 Compliance

Short-term rental owner’s or operator’s must comply with short-term rental regulations in Titles 11 and 14 CCC. Violations and enforcement must be in accord with Title 16 CCC.

16.20.020 Enforcement Procedures, Notices, and Citations

(1) Enforcement Procedures. Except as specified in this Chapter 16.20, all enforcement procedures of Title 16 apply to short-term rental owner’s or operator’s.

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

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

16.20.030 Civil Penalties

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

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

16.20.030 Revocation

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

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

(A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.280 short-term rental regulations and Title 14 is grounds for immediate revocation of the permit.

(B) Failure to meet the criteria of CCC 11.88.280 Short-Term Rental Regulations is grounds for immediate revocation of the short-term rental land use permit.

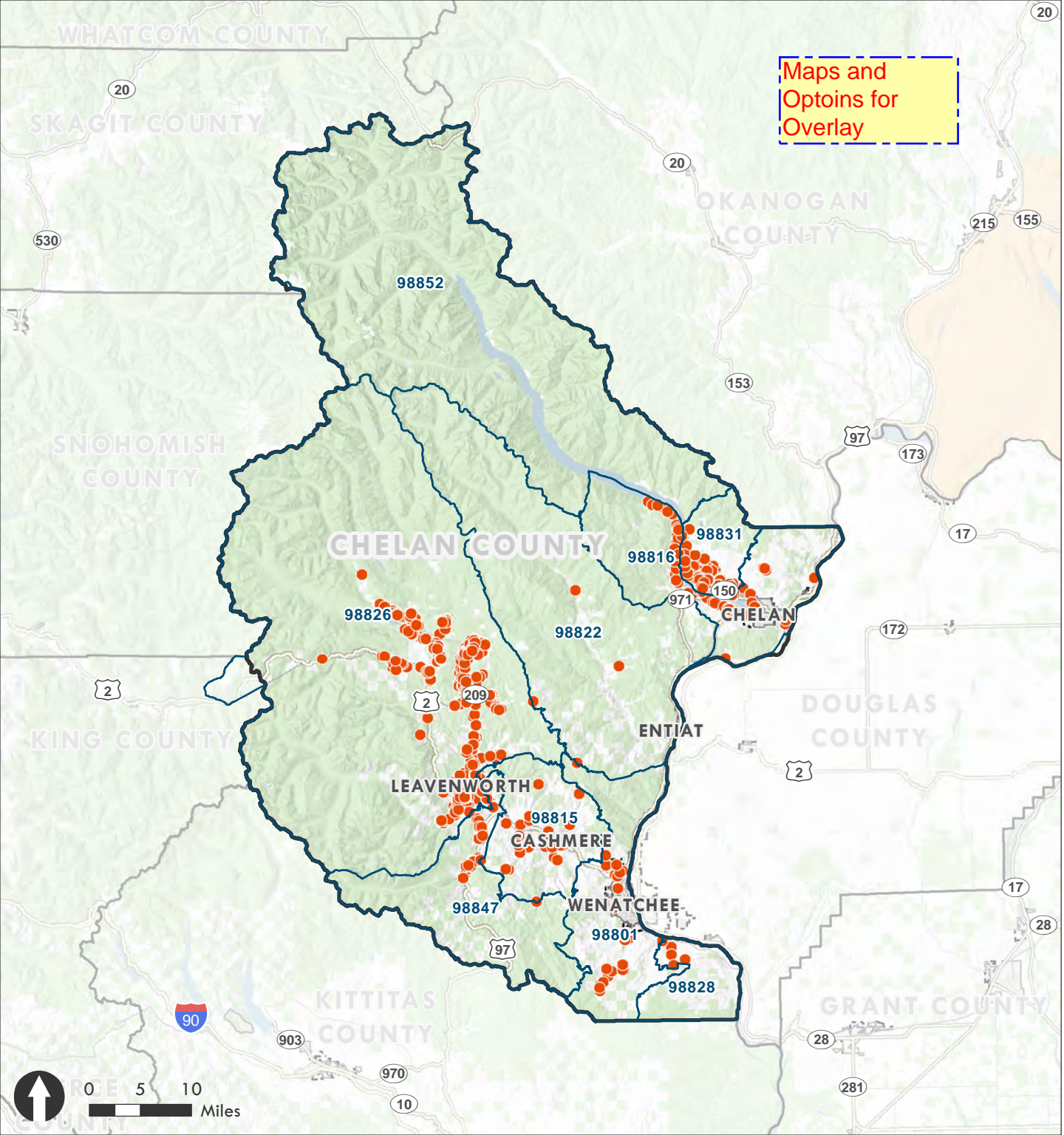
(C) The discovery of material misstatements or providing of false information in the short-term rental land use permit application or renewal process is grounds for immediate revocation of the permit.

(D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment of the Administrator,⁵ so as to provide reasonable grounds for immediate revocation of the land use permit.

(E) If three similar offenses occur at any time during a twelve-month period, the penalty shall be revocation in addition to any required civil penalties under 16.20.030.

Draft

⁵ In Title 16, reference is made to “Administrator” whereas in Title 11 reference is made to “Director”. Both have a similar meaning in Title 14 definitions.



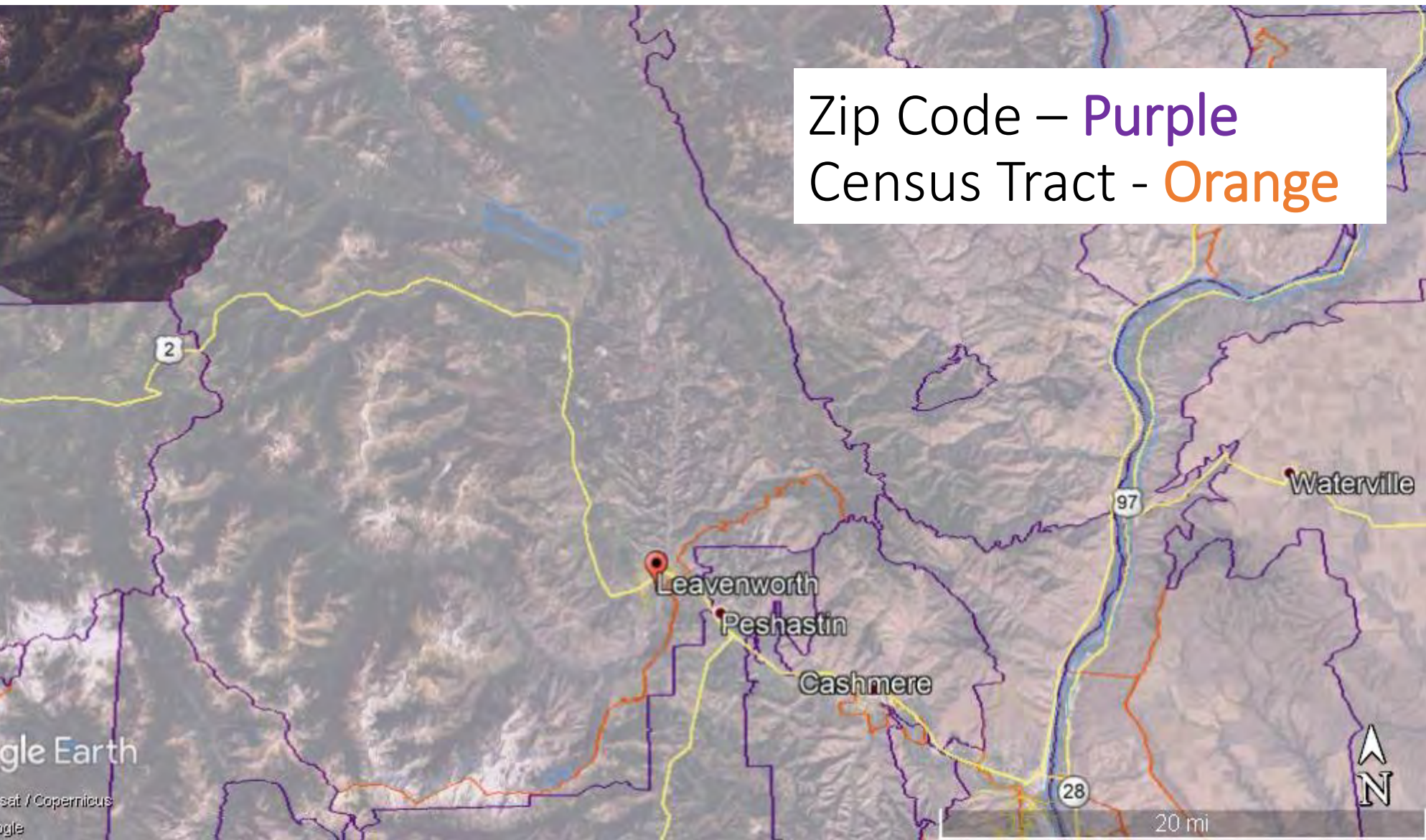
Maps and
Optoins for
Overlay

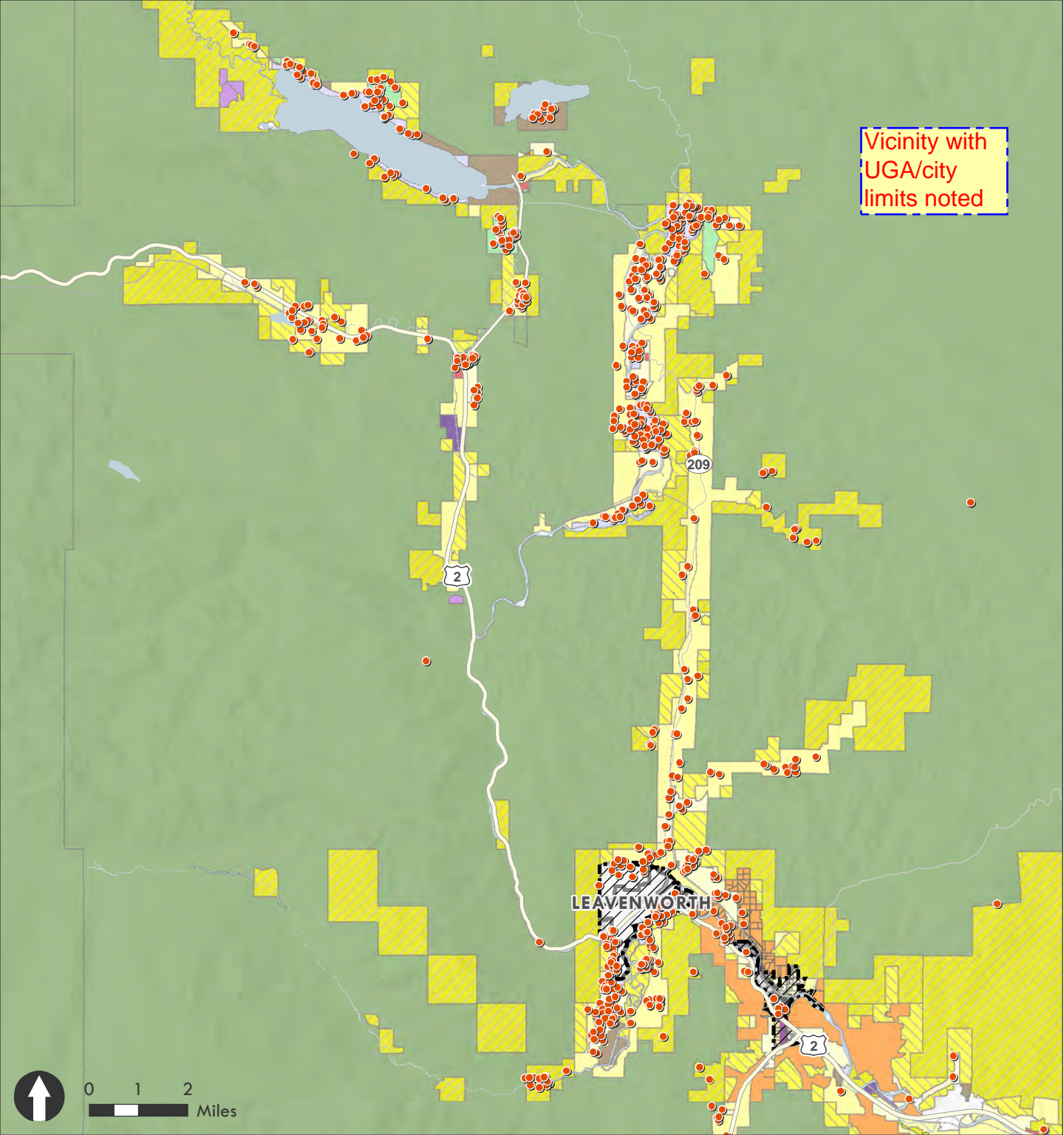
- LEGEND**
- Short-term Rentals (est. 1,200 active)
 - ZIP Code Boundaries



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.

Zip Code – Purple
Census Tract - Orange





Vicinity with UGA/city limits noted

LEGEND

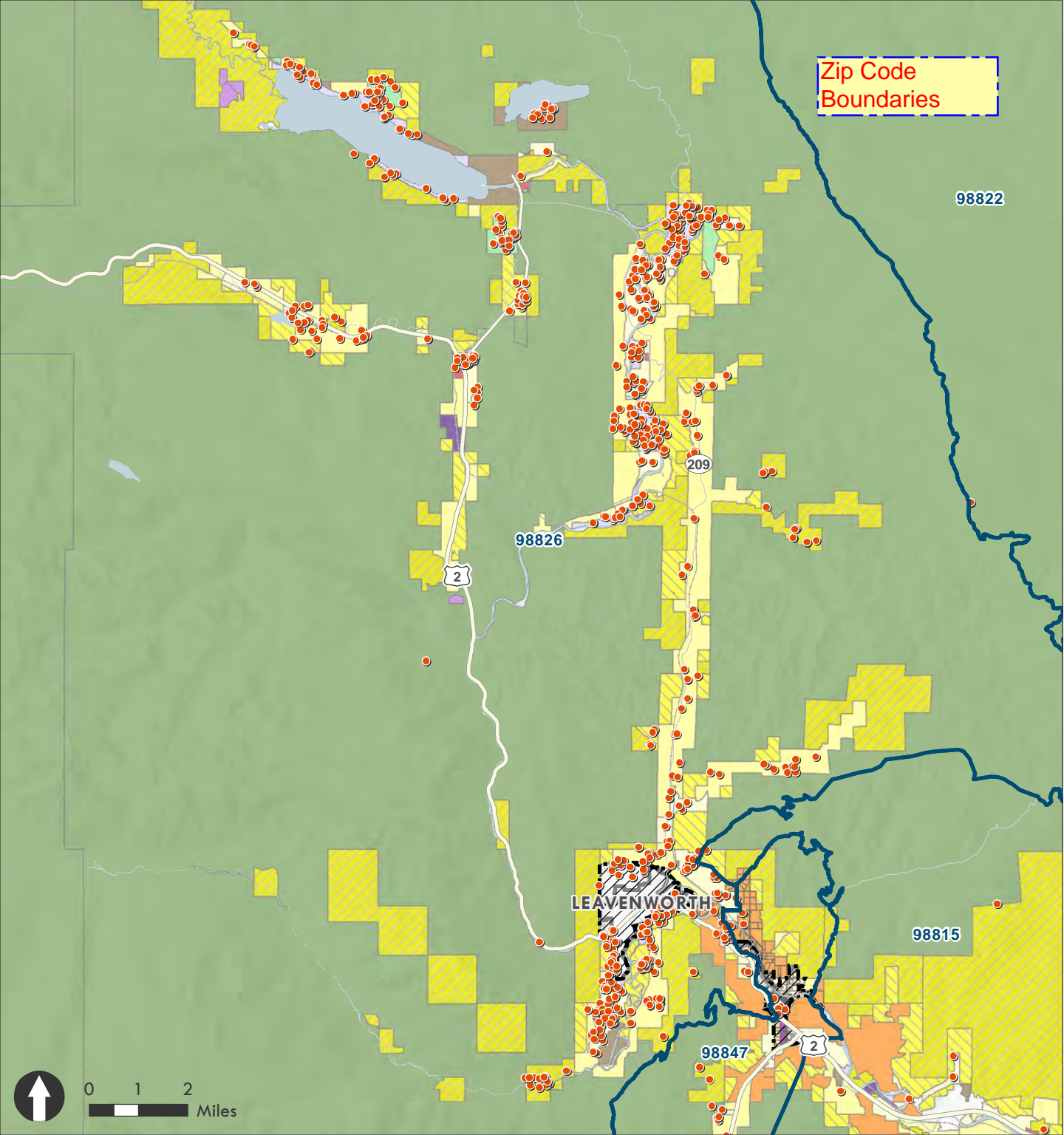
- Urban Growth Areas
- Short-term Rental
- Chelan County Zoning**
- AC - Commercial Agricultural Lands
- FC - Commercial Forest Lands
- MC - Commercial Minerals Lands
- RC - Rural Commercial
- RI - Rural Industrial
- RP - Rural Public
- RR2.5 - Rural Residential/Resource 2.5
- RR5 - Rural Residential/Resource 5

- RR10 - Rural Residential/Resource 10
- RR20 - Rural Residential/Resource 20
- RRR - Rural Recreational/Residential
- RV - Rural Village
- RW - Rural Waterfront
- WAPATO - Tribal Lands - not zoned
- CD - Downtown Commercial
- CH - Highway Commercial
- CT - Tourist Commercial
- I - Industrial
- IC - Campus Industrial

- MLI - Manson Light Industrial
- PU - Public
- R1 - Low Density Residential
- R2 - Med Density Residential
- R3 - High Density Residential
- UP - Urban Public
- UR1 - Urban Residential 1
- UR2 - Urban Residential 2
- UR3 - Urban Residential 3



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.



Zip Code Boundaries

98822

98826

209

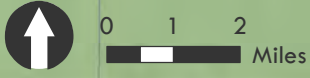
2

LEAVENWORTH

98815

98847

2

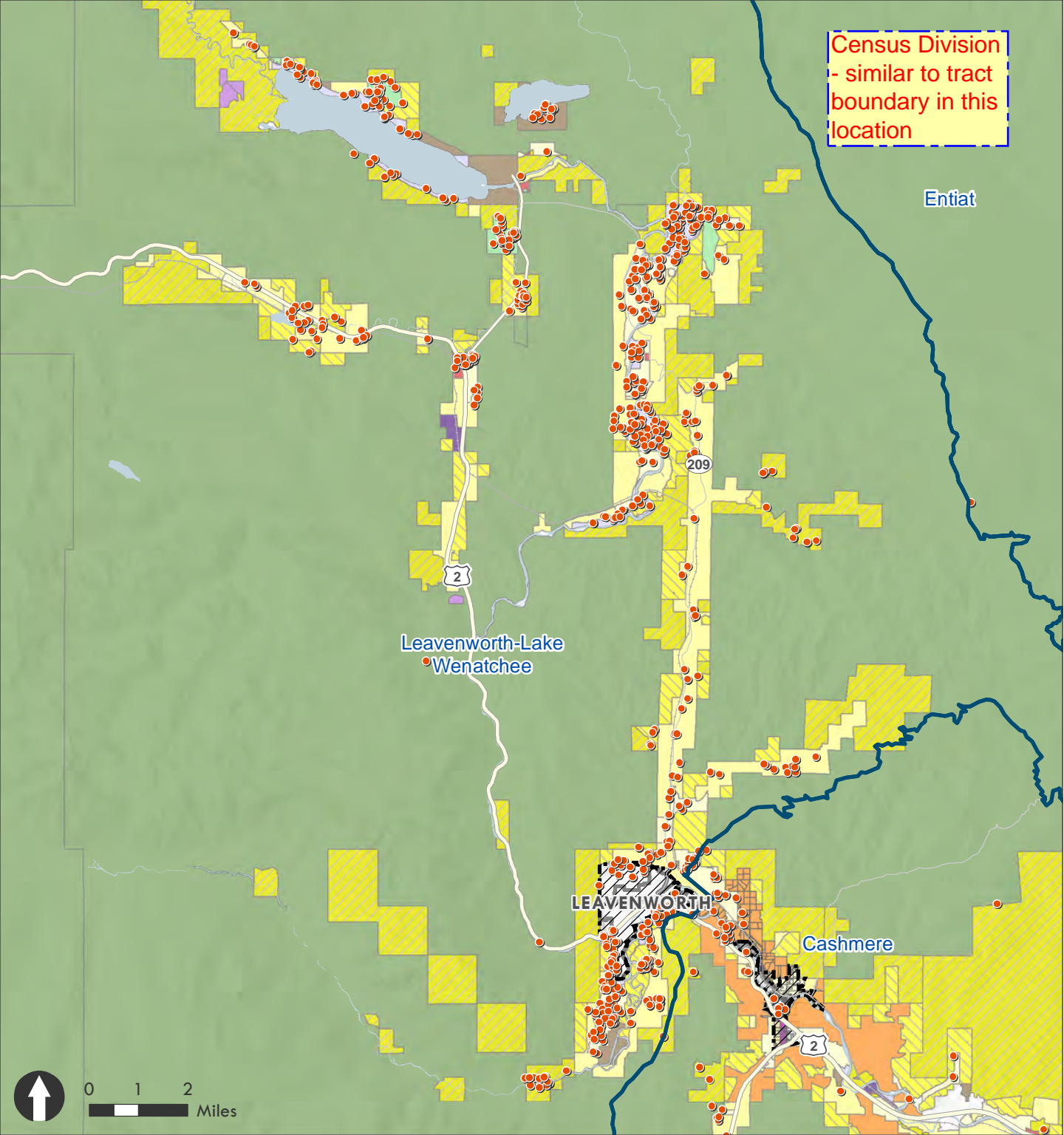


LEGEND

- Zip Code Boundaries
 - Urban Growth Areas
 - Short-term Rental
- Chelan County Zoning**
- | | |
|--|---|
| <ul style="list-style-type: none"> RR5 - Rural Residential/Resource 5 RR10 - Rural Residential/Resource 10 RR20 - Rural Residential/Resource 20 RRR - Rural Recreational/Residential RV - Rural Village RW - Rural Waterfront WAPATO - Tribal Lands - not zoned CD - Downtown Commercial CH - Highway Commercial CT - Tourist Commercial RR2.5 - Rural Residential/Resource 2.5 | <ul style="list-style-type: none"> IC - Campus Industrial MLI - Manson Light Industrial PU - Public R1 - Low Density Residential R2 - Med Density Residential R3 - High Density Residential UP - Urban Public UR1 - Urban Residential 1 UR2 - Urban Residential 2 UR3 - Urban Residential 3 I - Industrial |
|--|---|



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.



Census Division
- similar to tract
boundary in this
location

Entiat

Leavenworth-Lake
Wenatchee

LEAVENWORTH

Cashmere

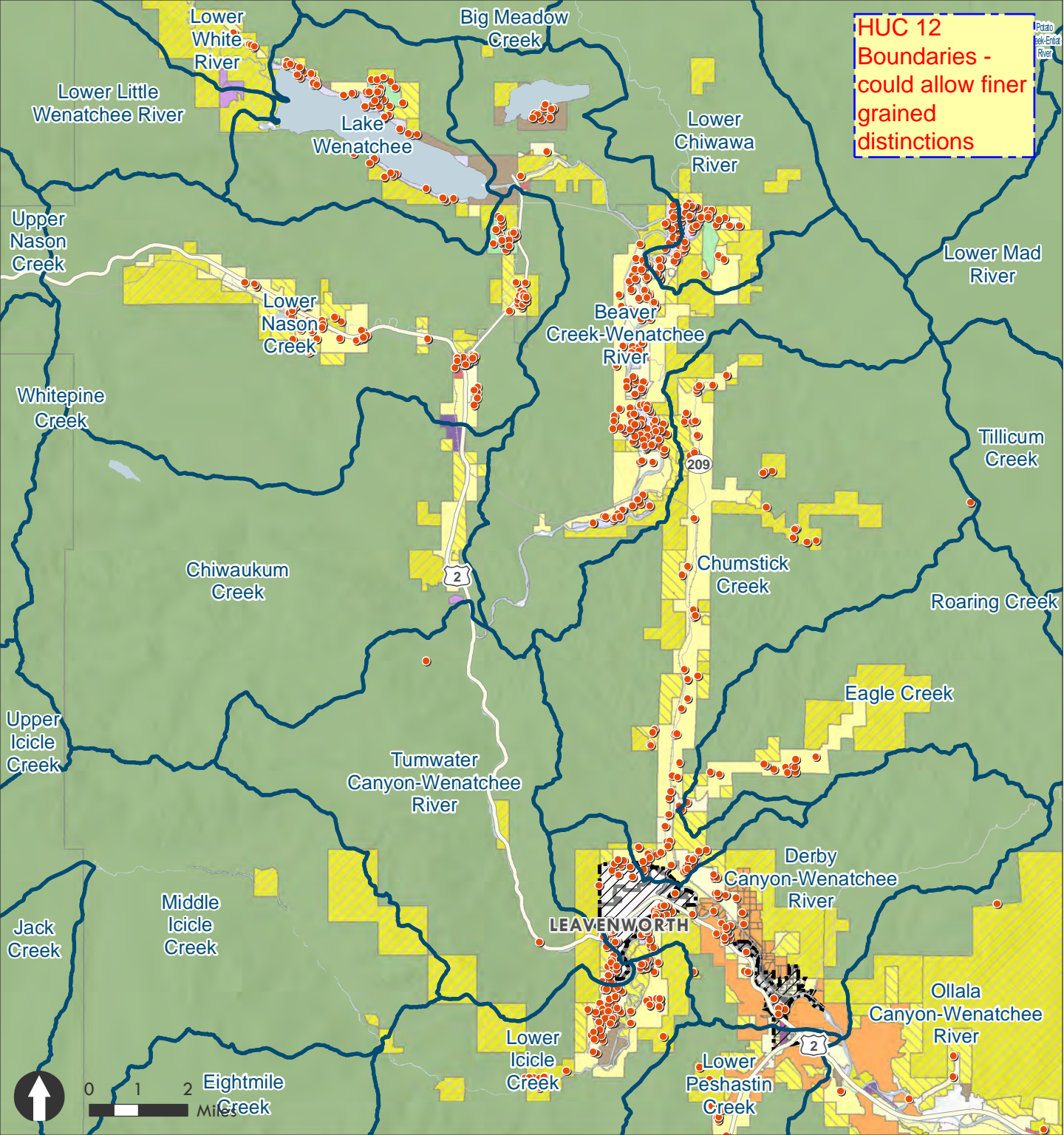


LEGEND

- Census County Division
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 - UR2 - Urban Residential 2
 - UR3 - Urban Residential 3



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.



HUC 12
 Boundaries -
 could allow finer
 grained
 distinctions

LEGEND

- Hydrologic Cataloging Unit
 - Urban Growth Areas
 - Short-term Rental
- Chelan County Zoning**
- | | | |
|---|--|--|
| <ul style="list-style-type: none"> RR5 - Rural Residential/Resource 5 RR10 - Rural Residential/Resource 10 RR20 - Rural Residential/Resource 20 RRR - Rural Recreational/Residential RV - Rural Village RW - Rural Waterfront WAPATO - Tribal Lands - not zoned CD - Downtown Commercial CH - Highway Commercial CT - Tourist Commercial RR2.5 - Rural Residential/Resource 2.5 | <ul style="list-style-type: none"> IC - Campus Industrial MLI - Manson Light Industrial PU - Public R1 - Low Density Residential R2 - Med Density Residential R3 - High Density Residential UP - Urban Public UR1 - Urban Residential 1 UR2 - Urban Residential 2 UR3 - Urban Residential 3 I - Industrial | |
|---|--|--|

BERK
 Map Date: April 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.

From: Bob Bugert
Sent: Wednesday, April 1, 2020 9:12 AM
To: kirvil@comcast.net
Cc: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: RE: more information on density

Kirvil—

Thank you for providing these comments. We will add these as part of the record and in the Commission's deliberations on how to handle the density issue.
I appreciated your participation in yesterday's work session.

Bob Bugert
Chelan County Commissioner, District 2
Office: 509-667-6215
Mobile: 509-630-4480

From: kirvil@comcast.net <kirvil@comcast.net>
Sent: Tuesday, March 31, 2020 5:43 PM
To: Bob Bugert <Bob.Bugert@CO.CHELAN.WA.US>
Cc: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: more information on density

External Email Warning! This email originated from outside of Chelan County.

Hi Bob,

After this morning's call, I emailed Deanna Walter to see if she could give me the number of single family residences in the 98826 zip code. She responded quickly.
There are 4733 properties with single family residences in our 98826 zip code. According to the information we received this morning from Berk, there are 868 short term rentals in this zip code. Some of these may be on lots with a full time owner on site and it is the accessory dwelling unit that is rented. But, this data does give us a perspective on the density of STRs we are dealing with.

Assuming the BOCC decides to adopt a 5% density limit for the heavily impacted zip codes, we may need to look at the following three provisions: 1) an immediate moratorium on new STRs in the heavily impacted areas of the county, 2) a provision that does not allow STR permits to pass to new owners when the property is sold, and 3) a goal to get down to a limit that only 5% of the single family housing stock in a geographic unit can be allowed to have permits for short term rentals. When you get the number down to below 5%, then new permits could be issued up to this limit. (I am assuming you are going to allow all the existing STRs to get permits as long as they meet the standards in the new ordinance so it will take years to get down to the 5% cap on density.)

Kirvil

From: kirvil@comcast.net <kirvil@comcast.net>
Sent: Friday, April 3, 2020 10:29 AM
To: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: questions

External Email Warning! This email originated from outside of Chelan County.

Hi Kirsten,

I am part of the Leavenworth/Plain/Lake Wenatchee residents' group that is tracking and commenting on the development of the STR ordinance. Our group is expanding to include residents from Peshastin and Manson as we all seem to share similar views on the essential elements of the ordinance.

The Berk presentation on Tuesday was very helpful. Is it possible to get some more information from Lisa?

For example, our group believes that density of units must be managed. We think regulation by zip code makes sense but we are interested in whether Lisa think that is the best geographic unit. We also think there should be a 5% cap on the number of entire house rentals in relation to the total number of single family homes in the geographic unit. It is clear from the data in the Berk reports that the Leavenworth, Manson and maybe the Peshastin zip codes are over this benchmark already. How have other jurisdictions that have put caps on density managed to get down to the amount of STRs allowed when the current number is over the limit? It makes no sense to us to allow a 1% growth rate when we have too many to start with in certain parts of the county.

Finally, is April 10th the date that the draft ordinance will be released? Will you put it on your website immediately?

Thanks for your assistance.

Kirvil Skinnarland

From: kirvil@comcast.net <kirvil@comcast.net>
Sent: Friday, April 3, 2020 10:29 AM
To: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: questions

External Email Warning! This email originated from outside of Chelan County.

Hi Kirsten,

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Thanks for your assistance.

Kirvil Skinnarland

From: Stan Winters <winterss1@me.com>
Sent: Friday, April 3, 2020 2:24 PM
To: Lisa Grueter
Cc: Ortiz Tricia
Subject: Chelan CO Short Term Rental Issue Feedback
Attachments: Simulacrum.docx; Inside Airbnb_One scary article.docx; Web Stories about STRs.docx

Hi Lisa,

We (Peshastin Community Council) had a phone meeting with you a few weeks ago... thank you for spending that time with us.

If you are still accepting input I feel compelled to add my voice.

I am attaching a few documents here that I hope you will spend a few minutes with. As Chelan County had been moving toward resolution on issues around Short-Term-Rentals an observation is that there is urgency to get something completed. But I'm nervous that the decisions we seem to be heading for won't solve the issues that will be created. The reason I'm feeling this is because I don't hear about or sense a larger goal for our communities and for Chelan County. We can make regulations and pick around the edges of these issues, but if you read the attached papers you will see that you can not and will not win against the Short-Term-Rental, AirBnB industry. They will transform our communities into something we probably don't want. Here is a quote from one of the websites included:

* “Airbnb describes itself as a quaint little home-sharing service ... but the reality is that it has grown to be a corporate entity that makes millions of dollars from businesses taking advantage of loopholes and running de facto hotels,” she says. The attached documents, which are just excerpts from websites, show that regulation of Short-Term-Rentals is all but impossible, and any alleged advantages that they bring to a community are in fact either not actual advantages (like saying they bring in more tourists - they don't), or the costs they impose on a community exceed the benefits, which are usually accrued by an absentee owner.

1. Web Stories about STRs: This includes several stories; one that shows the effects of the Corona Virus on STRs. All of a sudden there is a glut of housing available in places that have been experiencing shortages; rising costs of housing where STRs are present; wealth and racial inequity in the STR business - higher wealth and white households take a disproportionate share of wealth from non-primary residences at the expense of low income and non-white residents; and the conclusion that AirBnB is clearly a business and should have to play by the same rules as other lodging providers.

2. Inside AirBnB_One Scary Story: Read this to see what Chelan County will be up against. There are many quotes that are worthy, but here is one that should scare us all:

Airbnb is engaged in “a city-by-city, block-by-block guerrilla war” against local governments. Our fate, if we allow STRs, is constant litigation by extremely well-funded organizations.

3. Simulacrum: I had to look this one up, so I'll define it here: an unsatisfactory imitation or substitute, "a bland simulacrum of American soul music". That's is what communities become when they are overrun by

Short Term Rentals. Chelan isn't Chelan anymore... it's pretend Chelan. Leavenworth (already a "fake" Bavarian town) becomes a fake of a fake. A key statement is: it is argued that STRs provides an economic equalizer, helping even hosts of few means to boost incomes and manage otherwise affordable housing costs. Yet a growing army of critics allege that, in dozens of cities around the world, the proxy hotel service more often does the opposite, hyper-accelerating affordable housing crises and gentrification patterns that force out residents. And in Toronto, the platform has eliminated some 6,500 homes from the cities badly pinched housing market.

The route we are trying to pursue in Peshastin is to classify whole house short term rentals in the same group as all other similar lodging. The wording will be something like this: "Hotels/Motels/Lodging Facilities": definition "Lodging Facility: A building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days, including, but not limited to establishments held out to the public as auto courts, hostels, inns, motels, motor lodges, time share projects, tourist courts, guest inns, nightly rentals, vacation rentals, and other similar uses."

This way we can apply our current zoning. Whole house overnight rentals are subject to the same rules as all other similar lodging. Why should they get preferential treatment? This keeps the whole house STRs out of the residential areas, which is exactly where the problems are. And this makes all of the problems with this issue go away. If we don't go this route and think we will be successful with regulations... the articles I've attached speak to that... we will have to deal with issues forever and we'll eventually lose every issue. That industry will stop at nothing.

Before we adopt regulations I think we should back up and start with a shared vision of what we want Chelan County to look like as we move forward. I would much rather takes some steps back to consider our long-range goals and vision for the future of our valley. Then we can create regulations that will help get us there.

Thank you for listening.

Stan

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Inside Airbnb's 'Guerrilla War' Against Local Governments

The high-profile unicorn is battling cities from Boston to San Diego over collecting taxes and enforcing zoning rules.

“Airbnb describes itself as a quaint little home-sharing service ... but the reality is that it has grown to be a corporate entity that makes millions of dollars from businesses taking advantage of loopholes and running de facto hotels,” she says.

"READ MY LIPS: We want to pay taxes,” Chris Lehane, Airbnb’s global head of public policy, told the nation’s mayors in 2016. In the years since, the home-sharing site has repeated the declaration in press releases, op-eds, emails, and on billboards. On its website, Airbnb says it is “democratizing revenue by generating tens of millions of new tax dollars for governments all over the world.”

Palm Beach County tax collector Anne Gannon wasn't surprised. “We knew we were going to get sued,” she says. “That’s what they do all over the country. It’s their mode of operation.”

But when Palm Beach County, Florida, a popular tourist destination, passed an ordinance in October 2018 requiring Airbnb and other short-term rental companies to collect and pay the county’s 6 percent occupancy tax on visits arranged through their sites, Airbnb sued.

Palm Beach County tax collector Anne Gannon wasn't surprised. “We knew we were going to get sued,” she says.

“That’s what they do all over the country. It’s their mode of operation.”

Gannon has been cajoling, threatening, and ordering Airbnb to collect taxes for its hosts since 2014. Five years, three lawsuits, and millions in unpaid occupancy taxes later, she’s still trying. “All we want them to do is pay their taxes,” she says. “They absolutely don’t want to pay their taxes the way we want to collect them. That’s the bottom line.”

Similar dramas are playing out around the country. From Nashville to New Orleans to Honolulu, Airbnb is battling local officials over requests to collect occupancy taxes and ensure that the properties listed on its site comply with zoning and safety rules. In the past five months alone, the company has spent

more than half a million dollars to overturn regulations in San Diego and has sued Boston, Miami, and Palm Beach County over local ordinances that require Airbnb to collect taxes or remove illegal listings. Elsewhere, ***Airbnb has fought city officials over regulations aimed at preventing homes from being transformed into de facto hotels and requests from tax authorities for more specific data about hosts and visits.***

Airbnb is engaged in “a city-by-city, block-by-block guerrilla war” against local governments, says Ulrik Binzer, CEO of Host Compliance, which helps cities draft and enforce rules for short-term rentals, sometimes putting it at odds with hosting platforms. “They need to essentially fight every one of these battles like it is the most important battle they have.”

Founded in 2008 as an early champion of the sharing economy by allowing people to rent homes, apartments, and rooms to others, Airbnb has grown into a lodging colossus, offering more than 6 million places to stay in more than 191 countries. ***Its listings outnumber those of the top six hotel chains combined,*** helping the company reportedly generate more than \$1 billion in revenue in the third quarter of 2018. It is valued by investors at \$31 billion, making it the country’s second most valuable startup, after Uber. By comparison, Hilton and Marriott’s current market capitalizations are \$25 billion and \$43 billion, respectively. Earlier this month, Airbnb acquired last-minute hotel booking service HotelTonight, reportedly for more than \$400 million.

Airbnb is engaged in “a city-by-city, block-by-block guerrilla war” against local governments.

One reason Airbnb is often a cheap option for travelers: Running a hotel or bed and breakfast is expensive; snapping photos of your home, apartment, or spare room and filling out an online profile is not. Hotels must comply with a litany of health, safety, and zoning rules—as well as register with local agencies and agree to collect certain taxes—before they can book a single guest.

Airbnb maintains that, in some cases, it’s not permitted to collect occupancy taxes required of hotels and other lodgings; it’s also not responsible for ensuring the rooms and homes listed on its sites comply with zoning or health regulations. The company says it follows local and state laws but considers itself a “platform,” serving merely to connect hosts and visitors, rather than a lodging provider—more akin to Facebook than Marriott.

The onus is on hosts, Airbnb argues, to collect and pay any relevant taxes and to comply with other regulations. In practice, though, few actually do—at least not without considerable effort by local authorities—according to interviews with more than a dozen local government officials and advisers.

Some officials agree with Airbnb. In an early 2018 survey of state tax departments by [Bloomberg](#), officials in 25 states said it was the host's responsibility to pay occupancy tax for an Airbnb stay. Officials in 14 states said they consider it the responsibility of Airbnb or other short-term rental operators. The survey was taken before the US Supreme Court ruled in June that states may collect sales tax from online retailers even when they don't have a physical presence in that state. The survey did not include local authorities, who are often more reliant on revenue from occupancy taxes, especially in popular tourist areas.

To be sure, these aren't Airbnb's taxes, any more than Hilton "pays" taxes for its guests' hotel stays. Rather, the officials sparring with Airbnb want the company to collect and forward the taxes from guests, much as hotels do. Airbnb says it isn't required to collect the taxes in many places; early on, it largely didn't.

That changed around 2014, when Airbnb began striking deals with officials in select cities to collect and deliver taxes from its hosts. It calls these Voluntary Collection Agreements, or VCAs. In Portland, site of the first agreement, city officials legalized home-sharing and lowered the registration fee for short-term rentals around the same time Airbnb agreed to add a 11.5 percent occupancy tax on each booking. It later negotiated similar deals in San Francisco, Chicago, Philadelphia, Washington, DC, and elsewhere. The company says it has signed more than 350 such agreements nationwide and more than 500 around the world, and has collected more than \$1 billion in taxes.

"Some governments have rules requiring platforms like Airbnb to collect and remit taxes, and we make every attempt to comply with these obligations," says Christopher Nulty, Airbnb's head of public policy. "However, many governments do not have such rules and so Airbnb has proactively established more than 500 voluntary collection agreements globally to ensure our community is paying their fair share of taxes. We are eager to do everything we can to ensure we are paying our fair share and willing to work with any government that will work with us."

However, those agreements don't require hosts to meet other zoning, health, and safety rules, and they prohibit cities from attempting to collect back taxes. Some also create obstacles for local agencies to identify and police hosts who list through the site. Dan Bucks, former director of the Montana Department of Revenue and former executive director of the US Multistate Tax Commission, analyzed some of the few publicly available Airbnb agreements and found that most prevented city officials from learning the names or addresses of Airbnb hosts, making it impossible for officials to enforce local codes. Bucks says the agreements helped Airbnb grow by "providing a shield of secrecy" to hosts. His study was partially funded by the American Hotel and Lodging Association, which is often at odds with Airbnb and other short-term rental companies.

"All we want them to do is pay their taxes."

ANNE GANNON, PALM BEACH COUNTY TAX COLLECTOR

Airbnb says its VCAs are designed to help government agencies collect tax revenue, not to help them enforce other laws related to short-term rentals. The company says the agreements show that it is a responsible corporate citizen.

Historically, other online rental services, such as Booking.com, HomeAway, and VRBO, have not collected these taxes in many places. In the past two years, HomeAway and VRBO have begun collecting some occupancy taxes in a handful of areas—sometimes using their own version of a VCA. Booking.com does not offer any occupancy-tax collection services, compounding the revenue drain for municipalities. Booking.com's global communications manager, Kim Soward, says the company pays all required taxes. Expedia Group—owner of HomeAway, VRBO, VacationRentals, and other sites—did not respond to multiple requests for comment.

Airbnb is the undeniable giant of the field, and is reportedly preparing for an initial public offering. About 51 percent of all short-term rental listings in the US are on Airbnb, according to an analysis by Binzer, of Host Compliance. VRBO controls 17 percent of listings and HomeAway 11 percent, he says.

Poster Child

New Orleans was hailed as the poster child for Airbnb's work with local governments after signing a VCA in December 2016. Around the same time, the city struck a deal with Airbnb to legalize short-term rentals while requesting that the company share the names and addresses of hosts, ban certain illegal

listings, and create an online system that automatically registers hosts with the city, among other things. Many viewed the deal as a sign Airbnb was learning to live with local taxes and regulations.

Today, city officials say they're disappointed. They say a surge in short-term rentals has exacerbated New Orleans' affordable housing crunch and turned entire residential blocks into de facto hotels. Jane's Place Neighborhood Sustainability Initiative, a local housing group, says there were 4,319 whole-unit Airbnb listings in the city last year, more than double the 1,764 in 2015. The group found that 11 percent of operators, including many from outside Louisiana, control 42 percent of the city's short-term rentals.

The largest operator, a company called Sonder, has 197 short-term rental permits. Nearly 80 percent of Sonder's listings are booked through platforms like Airbnb, according to Sonder's director of communications, Mason Harrison. "That's a different story than the mom-and-pop" narrative that Airbnb often uses to describe its hosts, says New Orleans councilmember Kristin Gisleson Palmer.

Today, city officials (New Orleans) say they're disappointed. They say a surge in short-term rentals has exacerbated New Orleans' affordable housing crunch and turned entire residential blocks into de facto hotels.

City officials say the registration system Airbnb launched in April 2017 didn't give them some data they had requested, such as the identity of the property owner or tenant, the number of bedrooms in the property, and contact information for the property manager. To collect the missing data, city staffers say they had to contact 4,786 applicants over three months. "We could not really effectively use [the data provided] for enforcement and holding folks accountable," Palmer says.

In May 2018, the city council imposed a nine-month freeze in some areas on new permits for renting a home without an owner present. The following month, Airbnb disabled the registration system—including another enforcement-enabling feature, which displayed hosts' license numbers on their Airbnb listings.

A February 15 report by the city's Department of Safety and Permits, obtained by WIRED, states that disabling the registration system caused a year of work by city officials tracking short-term rentals to

“disappear overnight.” *The report concludes that Airbnb and other short-term rental companies had engaged in “deliberate data obfuscation, refusal to provide the required data, and a total failure of cooperation with any enforcement mechanisms pursued by the City.”* The report notes that Airbnb continues to collect and remit occupancy taxes for its listings in the city.

Airbnb says city officials’ description of events is “inaccurate,” and that it is supplying all the information that is required. The company says there were “initial bumps in the road that Airbnb was working with the city to address, only to have lawmakers abruptly change the rules in May 2018.” Those changes, the company says, made the registration system ineffective.

“Housing affordability is a challenge in New Orleans—in fact 70 percent of our host community have said they rely on the income they make to stay in their homes,” Airbnb says. The company says it is committed to working with officials to resolve any concerns.

A February report by the New Orleans Department of Safety and Permits is critical of short-term rental companies.

Blocking New Laws

Airbnb says it complies with laws that require it to collect and pay taxes for hosts. But it has also worked to forestall such laws—even seeking at times to strip cities of authority over short-term rentals. That’s what happened in Nashville in late 2017 and early 2018.

As the city inched closer to prohibiting so-called “mini hotels”—non-owner-occupied homes used exclusively as vacation rentals—Airbnb shifted its focus from City Hall to the state Capitol three blocks away. In the latter half of 2017, the *company more than doubled the number of lobbyists* it employed in Tennessee, to from four to 11, and spent between \$225,000 and \$350,000 on lobbying between February 2017 and August 2018, according to reports the company filed with the state.

In January 2018, the Tennessee Department of Revenue signed a VCA with Airbnb. The agreement requires Airbnb to collect and pay the 7 percent state sales tax on its bookings, but does not cover the 5 percent occupancy tax in Nashville, by far its largest market in the state. A few days later, Nashville passed its ordinance prohibiting mini hotels.

Around this time, a political action committee called the Committee to Expand Middle Class By Airbnb, Inc. donated \$10,000 to groups representing Tennessee Republicans, according to campaign finance records. The donations included \$2,500 to the campaign of state representative Cameron Sexton, who had introduced a bill in 2017 specifying that short-term rentals should not be considered hotels under state law. The bill, known as the Short-Term Rental Unit Act, was drafted in consultation with Airbnb and other short-term rental companies, including HomeAway, according to the *Tennessean*. It included a provision stripping cities of the power to ban existing short-term rentals. The Tennessee General Assembly passed the bill in April 2018.

Local activists say the law cripples cities' ability to tackle an important local issue. "The Tennessee state Legislature and Tennessee's governor decided to severely weaken the basic protections for the health, safety, and well-being of Nashvillians that were created by our local government," John Stern, president of the Nashville Neighborhood Alliance, a residents' group, says via email.

Airbnb says the Tennessee law was the work of "state lawmakers who care deeply about this issue and worked to organize a broad coalition of supporters—including the business, technology, property rights, and home sharing communities." Sexton did not return a request for comment.

Similar scenarios have unfolded elsewhere after cities have moved to restrict short-term rentals. *In February 2016, the Austin City Council voted to phase out mini hotels in residential areas by 2022.* In the following months, several other Texas cities passed similar restrictions. Then, early in 2017, Texas state lawmakers introduced two bills in the legislature preventing municipalities from banning short-term rentals and enforcing many regulations.

A few months later, in April 2017, Airbnb announced that it had signed a VCA with Texas officials to collect state occupancy taxes. Bennett Sandlin, executive director of the Texas Municipal League, which represents cities, called the deal "a smokescreen to cover the company's refusal to pay taxes." The 2017 bills eventually stalled in the Texas legislature, but lawmakers plan to try again this year.

Airbnb says it has "excellent working relationships" with many Texas cities and hopes to extend the VCA with the state to "new tax agreements with Texas municipalities to help them collect new revenue from home sharing."

Where's the Money?

Gannon, the Palm Beach tax collector, has been tilting at travel companies for a decade. In 2009, she sued Expedia, Orbitz, Priceline, and Travelocity for failing to collect and pay occupancy taxes on the full cost of the hotel rooms they were selling; three years later, the companies settled the suit and agreed to pay nearly \$2 million in back taxes.

She then turned to the online home-rental companies. In 2014, she sued Airbnb, HomeAway, and TripAdvisor, alleging they should be classified as “dealers” renting accommodations under Florida law, and thus required to collect occupancy taxes on behalf of their hosts. In January, after five years, a judge ruled that the services were not dealers under Florida law and did not have to collect the taxes for hosts. Gannon is appealing the ruling.

In 2015, the Florida Department of Revenue signed a VCA authorizing Airbnb to collect and remit the 6 percent sales tax for all listings in the state, plus local sales and occupancy taxes for some counties.

Soon after, Gannon asked to see the details of the agreement; state officials told her it was confidential. So she sued the Florida Department of Revenue, alleging that the agency’s secrecy violated the state’s public records law. A few hours later, the department faxed a copy of its Airbnb VCA to Gannon’s office; she says she was instructed not to share it with anyone. It required Airbnb to provide the state only with aggregate data and allowed the company to withhold “any personally identifiable information” about hosts or guests. Most other VCAs signed with state or local governments contain identical language.

Officials say such details about hosts and their rentals are crucial to enforcing local laws and ensuring the lump sum tax payments match up with detailed data on stays. Shielding names and other details from tax officials “is a gross departure from standard practice,” says Bucks, the former tax commissioner.

"We're the middle—the hosts are stuck in the middle."

MARIA VALE, AIRBNB HOST IN PALM BEACH COUNTY, FLORIDA

In New Orleans, the February report by the city’s Department of Safety and Permits says Airbnb provided officials there with anonymous account numbers in place of addresses or taxpayer identifiers, making it difficult for the city to audit the information. “It is impossible to track whether we are getting

all the money that we are supposed to get,” says Andrew Sullivan, chief of staff for Palmer, the New Orleans councilmember.

Airbnb disagrees. “Airbnb provides the necessary information to ensure tax payments are accurate, including number of nights, charges, and the amount of tax collected,” Nulty says. He says the company welcomes audits; however, many of the company’s VCAs prohibit cities from auditing Airbnb more than once every two years.

Airbnb's 2016 VCA with Sonoma County, California.

A Public Clash

Palm Beach County’s monthly commissioners meeting is typically a dull affair. But October 16, 2018, was different.

The chambers were packed with people dressed in white, holding hot pink flyers. The reason: Gannon’s proposal to amend the county’s Tourist Development Ordinance to require platforms such as Airbnb to collect and remit occupancy taxes on behalf of hosts, and to share more data with the county.

A few weeks earlier, emails from Airbnb had arrived in the inboxes of its hosts in the county. “Home-sharing in Palm Beach County is under attack,” many declared in bold letters, asserting that Gannon had proposed an “unfriendly” ordinance that would make hosts’ lives more difficult. The emails implored hosts to attend the hearing and “use your voice to oppose this proposal and share the benefits” of home sharing.

Around 100 hosts attended the meeting. But Gannon was prepared. Having seen several of the emails, she assembled a three-page document rebutting what she calls Airbnb’s “campaign of misinformation,” line by line. The packet was printed on hot pink paper and given to each person who walked through the door.

During the meeting, some hosts expressed doubts about Airbnb’s position. Some recalled seeing a message from Airbnb stating that it was collecting and remitting taxes on their rentals, though the company was not. “I have this underlying fear ... that I am breaking a law that I don’t really know about,” said Ruth Riegelhaupt-Herzig, an Airbnb host since 2015.

“We thought Airbnb took care of everything, and I was a little scared I was in trouble with the government,” host Maria Vale said at the meeting. “All I’m saying is we’re the middle—the hosts are stuck in the middle.”

Nulty says that Airbnb makes it clear to hosts which taxes it collects via [this webpage](#), which lists areas with VCAs and what taxes they cover. The page does not explain which taxes hosts are required to collect on their own. A [different Airbnb page](#) instructs hosts to tell guests to bring extra money when checking in so the host can collect taxes in person. Riegelhaupt-Herzig says that isn’t effective, as most guests are wary of paying an additional 6 or 10 percent directly to the host, in addition to the booking charges they paid online through Airbnb.

What’s more, all stays booked in the area have a charge labeled “Occupancy Taxes and Fees” added to the final bill, because of the state’s VCA. “So for us to turn around and say, ‘I’m sorry, you haven’t paid the occupancy tax in Palm Beach County,’ they think we’re scamming them,” which isn’t good for a reviews-based business, Riegelhaupt-Herzig told WIRED. She says she has been paying the county occupancy tax since October out of her own pocket.

After more than an hour of testimony, commissioner Dave Kerner said Airbnb had allowed its hosts to “be misled” about paying taxes. “That is concerning,” Palm Beach County mayor Melissa McKinlay said. “And so I will support this ordinance today.” It was approved unanimously seconds later.

In San Diego last year, Airbnb took a different tack to counter a new law. City officials had signed a VCA with Airbnb in 2015. But they grew unhappy with the setup’s lack of transparency and the inability to audit, says San Diego councilmember Barbara Bry. What’s more, Airbnb use had skyrocketed in San Diego since then. In March 2015, there were more than 2,600 rental units listed on short-term rental sites in San Diego, according to Host Compliance; by 2019, that total had soared to more than 11,500. Host Compliance says two-thirds of short-term rentals in San Diego are posted on Airbnb. Bry says that the rise of full-time investor-owned short-term rentals in residential areas has hurt enrollment in public schools, transformed neighborhoods into districts of mini hotels, and contributed to a citywide housing shortage.

Last August, the San Diego City Council passed an [ordinance](#) that banned the short-term rental of homes that aren’t the owner’s primary residence and required platforms to collect taxes on behalf of their hosts, effectively overriding their VCA. Bry says she assumed Airbnb would sue, but it didn’t.

Within days, Airbnb threw its weight behind a movement to overturn the new rules through a citywide referendum.

Public records show ***Airbnb donated \$1.1 million*** to a California political action committee called “Committee To Expand the Middle Class, Supported by Airbnb, Inc.” That group reported spending \$300,000 to hire signature gatherers to circulate petitions opposing the San Diego ordinance. Airbnb also directly donated \$276,358 to a second group around the same time, records show.

Four weeks after the city council approved the new rules, representatives of Airbnb, HomeAway, and Stand for Jobs delivered more than 62,000 signatures calling for a referendum to rescind the ordinance, nearly twice the number needed to force a citywide vote.

City councilmembers said they didn’t want to risk losing the vote, so they rescinded the ordinance, with plans to try again. “I’m disappointed that a corporation reportedly valued at \$31 billion descended upon our city with its unlimited millions of dollars and used deceptive tactics to force us to where we are today,” Bry said during a council meeting on October 22, just before the council voted to rescind its ordinance.

Airbnb says the petitions garnered so many signatures because the ordinance “would have devastated the local economy, impacted property rights in every San Diego neighborhood, and cost the city millions annually in tax revenue.”

The San Diego City Council plans to introduce a new short-term rental ordinance sometime this fall, Bry told WIRED. If Airbnb challenges a new ordinance, Bry says city officials will be more prepared, and will respond with their own public-education campaign and take the contested ordinance to a public vote.

Airbnb’s battles with local officials have intensified since last year’s Supreme Court ruling in a case involving online retailers. Some tax experts say the decision undercuts Airbnb’s position that it doesn’t have to collect taxes for its hosts. “There is no doubt

City councilmembers said they didn’t want to risk losing the vote, so they rescinded the ordinance, with plans to try again. “I’m disappointed that a corporation reportedly valued at \$31 billion descended upon our city with its unlimited millions of dollars and used deceptive tactics to force us to where we are today,”

whatsoever now that on a constitutional basis Airbnb can be required to collect [taxes]," says Bucks. "There is no justification for these special deals anymore." Airbnb says it's monitoring state-by-state developments related to the case.

Airbnb's recent lawsuits against Palm Beach, Boston, and Miami focus on another aspect of those cities' ordinances: a requirement that platforms remove listings that don't comply with the law. Airbnb says the requirements are unconstitutional and technologically unfeasible. But the company does remove illegal listings in its hometown of [San Francisco](#), and has conducted occasional or ongoing purges in New Orleans, Santa Monica, [Japan](#), [Berlin](#), [Vancouver](#), and, briefly, [New York City](#). In New York, Airbnb sued to block a city ordinance requiring it to turn over more detailed information on listings; a judge in January blocked the law from taking effect.

In Boston, city councilor Michelle Wu helped lead the push last year for an ordinance aimed at discouraging hosts from turning apartments and homes into **mini hotels**. The ordinance requires hosts to register with the city and restricts short-term rentals to owner-occupied units. "Airbnb describes itself as a quaint little home-sharing service ... but the reality is that it has grown to be a corporate entity that makes millions of dollars from businesses taking advantage of loopholes and running de facto hotels," she says.

On April 17, Airbnb sent emails to thousands of Boston Airbnb users criticizing Wu. The email claimed that she was aligned with "big hotel interests" and falsely said she intended to place a "restrictive 30-day cap on unhosted stays." Wu says Airbnb never sought to discuss the ordinance or check the claims in the email. Airbnb says Wu's proposal was "anti-tenant, anti-middle class," and "overly restrictive."

The ordinance passed in June. Four months later, Airbnb sued the city, alleging the rules—which went into effect January 1—violate state and federal laws. Wu says the city modeled its ordinance after San Francisco's, which Airbnb complies with. The Boston lawsuit—much like others recently filed by Airbnb—only challenges requirements that platforms remove illegal listings and share information with local officials to aid enforcement. The suit seeks an injunction against parts of the law, and the city has agreed not to enforce those sections until a judge rules.

A few weeks after Airbnb sued Boston, Massachusetts governor Charlie Baker signed legislation to tax and regulate short-term rentals at both the state and local levels. The law, which goes into effect in July, requires hosts to register with the state. Information about hosts—minus specific house numbers—will be displayed on a publicly available registry, and hosts who run multiple rentals must pay additional taxes. Airbnb says the law will “jeopardize the privacy of our hosts while placing significant and unnecessary burdens” on them. The company says it is working with state officials to address those concerns.

Airbnb’s municipal confrontations have been a boon for Binzer, whose company Host Compliance works with 150 cities to identify short-term rental owners skirting taxes and regulations and to devise an enforcement strategy without striking deals with Airbnb. He used to be an occasional Airbnb host himself—and paid occupancy taxes—when he lived in Tiburon, California; then he was tapped to help local officials quantify Airbnb’s business in town. He says cities are often overmatched by Airbnb, in part because the company periodically tweaks the site in ways that impede tax collectors and enforcement agencies.

For example, Binzer says that until December 2016, Airbnb included the street name of a property in the metadata attached to the listing. Airbnb’s terms of service prohibit third parties from scraping its site for this kind of information, but critics say it’s crucial for enforcement. Officials in some cities used this data to identify hidden hosts. Then Airbnb removed the street name, and altered the geocoding for listings, changing the latitude and longitude so properties appear in slightly different locations.

“It’s a cat and mouse game,” Binzer says. “They literally put the pin in the wrong place of where the actual property is.”

Airbnb says it shields the street name and other personal information related to hosts “to ensure an added level of privacy when third-party scrape sites aim to compile listing information.”

From Negotiation to Litigation

Around the time Palm Beach County Commissioners passed the short-term rental tax ordinance in October, Gannon says she spoke with a representative from Airbnb. She recalls the company floating a gradual implementation strategy: Airbnb would comply with some of the new rules immediately, but

others—like a system requiring hosts to be properly registered with tax authorities—would be phased in over time.

Gannon thought that seemed reasonable, as long as Airbnb collected and paid the taxes. But she didn't have time to see the discussion through. A month and a half after the ordinance was passed, Airbnb sued the county. The suit argues Airbnb can't be required to police illegal listings and share host information because "Airbnb is a realization of Congress's [free speech] goals" and a "classic intermediary." It doesn't question whether the company can be compelled to collect occupancy taxes; Airbnb is not collecting them in the county, though the ordinance went into effect on January 20. HomeAway also sued the county; the suits have since been combined.

"They were just stringing us along until they had their lawsuit ready to file," Gannon says. "It's typical of Airbnb ... They're getting ready to issue an IPO and go public."

Airbnb's lawsuit against Palm Beach County, Florida.

Updated 3-21-2019, 5:30 pm EDT: This story was updated to clarify the relationship between the American Hotel and Lodging Association and Airbnb, to clarify a characterization of Airbnb's corporate citizenship, and to add a comment clarifying Airbnb's position about its cooperation with the city of New Orleans. The updated story also makes clear that HomeAway was among the companies that helped draft a Tennessee law and that HomeAway has sued Palm Beach County.

Updated 4-5-2019, 4:50 pm EDT: This story was updated to correct the amount Airbnb spent to oppose a San Diego ordinance.

Updated 4-12-2019, 6:00 pm EDT: This story was updated to incorporate additional comment from Airbnb regarding the company's stance on collecting taxes.

Is Airbnb Ameliorating – or Exacerbating – Inequality in Cities?

The short-term rental company professes noble aims, but experts argue it displaces tenants and puts pressure on tight housing markets.

By [Trevor Bach](#) Contributor May 2, 2019, at 3:27 p.m.

Does Airbnb Hurt or Help Cities?

HARPER RICHARDS SPENT most of her childhood in New Orleans. By the time she was in her early 20s, she identified with the city's famous cultural openness and artistic bent, performing as a burlesque dancer and selling handicrafts, like earrings made from recycled guitar strings and coasters fashioned from salvaged Hurricane Katrina wood, at the Frenchmen Art Market.

But even working multiple jobs – at a jewelry store, serving pizza, driving for Uber – her income was relatively low; in early 2015, after learning she was pregnant, she began searching for a long-term home. "I was looking at what I could survive off," she says, "with my income and situation – about to be a single mother."

She signed a lease on one half of a double shotgun house on Josephine Street in Central City, a working class neighborhood separated from downtown and the French Quarter by a freeway. She quickly made it home, repainting walls with a gold molding and turning one room into a nursery. "It was a really good scenario," she says. "Cheap rent and a good little neighborhood. My daughter made a bunch of friends across the street." Then her landlord put the house on the market; in March 2017 a property management company representing an out-of-town buyer gave her a 45-day notice. Richards and her daughter moved into a different place down the street, but the rent was hundreds of dollars more. Soon they left New Orleans. After renovations, the Josephine Street house was promptly listed on Airbnb.

"This Airbnb Displaced 5 People," Richards' neighbor spray-painted in big red letters on the home's sidewalk.

In just over a decade, Airbnb has transformed hospitality around the world. Its platform now counts [some 500 million guest stays in 81,000 cities](#); in December it [announced](#) it had collected and dispersed \$1 billion in tax revenue. But the company's rapid growth has also fueled a caustic debate about urban inequality. Airbnb, whose mission is "to democratize travel by allowing anyone to belong anywhere," argues that it provides an economic equalizer, helping even hosts of few means to boost incomes and manage otherwise unaffordable housing costs.

"One of the big questions that we have is, 'How much of an outsize role do we want tourism to have in our city – do we really want just to turn the entire city over to like basically being a simulacrum of New Orleans?'" says DeDecker.
"How much are we asking of our residents to give up in order to make space for these tourists?"

Yet a growing army of critics allege that, in dozens of cities around the world, ***the proxy hotel service more often does the opposite, hyper-accelerating affordable housing crises and gentrification patterns that force out residents.***

"It's really the rich who are getting richer off of this situation," says Richards. "Airbnb has run so rampant across the entire city that there's barely any rentals left for locals, and the rentals that are available are skyrocketing in price."

How Airbnb Changed Housing

Like its closest Silicon Valley industry-disrupting cousins, the ride-sharing apps Uber and Lyft, Airbnb, with a simple, decentralized concept, virtually redefined a decades-old industry overnight: Through the magic of the internet, suddenly anyone with a spare room could become a hotelier, and travelers had an easy gateway to a new kind of experience. A few years after the company started in San Francisco in 2008, tourists could choose from hundreds or thousands of nontraditional hotel options in nearly every city in the world, including a carefully decorated room in a 1930s London flat (\$64 a night), a tiny house made from reclaimed wood in West Seattle (\$110 a night), and a shared traditional yurt in Ulaanbaatar, Mongolia (\$10 a night).

"It's really the rich who are getting richer off of this situation," says Richards. "Airbnb has run so rampant across the entire city that there's barely any rentals left for locals, and the rentals that are available are skyrocketing in price."

"First and foremost it's our community," says Christopher Nulty, the company's head of public affairs for the Americas, explaining the company's success. "There's something really special about going and staying in someone else's home – staying outside the central hotel district and being able to see a new place through the eyes of a local."

But as ***the platform has expanded beyond homeowners with a spare room to profit-minded investors who buy and then rent entire homes***, it's also put a new squeeze on housing markets.

In Toronto the platform has eliminated some 6,500 homes from the city's badly pinched housing market.

Particularly for renters in high-demand cities, Airbnb can increasingly feel like a kind of digital grim reaper: In Toronto the platform has eliminated some 6,500 homes from the city's badly pinched housing market, according to [a recent report](#) from the coalition group Fairbnb. In Boston long-time residents of Chinatown – a dense neighborhood that's become the epicenter of [that city's gentrification battle](#) – are being displaced by overseas speculators, who buy property at inflated prices only to turn around and list on the site.

"If you just walk around Chinatown you see the demographic change," says Karen Chen, executive director of the Chinese Progressive Association, which advocates for residents in the

neighborhood. "It's taking housing from the market, but as it's doing that it's actually creating a chain of rising rent."

A Chain of Rising Rents

Independent research confirms that Airbnb listings do in fact cause higher rents. "What's happening is that some landlords are switching from the long-term market to the short-term market," says Davide Proserpio, an assistant professor of marketing at the University of Southern California who co-authored [a broad study](#) on the issue. "Why? Because Airbnb reduces a lot of friction and makes renting in the short-term market quite easy for everyone."

The impact, unsurprisingly, varies wildly by city. One 2016 analysis predicted that if Boston's rapid rate of Airbnb expansion in 2015 continued for three more years the service would cause an average rent increase of as much as \$2,136 annually. A 2018 [study](#) found that in New York the service has increased annual rent for the median tenant by \$380, and over \$700 in some neighborhoods.

"We're really looking at short-term rentals as like a housing justice issue," says Breonne DeDecker, a program manager at Jane Place, a housing rights nonprofit in New Orleans. In that city, where [rents have exploded](#) in areas with the highest concentrations of listings, DeDecker says Airbnb rentals have displaced so many locals that many traditionally residential districts – including in working-class black neighborhoods like the Seventh Ward and Treme – now resemble weekday ghost towns. "Thursday, Friday and Saturday it's just awash in young white tourists."

Airbnb vehemently rejects conclusions that suggest the platform exacerbates inequality. Much of the underlying research, Nulty charges, was funded by the hotel industry and relies on "scraped, inaccurate data" on listings. (The industry has in fact waged an aggressive campaign against Airbnb, including funding research. Many studies rely on scraped web data as a proxy – Airbnb has repeatedly fought data collection attempts by regulators.) He points out that the company didn't invent the concept of vacation rentals – indeed, many whole home listings simply migrated onto Airbnb from other platforms – and that the majority of hosts are using the platform to rent a spare room to generate extra income, like an average [\\$6,400 annually for hosts in New York](#).

"We're really looking at short-term rentals as like a housing justice issue,". Airbnb rentals have displaced so many locals that many traditionally residential districts – including in working-class black neighborhoods like the Seventh Ward and Treme – now resemble weekday ghost towns. "Thursday, Friday and Saturday it's just awash in young white tourists."

An Economic Stimulus?

The platform, Nulty argues, can also serve as an important economic stimulus in underserved areas: the portion of Washington, D.C. east of the Anacostia River, a predominantly poor and black neighborhood, has virtually no traditional hotels but hundreds of Airbnb listings. The company does remove listings that violate local rental laws, [including some 5,000 in New York](#), and has long been outspoken against evictions.

"We've been so clear about this," Nulty says. "We do not want bad actors on our platform who are purposefully evicting tenants with the intention of Airbnb'ing their space."

But analysts say that, on the whole, underlying home ownership patterns mean that the gains from Airbnb are disproportionately spread among a demographic that already skews both white and wealthy.

"We can say the winners from Airbnb – generally they're pretty concentrated at the top," says Josh Bivens, director of research at the Washington, D.C.-based, left-leaning Economic Policy Institute. In a [report published in January](#) Bivens concluded Airbnb's net economic costs outweigh its benefits: Even if the platform's impact on aggregate housing prices has been relatively small, he argues, it has accelerated an affordable housing crisis that, for millions of Americans, was already dire. "It's another straw on the camel's back."

Municipalities have struggled to keep up. Regulation of listings has been patchwork, with cities around the world taking different approaches aimed especially at curbing whole-home rentals. In 2016 Berlin [implemented a near-total ban](#), later amended, on rentals of more than half an apartment. San Francisco passed laws that restrict listings to primary residences and cap stays where no host is present to 90 days annually. In December, Massachusetts passed a sweeping new law that opens up listings to hotel taxes and public disclosure. Governor Charlie Baker praised the measures as a "leveling of the playing field."

Yet even with rules in place, regulatory agencies are often overwhelmed, and savvy listers find ways to evade requirements: In Miami Beach one property manager was associated with more than \$1.2 million in dozens of illegal listing fines; in February investigators in New York exposed a vast, city-wide scheme, orchestrated by an Israeli former real estate broker, that generated \$20 million in revenue by using multiple identities, manipulated addresses and proxy corporations to flout city rental laws and the company's "one host, one home" rule – specific to New York and a handful of other cities. While in many cases the company has struck voluntary agreements with cities, it also regularly fights regulation and taxation attempts, including with lawsuits against Palm Beach County, Florida, New York and Boston.

"They want to be a company that operates in the space of the really large hotel chains, and yet claim to not be a hotel chain," says Bivens. "I don't think you can have it both ways."

A heated regulatory battle is also underway in New Orleans, where some new City Council members campaigned on the issue of tightening the city's lax regulation of short-term rentals.

In March the city's planning commission endorsed a proposal to ban whole-home rentals in residential areas, representing a dramatic change of course – if the measures eventually pass a full council vote – for a mid-size city with some 11 million annual tourists. At stake, advocates say, is the identity of New Orleans itself.

"One of the big questions that we have is, 'How much of an outsize role do we want tourism to have in our city – do we really want just to turn the entire city over to like basically being a simulacrum of New Orleans?'" says DeDecker.
"How much are we asking of our residents to give up in order to make space for these tourists?"

[Trevor Bach](#), Contributor

Trevor Bach is a journalist based in Detroit. Follow him on [Twitter](#).

Tags: [New Orleans](#), [Airbnb](#), [inequality](#)

There is overwhelming evidence that Short Term Whole House Rentals are detrimental to communities and that any so called benefits are outweighed by the damages inflicted on neighborhoods and the housing shortages and rent increases that always follow Short Term Rentals. This is a sample of some of this evidence.

Short Term Rentals in the News:

Coronavirus is exposing how Airbnb caused rent worldwide to skyrocket, Daily Dot

<https://www.dailydot.com/debug/airbnb-coronavirus-rental-marker/>

During the Corona virus outbreak:

“For years now, housing experts [have pointed](#) to Airbnb as the cause of the world’s ever-dwindling housing supply and skyrocketing rents.

Now, according to property website Daft Media, there has been a 64% increase in rental properties across Dublin. Other tourist destinations like [Edinburgh and London](#) also saw increases in new rental listings, at 62% and 45% respectively.

New York housing activist Peter Harrison, inventor of tenant organizing app HomeBody, points out that the same is happening in the U.S. market as well.

“Btw this is happening all across the US too. Show me a city with a housing crisis and I’ll show you [@Airbnb](#) being front and center,” he tweeted.”

“Btw this is happening all across the US too. Show me a city with a housing crisis and I’ll show you [@Airbnb](#) being front and center,” he tweeted.”

[Mar 21](#)

64% rise in rental properties across [#Dublin](#) in midst of [#Covid 19](#) crisis according to property website as landlords start withdrawing their rentals from short-term listing sites like [#Airbnb](#) and are offering them into the market instead.

Airbnb Has Made Housing More Expensive In Some Parts of D.C., New Research Paper Finds

<https://wamu.org/story/20/01/13/airbnb-has-made-housing-more-expensive-in-some-parts-of-d-c-new-research-paper-finds/>

Home-sharing platforms like Airbnb, VRBO and HomeAway can offer visitors to D.C. all sorts of options for cheap places to stay, but they also seem to be making parts of the city more expensive for long-term residents.

The economic costs and benefits of Airbnb No reason for local policymakers to let Airbnb bypass tax or regulatory obligations

<https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/>

... in many local markets, the arrival and expansion of Airbnb is raising questions about its potential negative impacts on local housing costs, quality of life in residential neighborhoods, employment quality in the hospitality industry, and local governments' ability to enforce municipal codes and collect appropriate taxes.

- **The economic costs Airbnb imposes likely outweigh the benefits.** While the introduction and expansion of Airbnb into U.S. cities and cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travelers and property owners.
- **Rising housing costs are a key problem for American families, and evidence suggests that the presence of Airbnb raises local housing costs.** The largest and best-documented potential cost of Airbnb expansion is the reduced supply of housing as properties shift from serving local residents to serving Airbnb travelers, which hurts local residents by raising housing costs. There is evidence this cost is real:
 - Because housing demand is relatively inelastic (people's demand for somewhere to live doesn't decline when prices increase), even small changes in housing supply (like those caused by converting long-term rental properties to Airbnb units) can cause significant price increases. High-quality studies indicate that Airbnb introduction and expansion in New York City, for example, may have raised average rents by nearly \$400 annually for city residents.
 - The rising cost of housing is a key problem for American families. Housing costs have risen significantly faster than overall prices (and the price of short-term travel accommodations) since 2000, and housing accounts for a significant share (more than 15 percent) of overall household consumption expenditures.
 - Studies claiming that Airbnb is supporting a lot of economic activity often vastly overstate the effect because they fail to account for the fact that much of this spending would have been done anyway by travelers staying in hotels or other alternative accommodations absent the Airbnb option.

Studies claiming that Airbnb is supporting a lot of economic activity often vastly overstate the effect because they fail to account for the fact that much of this spending would have been done anyway by travelers staying in hotels or other alternative accommodations absent the Airbnb option.

- **Property owners do benefit from Airbnb’s capacity to lower the transaction costs of operating short-term rentals, but the beneficiaries are disproportionately white and high-wealth households.** Wealth from property ownership is skewed, with higher-wealth and white households holding a disproportionate share of housing wealth overall—and an even more disproportionate share of housing wealth from nonprimary residences because they are much more likely to own nonprimary residential property (such as multi-unit Airbnb rentals).
- **City residents likely suffer when Airbnb circumvents zoning laws that ban lodging businesses from residential neighborhoods.** The status quo of zoning regulations in cities reflects a broad presumption that short-term travelers likely impose greater externalities on long-term residents than do other long-term residents. Externalities are economic costs that are borne by people not directly engaged in a transaction. In the case of neighbors on a street with short-term renters, externalities include noise and stress on neighborhood infrastructure like trash pickup. These externalities are why hotels are clustered away from residential areas. Many Airbnb rental units are in violation of local zoning regulations, and there is the strong possibility that these units are indeed imposing large costs on neighbors.
- ***Because Airbnb is clearly a business competing with hotel lodging, it should be subject to the same taxation regime as hotels. In regard to zoning regulations, there is no empirical evidence that the net benefits of Airbnb introduction and expansion are so large that policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.***
- **Potential costs**
- The single biggest potential cost imposed by Airbnb comes in the form of **higher housing costs for city residents** if enough properties are converted from long-term housing to short-term accommodations. If property owners take dwellings that *were* available for long-term leases and convert them to short-term Airbnb listings, this increases the supply of short-term rentals (hence driving down their price) but decreases the supply of long-term housing, increasing housing costs for city residents. (We refer to all long-term costs of shelter as “housing,” including rentals and owners’ equivalent rental costs.)

Wealth from property ownership is skewed, with higher-wealth and white households holding a disproportionate share of housing wealth overall—and an even more disproportionate share of housing wealth from nonprimary residences because they are much more likely to own nonprimary residential property (such as multi-unit Airbnb rentals).

- **Potential benefit three: Travelers' spending boosts the economic prospects of cities**
- The lower prices and greater range of options made available by the introduction and expansion of Airbnb could, in theory, induce a large increase in travel and spark economic growth in destination cities. This is precisely the claim made in a report by NERA Economic Consulting (NERA 2017), which says that Airbnb "supported" 730,000 jobs and \$61 billion in output globally, with roughly a quarter of this economic gain occurring in the United States.

- ***To be blunt about these claims, they are flatly implausible.***
They rest on the assumption that all money spent by those renting Airbnb units is money that would not have been spent in some alternative accommodations had Airbnb not existed.

Potential costs of Airbnb introduction and expansion

Potential cost one: Long-term renters face rising housing costs

Potential cost two: Local government tax collections fall

Potential cost three: Externalities inflicted on neighbors

Potential cost four: Job quantity and quality could suffer

Conclusion: Airbnb should have to play by the same rules as other lodging providers

Airbnb Is Screwing Over New York's Vulnerable Neighborhoods

Everyone knows Airbnb is bad for the housing market. But it's starting to get worse.

https://www.vice.com/en_us/article/ywxynm/airbnb-is-screwing-over-new-yorks-vulnerable-neighborhoods

David Wachsmuth does not mince words when he talks about the impact of Airbnb rentals: *"They impose costs on every single other person in the city," he told me.*

Wachsmuth said there is a solution that doesn't require the entire dismantling of Airbnb culture. If the service were limited to homesharing—in other words, people who actually live in the units rent their

apartments out on weekends or holidays—the housing market would remain stable and people could still make money.

The Airbnb Effect: It's Not Just Rising Home Prices

<https://www.citylab.com/equity/2019/02/study-airbnb-cities-rising-home-prices-tax/581590/>

D.C. is [restricting it](#). Florida might [stop investing in it](#). New Orleans is [trying to ban it completely](#). Across the country, legislators are not happy with Airbnb.

The study's author Josh Bivens argues, cities need to start treating Airbnb like any other hotel business, and regulate it accordingly. "It becomes a straight conflict between whose interests you care more about: long-term residents of the city, or those that visit it," Bivens said.

Since Airbnb helps homeowners take existing housing stock and turns some of it into short-term units, its biggest measured effect so far has been on housing prices—by repurposing units that might otherwise be long-term housing, it's straining an already supply-short market. Rents rise in the process.

Since 60 percent of the property wealth in homeowners' primary household is concentrated in the top 20 percent of households—and more than 80 percent of the wealth is held by white households—it stands to reason, Bivens says, that the ones who stand to make the most from Airbnb are already the wealthiest, and the whitest.

"It becomes a straight conflict between whose interests you care more about: long-term residents of the city, or those that visit it," Bivens said.

Is Airbnb Ameliorating – or Exacerbating – Inequality in Cities?

"They want to be a company that operates in the space of the really large hotel chains, and yet claim to not be a hotel chain," says Bivens. "I don't think you can have it both ways."

<https://www.usnews.com/news/cities/articles/2019-05-02/airbnbs-controversial-impact-on-cit>"They want to be a company that operates in the space of the really large hotel chains, and yet claim to not be a hotel chain," says Bivens. "I don't think you can have it both ways."

But as the platform has expanded beyond homeowners with a spare room to profit-minded investors who buy and then rent entire homes, it's also put a new squeeze on housing markets. Particularly for renters in high-demand cities, Airbnb can increasingly feel like a kind of digital grim reaper: In Toronto the platform has eliminated some 6,500 homes

from the city's badly pinched housing market, according to [a recent report](#) from the coalition group Fairbnb. In Boston long-time residents of Chinatown – a dense neighborhood that's become the epicenter of [that city's gentrification battle](#) – are being displaced by overseas speculators, who buy property at inflated prices only to turn around and list on the site.

"They want to be a company that operates in the space of the really large hotel chains, and yet claim to not be a hotel chain," says Bivens. "I don't think you can have it both ways."

Galia says

[June 23, 2017 at 8:28 AM](#)

Hello!

I just wanted to say that I understand and benefits from their experience, but I must say that AirnBnB apartments for tourists means a great lack of opportunities for locals who want to stay and live in their cities. We are suffering this big problem in Barcelona (Catalunya_Spain) now ... The locals can not afford to rent the prices ... I really think that this platform is **no longer collaborative: it is speculative**. Think globally :) AirBnB and similar platforms destroy local communities for the benefit of tourists and private speculators.

[How Taxpayers Subsidize AirBnB's Cheap Prices](#)

<https://www.nakedcapitalism.com/2017/01/how-taxpayers-subsidize-airbnbs-cheap-prices.html>

Airbnb says one of the key benefits of what it calls "home sharing" is to reduce costs for travelers and to help hosts earn extra income. But hoteliers complain they face unfair competition, as a result of tax differences and gaps in regulatory enforcement of everything from hygiene to disabled access and fire safety....

The ability of AirBnB to operate at all is proof of the success of neoliberal indoctrination. Most communities have strict zoning laws. Renting out your home, even on a part-time basis, is a commercial activity. Most localities ignore violations of that distinction for businesses that don't generate traffic, such as a bookkeeper or web designer working from their home. But one of the reasons for this distinction was to preserve the integrity of residential communities and keep transients out. But it seems that nothing is to stand in the way of rental extraction in the name of the sharing economy...even when the sharing consists of pilfering from the very communities that cut businesses like AirBnB slack that they do not deserve.

Inside Airbnb's 'Guerrilla War' Against Local Governments

<https://www.wired.com/story/inside-airbnbs-guerrilla-war-against-local-governments/>

Similar dramas are playing out around the country. From Nashville to New Orleans to Honolulu, Airbnb is battling local officials over requests to collect occupancy taxes and ensure that the properties

Airbnb has fought city officials over regulations aimed at preventing homes from being transformed into *de facto* hotels and requests from tax authorities for more specific data about hosts and visits.

listed on its site comply with zoning and safety rules. In the past five months alone, the company has spent more than half a million dollars to overturn regulations in San Diego and has sued Boston, Miami,

and Palm Beach County over local ordinances that require Airbnb to collect taxes or remove illegal listings. Elsewhere, Airbnb has fought city officials over regulations aimed at preventing homes from being transformed into *de facto hotels* and requests from tax authorities for more specific data about hosts and visits.

Airbnb is engaged in “a city-by-city, block-by-block guerrilla war” against local governments, says Ulrik Binzer, CEO of Host Compliance, which helps cities draft and enforce rules for short-term rentals, sometimes putting it at odds with hosting platforms. “They need to essentially fight every one of these battles like it is the most important battle they have.”

As the city (Nashville) inched closer to prohibiting so-called “mini hotels” — non-owner-occupied homes used exclusively as vacation rentals—Airbnb shifted its focus from City Hall to the state Capitol three blocks away. In the latter half of 2017, the company more than doubled the number of lobbyists it employed in Tennessee, to from four to 11, and spent between \$225,000 and \$350,000 on lobbying between February 2017 and August 2018, according to reports the company filed with the state.

Around this time, a political action committee called the Committee to Expand Middle Class By Airbnb, Inc. donated \$10,000 to groups representing Tennessee Republicans, according to campaign finance records. The donations included \$2,500 to the campaign of state representative Cameron Sexton, who had introduced a bill in 2017 specifying that short-term rentals should not be considered hotels under state law. The bill, known as the Short-Term Rental Unit Act, was drafted in consultation with Airbnb and other short-term rental companies, including HomeAway, [according](#) to the *Tennessean*. It included a provision stripping cities of the power to ban existing short-term rentals. The Tennessee General Assembly passed the bill in April 2018

Summary of Options and Chelan County Board of County Commissioner Direction

This table provides a high level summary of consultant notes from the situation assessment and general direction from the Board of County Commissioners' work session on of March 31, 2020. The information is subject to change and correction.

Topic	Options Evaluated	BOCC Direction 3/31/20
Zones Allowed	<ul style="list-style-type: none"> ▪ Vacation Rentals with permits of different lengths – accessory use and lesser days lengths in rural residential zones; permitted in commercial zones ▪ Vacation Rentals with 1% cap – permitted in rural residential and commercial zones, conditionally permitted in resource zones, limited by county or area cap ▪ Vacation Rentals Peshastin or Manson UGAs – limited to existing in residential zones and new ones in commercial zones 	<ul style="list-style-type: none"> ▪ Vacation Rentals with 1% cap (see below). ▪ Consider permit type by location: rural, resource, UGAs.
Limits on Numbers	<ul style="list-style-type: none"> ▪ Cap the number of short-term rentals, countywide or by area (e.g. UGA versus non-UGA area), e.g. 1%. ▪ Establish permit authorizations of different lengths. ▪ Establish distance/separation requirements. 	<ul style="list-style-type: none"> ▪ Develop a cap. ▪ Overlays for density (e.g. existing grandfathered but no additional vacation rentals in Leavenworth). Similar to Okanogan County. ▪ Other rules apply countywide.
Unit Types	<ul style="list-style-type: none"> ▪ Allow short-term rentals within a person's primary residence only. Permit is not transferable to new owner. ▪ Allow within either primary residence or accessory dwelling units, recreational vehicles, tents and other secondary housing units. Permit is transferable to new owner. 	<ul style="list-style-type: none"> ▪ Allow within either primary residence or accessory dwelling units. ▪ Permit is not transferable to new owner.
Occupancy	<ul style="list-style-type: none"> ▪ Relate occupants to bedrooms; allow limited occupancy in common areas. ▪ Cap at a flat number of guests, e.g. 10 per International Residential Code. 	<ul style="list-style-type: none"> ▪ Relate occupants to bedrooms and have a cap at 10. ▪ Bedrooms/sleeping units advertised will be used in compliance.
Standards for health and safety	<ul style="list-style-type: none"> ▪ Follow RCW standards only. ▪ Tailored to local conditions and needs. ▪ Combination. 	<ul style="list-style-type: none"> ▪ Combination – state & local standards. ▪ Ensure there is response within 30-45 minutes by designated manager.

Topic	Options Evaluated	BOCC Direction 3/31/20
		<ul style="list-style-type: none"> ▪ Ensure fire protection plan in unit and ability to restrict use of fire pit or lock portable ones. ▪ Address noise, garbage, trespassing. ▪ Post the unit with rules and provide to renters. ▪ Annual permit number is on advertisement to ease tracking. ▪ Advertising is proof of use.
Permits, Inspections, and Enforcement	<ul style="list-style-type: none"> ▪ Consider all together: ▪ Require an annual land use permit. Initial permit should require inspections or review by Fire District and Health District. Set permit fees based on cost of permit review and inspection. Allow owners to provide affidavit of compliance on renewals. ▪ Enforce based on consistency with RCW 64.37.030 and Chelan County Title 16. ▪ (Note RCW 64.37.030 references RCW 7.80; and 7.80.010 indicates a county can hear and determine civil infractions pursuant to its own system established by ordinance.) 	<ul style="list-style-type: none"> ▪ Consider all the elements listed. ▪ Annual permit with Community Development; also fire and health inspections. ▪ Costs should address permits and inspections (desired also compliance but discussed that appeared infeasible from PA office). ▪ Citations should be given to owner (some discussion of citation to renter – appeared more support to address to owner). ▪ Consider the docket – revamp of Title 16 for onsite citation.

Public comment:

- Consider limiting daytime parties – can be huge.
- Consider sun-setting in impacted areas (e.g. not about 5% of stock in Leavenworth area)

Chelan County Short-Term Rental Situation Assessment & Options

March 30, 2020

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1 Introduction

Chelan County has a population of over 77,000 people in nearly 3,000 square miles though the population is focused on about a quarter of the county territory. Chelan County is a major destination with year-round recreation at mountains and lakes and agri-tourism opportunities.

Short-term rentals¹ accommodating visitors have been established rapidly over the last several years. 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, a draft code was developed by Chelan County Community Development Department staff. It was heard by the Planning Commission and Board of County Commissioners but denied. The denial was based on concerns the proposed code did not address issues raised by members of the public, and a desire by the Board of County Commissioners to review other alternatives. A public and legislative review process will follow with the Planning Commission and eventually the Board to review specific legislative proposals.

This Short-Term Rental Situation Assessment & Options paper provides the following information:

- Current short-term rental situation in Chelan County countywide and within smaller geographies,
- Summary of public comment to date including major themes,
- Highlights of stakeholder proposals to regulate short-term rentals,
- Best practices and regulatory framework, including approaches by other communities, and
- Code amendment options.

Following County staff review, the Situation Assessment and Options will be presented to the Board of County Commissioners for review and direction. Formal code language will be developed to take forward to the Planning Commission and public review.

¹ Where residential dwelling is rented out on a nightly basis for less than 30 days to individual guests.

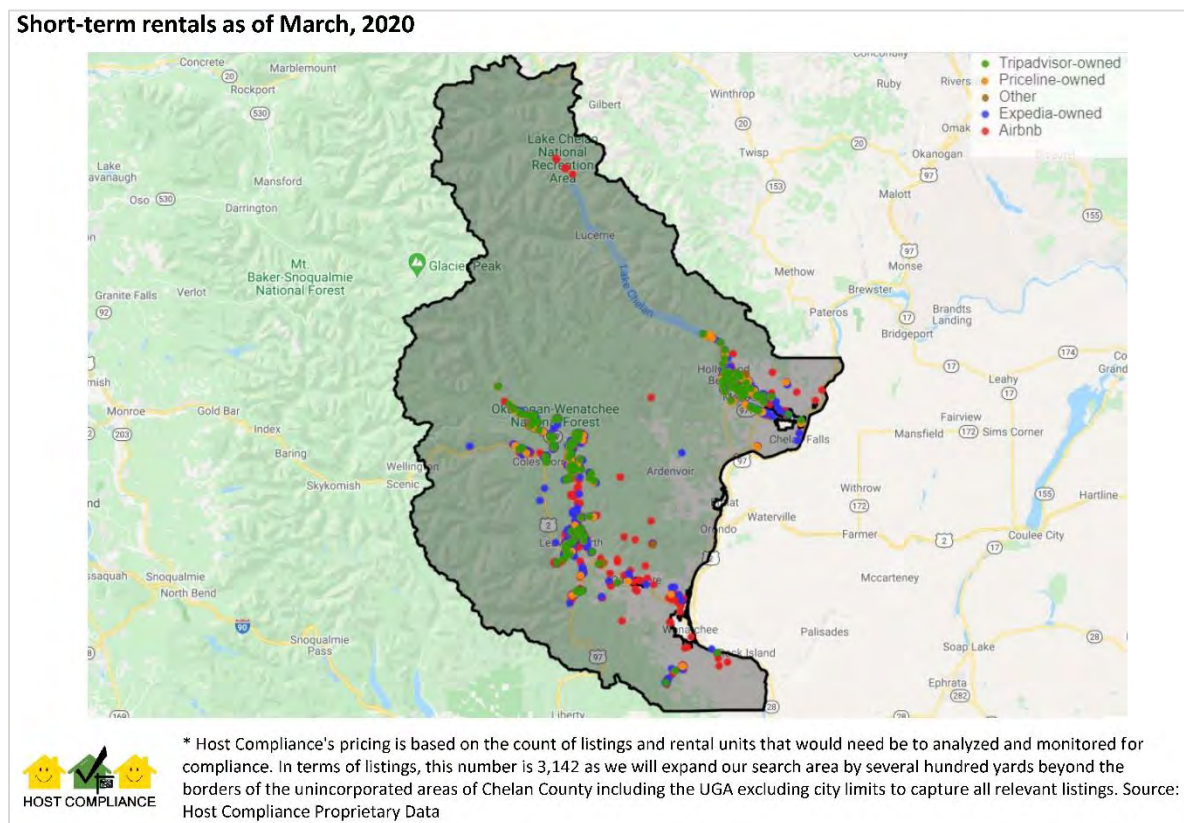
2 Current Conditions

This section addresses the current numbers, location, and types of short-term rentals in Chelan County with a focus on unincorporated areas under the land use authority of Chelan County.

2.1 NUMBER AND LOCATION OF SHORT-TERM RENTALS

In unincorporated areas including the urban growth areas (UGAs) and rural areas, Host Compliance has identified 2,376 listings, representing **1,535 unique rental units** as of March 2020. See Exhibit 1 for approximate locations. See also Attachment E for details of Host Compliance’s review.

Exhibit 1. All Listing Sources – Unincorporated areas of Chelan County Host Compliance

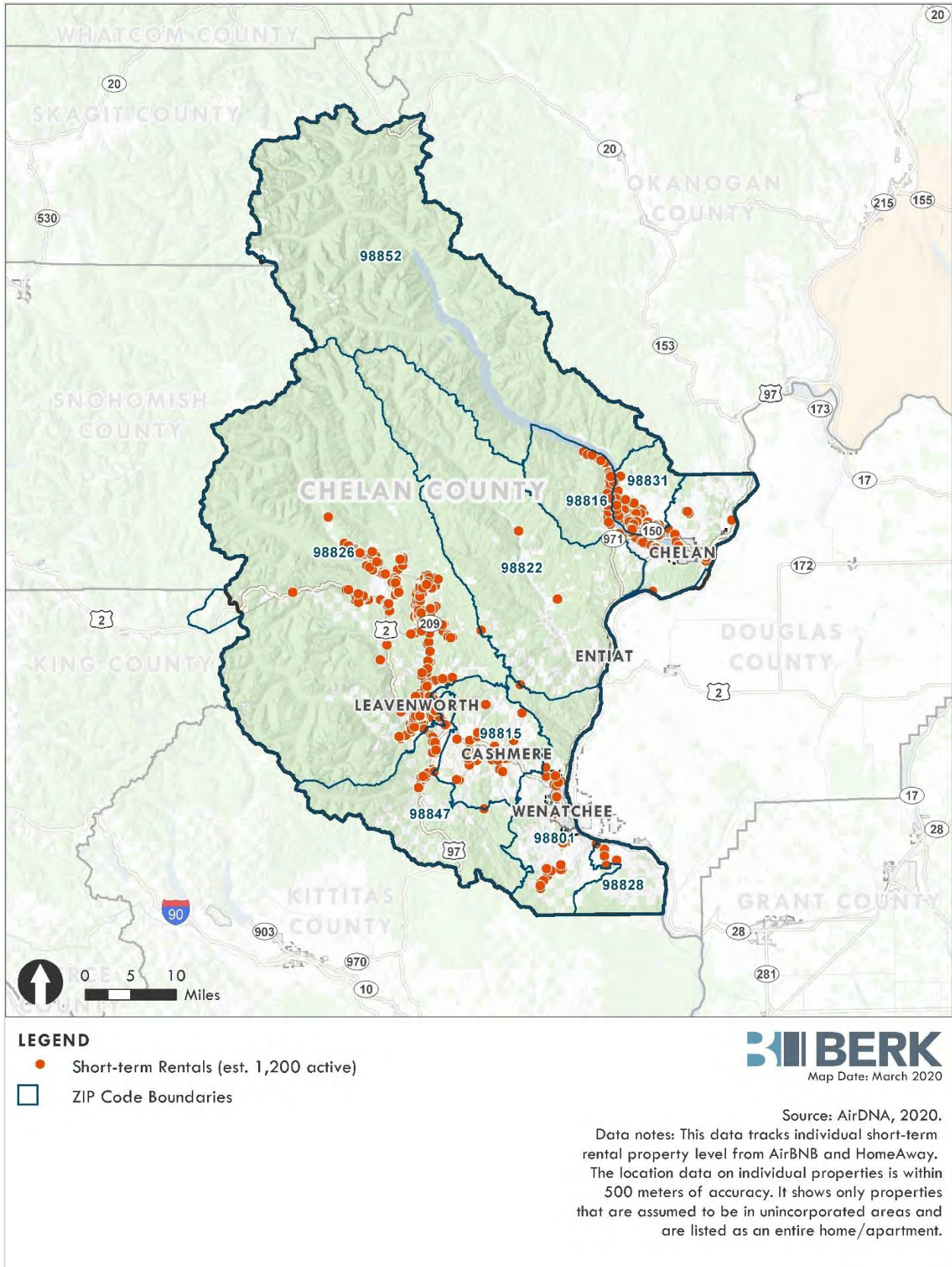


Source Host Compliance

In addition to Host Compliance information provided to Chelan County, BERK Consulting, Inc. obtained short-term rental data through AirDNA (<https://www.airdna.co/>) which provided a database of geocoded listings from 2014-2020 (January) focusing on AirBnB and HomeAway listings. The AirDNA database evaluation allowed a review of trends and details of unit characteristics as well as spatial location of units in relation to zoning districts.

Within unincorporated Chelan County, the AirDNA data identified over 1,308 active properties as of January 2020. See Exhibit 2. These would overlap the Host Compliance count of 1,535 unique rental units as of March 2020. **Note:** Mapping of AirDNA data focused on properties where the full home/apartment is rented which is over 1,200 units.

Exhibit 2. Unincorporated County Active Listings by Zip Code – January 2020: AirBnB and Home Away



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

The increase in short-term rental units in the last five years has been over 1,100. See Exhibit 3.

Between 2015 and 2019 there was a 55% rate of increase. The rate of increase was 10% between 2017 and 2019, and 4% between 2018 and 2019.

**Exhibit 3. Unincorporated Chelan County Active Listings of all Listing Types
– December 2014 to December 2019: AirBnB and Home Away Monthly Data***

Zip Code	Zip Code Place	2014	2015	2016	2017	2018	2019
98815	Cashmere		4	11	25	30	35
98816	Chelan	1	3	14	64	60	75
98822	Entiat		3	4	4	2	2
98826	Leavenworth	59	110	205	611	816	868
98828	Malaga	1	2	2	4	4	4
98831	Manson**	6	9	56	212	215	229
98847	Peshastin	4	8	16	41	47	56
98801	Wenatchee	5	6	14	25	32	39
Grand Total		76	145	322	986	1,206	1,308

Note: *Differences in unit counts with other tables are due to inclusion of all unit types and use of a common reporting month of December whereas other tables focus on January 2020 information and whole homes only which are a large proportion.

**Includes about 83 units in 2019 on tribal land.

Source: AirDNA, BERK 2020

Most of the short-term rentals are in rural areas with fewer in UGAs due to their smaller extent. See Exhibit 4.

Exhibit 4. Short-Term Rentals in Unincorporated Areas – Active Listings January 2020 Monthly Data*

Unincorporated Portions of Zip Codes	Properties
Cashmere-98815	32
Rural	27
Cashmere UGA	5
Chelan-98816	70
Rural	65
Chelan UGA	5

Unincorporated Portions of Zip Codes	Properties
Entiat-98822	2
Rural	2
Leavenworth-98826	811
Rural	782
Leavenworth UGA	29
Malaga-98828	4
Rural	4
Manson-98831	221
Rural	50
Manson UGA**	171
Peshastin-98847	54
Rural	46
Peshastin UGA	8
Wenatchee-98801	43
Rural	28
Wenatchee UGA	15
Grand Total	1,237

Note: * Reports data as of January rather than December (see Exhibit 3). Monthly active listing data produces slightly fewer full short-term rental units than property-based data which reports 1,247.

**Includes about 83 units on tribal land.

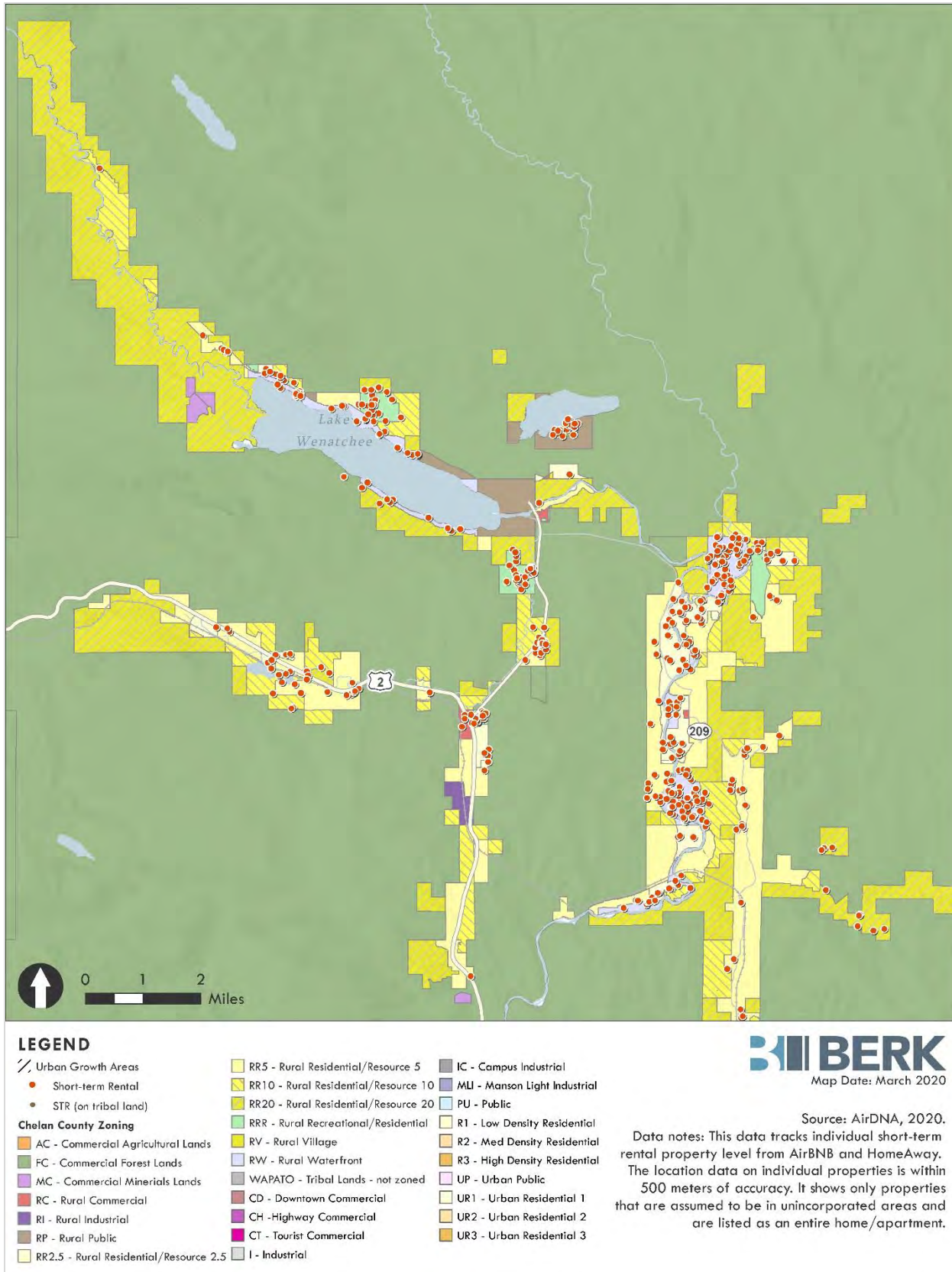
Source: AirDNA, BERK 2020

2.2 LOCATION IN RELATION TO ZONING DISTRICTS

The following pages show the recent AirBnB and HomeAway listings as of January 2020 in the Leavenworth, Lake Wenatchee, and Lake Chelan/Manson vicinities in relation to Chelan County zoning. The short-term rentals are occurring in rural areas and UGAs across nearly all zones.

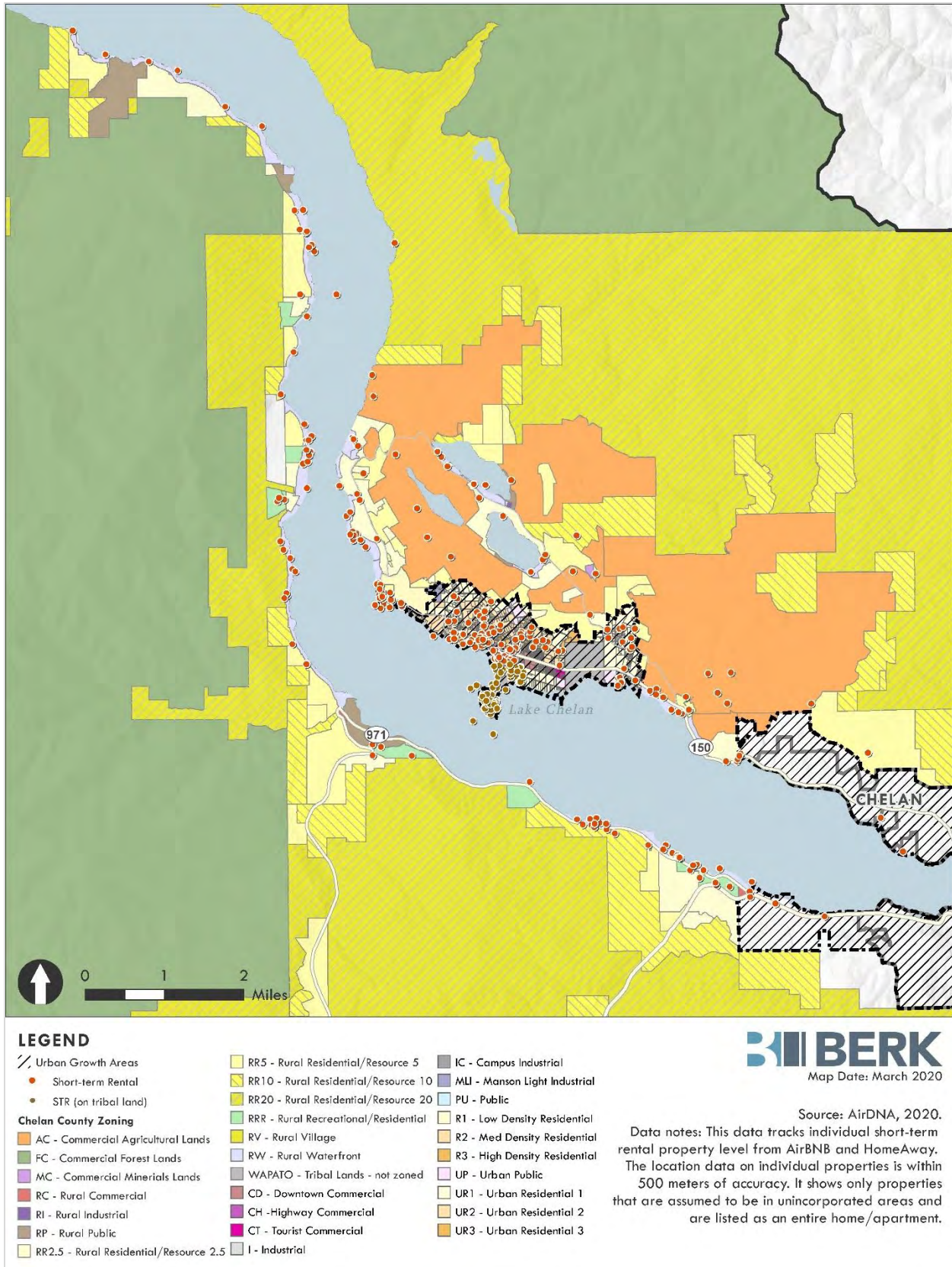
See Exhibit 5 addressing the Leavenworth and Peshastin areas, Exhibit 6 illustrating the Lake Wenatchee Area, and Exhibit 7 with the Manson and Lake Chelan Area.

Exhibit 6. Lake Wenatchee Active Listings (Unincorporated) – January 2020: AirBnB and Home Away



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

Exhibit 7. Manson Active Listings (Unincorporated) – January 2020: AirBnB and Home Away



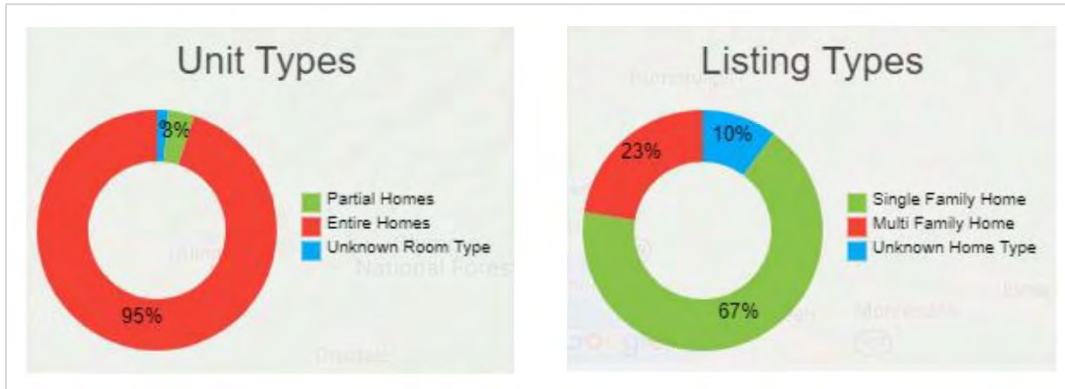
Note: Geographic location is accurate for most properties with some locations within 500 meters for privacy.
Sources: Chelan County Assessor; AirDNA February 2020; BERK 2020

2.3 SHORT-TERM RENTAL CHARACTERISTICS

2.3.1 Full versus Partial Unit Rentals

Most short-term rentals are offered as entire homes, and most are single-family in format. See Exhibit 8.

Exhibit 8. Countywide Unincorporated Areas All Short-Term Rental Platforms March 2020



Source: Host Compliance 2020

Exhibit 9 provides a more specific breakdown of unit types by zip code in unincorporated Chelan County. Most units are entire homes or apartments.

Exhibit 9. Approximate Type and Number of AirBnB and HomeAway Listings: January 2020 Monthly Data Unincorporated Chelan County*

Zip Code	Zip Code Place Name	Entire Home/Apt	Hotel Room	Private Room	Shared Room	Grand Total
98815	Cashmere	24		8		32
98816	Chelan	68		2		70
98822	Entiat	2				2
98826	Leavenworth	756		55		811
98828	Malaga	4				4
98831	Manson**	211	6	3	1	221
98847	Peshastin	51		3		54
98801	Wenatchee	32		11		43
Grand Total		1,148	6	82	1	1,237

Note: * Monthly active listing data produces slightly fewer full short-term rental units than property-based data which reports 1,247.

**Includes about 83 short-term rentals on tribal land.

Sources: AirDNA February 2020; BERK 2020

See Attachment B for more details about unit types. About 25 units are “guest houses” and 13 are “tiny houses”, mostly found in the Leavenworth zip code.

2.3.2 Rental Rate and Income

The median nightly rate is \$216 across all listings identified by Host Compliance (2,376 listings, representing 1,535 unique rental units). By zip code in unincorporated areas, the rates are higher in Chelan, Manson, and Leavenworth. The units tend to be larger in these areas too. The average days available is over 3 months to almost 5 months. The occupancy rate in the most active areas is under 50%. See Exhibit 10.

**Exhibit 10. Unincorporated Chelan County Entire Home/Apartment – January 2020:
AirBnB and HomeAway Listings Property Data**

Zip Code Place	Count of Properties	Average of Bedrooms	Average of Number of Bookings LTM	Average of Count Available Days LTM	Average of Occupancy Rate LTM	Average of Annual Revenue LTM	Average of Published Nightly Rate
Cashmere	28	2.0	42	91	52%	\$23,147	\$166
Chelan	97	3.2	25	120	44%	\$37,984	\$360
Entiat	4	1.0	21	110	43%	\$11,586	\$131
Leavenworth	749	2.7	46	144	48%	\$44,138	\$263
Malaga	5	1.8	50	130	57%	\$23,626	\$141
Manson*	281	3.3	27	122	46%	\$39,777	\$316
Peshastin	53	2.8	39	139	42%	\$29,878	\$253
Wenatchee	30	2.6	29	97	55%	\$27,957	\$247
Grand Total	1,247**	2.8	39	135	47%	\$41,029	\$278

Notes: *Includes housing on Wapato - about 83 in Manson

**Slightly different counts of entire units comparing property based data to monthly rental data.

Acronym – LTM = last 12 months

2.4 HOUSING STOCK

The highest share of total dwellings used for short-term rentals is within Leavenworth and Manson zip codes. See Exhibit 11.

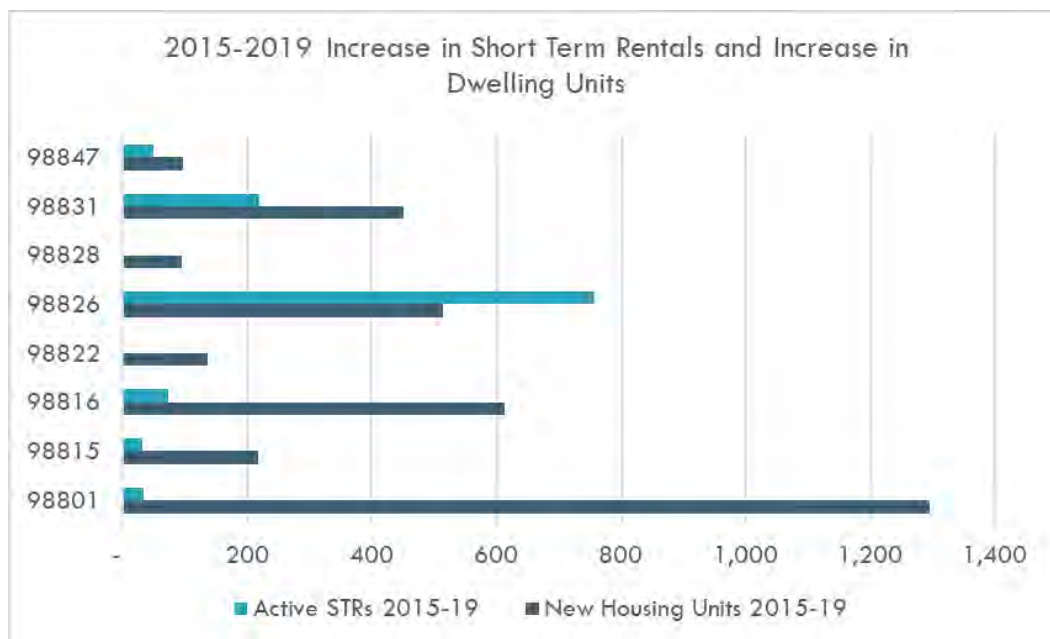
Exhibit 11. Unincorporated Chelan County Short-Term Rentals as Share of Total Housing Units

Zip Code Community Name	Zip Code	Total Dwellings Unincorporated 2019	January 2020 Active short-term rentals	% short-term rentals
Leavenworth	98826	6,099	749	12.3%
Manson	98831	2,519	281	11.2%
Chelan	98816	5,333	97	1.8%
Peshastin	98847	956	53	5.5%
Wenatchee	98801	17,989	30	0.2%
Cashmere	98815	2,977	28	0.9%
Malaga	98828	908	5	0.6%
Entiat	98822	1,138	4	0.4%
Total		37,920	1,247*	

Notes: *Slightly different counts of entire units comparing property based data to monthly rental data (10 units less).
Sources: AirDNA February 2020; BERK 2020

In some places recently added housing stock is less than the number of short-term rentals added. Short-term rentals can occur in existing dwellings as well as new ones. The use of short-term rentals by a homeowner can provide income to support the housing costs, but it can also remove a unit otherwise available for rent from the market place.

Exhibit 12. Increase in Dwellings and Short-Term Rentals in Unincorporated Areas by Zip Code 2015-2019: AirBnB and HomeAway Listings*



Note: property based data is slightly higher than monthly rental data by 10 units.

Source: OFM 2019; AirDNA 2020

3 Community Input

In 2019, the Chelan County Department of Community Development prepared draft code language for regulating short-term rentals across unincorporated Chelan County whereas currently it is only regulated in the Manson Urban Growth Area. Generally, the proposal included allowing short-term rentals in rural residential zones and conditionally permitting them in resource zones. In the Peshastin UGA the short-term rentals would be conditionally permitted, and in the Manson UGA, retained with current permit allowances.

The draft code was heard by the Planning Commission and Board of County Commissioners and denied due to concerns raised by public input; also County Commissioners wanted to review alternative proposals. Through that process comments through about 215 commenters were logged between July and September 2019. BERK Consulting, Inc. reviewed the comments and developed a summary of comment themes.

Attachment C provides a comment matrix from public input in fall 2019 on the prior proposal that was denied. Since that time, the public provided input to County staff and commissioners, and input received as of March 11, 2020 are in Attachment D.

3.1 PUBLIC INPUT – FALL 2019

About 38% of the 215 commenters support short-term rental regulations, written as is or with conditions, while about 57% did not support the proposed regulations, which tended to include owners/operators of short-term rentals. Another 5% had comments that did not relate to support or opposition.

Most comments did not specify a location of concern or were inclusive of all short-term rentals in the county while 24% were specific to existing UGAs or “second home” communities.

In order of magnitude, the issues raised relate to enforcement; nuisance and utility concerns; health and safety; affordable housing and residential character; occupancy limits; density (of ownership or by location); and treating short-term rentals as businesses.

Respondents who support the regulations as is or with conditions generally did not identify themselves as an owner or operator of short-term rentals. This group wants to reduce overcrowding through occupancy or density limits, regulate nuisance and safety issues (such as noise, garbage, septic capacity, and wildfire risk), and maintain the character of residential neighborhoods.

Most respondents who oppose the regulations identified as owners or operators of short-term rentals. This group thinks the County should better and more consistently enforce current codes and laws instead of imposing additional regulations. They feel proposed occupancy limits are overly restrictive and would be too hard to regulate, that owners should not be punished for guests’ bad behavior, and that the “3 Strike Rule” would be used as a retaliatory tactic for disputes between neighbors.

Both groups wanted clarity concerning how the County would enforce and manage regulations if enacted, especially concerning occupancy and the 3 Strike Rule.

3.2 ADDITIONAL INPUT EARLY 2020

Comments fielded by County Commissioners or County staff early in 2020 are attached. The concerns are similar to those provided by the public in 2019.

For example, a resident in Plain indicated short-term rentals should be well regulated and limited to avoid nuisances and respect community cohesion. Additionally there are concerns about loss of affordable housing.

3.3 COMMENT THEMES

3.3.1.1 *Theme: Enforcement and clear processes are important parts of managing short-term rentals in the county.*

- **Enforcement.** Enforcement is a common concern regardless of whether respondents are for or against regulation. A number of respondents who own or operate short-term rentals (especially in the Leavenworth area) are opposed to short-term rental regulations, instead supporting stricter and more consistent enforcement of existing regulations. Others who support the regulations think clearer countywide regulations will help ensure compliance, but that strict enforcement is the only way to add consequence to valid violations.
- **3 Strike Rule.** Support for the “3 Strike Rule” is mixed. Some see the measure as the only way to manage properties that repeatedly violate the law. Others are worried neighbors will log unwarranted complaints to try and shut down legal short-term rentals, or that the rule will be used as a retaliatory tactic for disputes between neighbors. Some against the rule believe a fine should be imposed on the renter for bad behavior and not the owner. Both sides want clarity concerning how the County would enforce and manage the policy.
- **Complaint process.** Many are confused on how the County will record and register complaints to determine violations. Some requested a 24/7 hotline to log complaints, with many simply not knowing who to contact. Some want the ability to text a hotline number so they can better document violations with pictures or video.
- **Off-site managers.** Several of the nuisance related comments discussed below are specific to properties with off-site managers (regardless of whether the manager is local or out-of-area). Respondents cite unresponsive property managers, and suggest requiring on-site caretakers (similar to the City of Leavenworth) to help mitigate common problems. Some ask that if property managers are used, the property manager should be identified in the permit application and in a management plan.

Some other less common enforcement and process comment themes include:

- **Conditional Use Permits (CUP).** Some believe CUPs should be required for all short-term rentals in residential zones regardless of unit size (a few believe they should be required in all zones). Several respondents question why small short-term rentals would be permitted outright with standards and larger rentals would require CUP. In general, commenters feel the CUP should not pass on with the sale of the property. One commenter wonders why permits and home inspections would be required annually when a CUP is only required once.
- **Registration fee.** A few respondents believe the \$500 annual fee is too high – especially for on-site owners with smaller units or only one unit – instead wanting an annual registration fee based on the number of bedrooms or not fee at all.
- **Create a register of short-term rental properties.** Some want an online registry of short-term rental properties in the county made accessible.
- **Posted notice.** A few commenters want to ensure short-term rental permit numbers are properly

posted outside and contain all pertinent information, and that neighbors are appropriately notified.

- **Consistency.** Some believe regulations should consistently apply to all properties in the county regardless of size or location (see CUP discussion above).

3.3.1.2 *Theme: Regulations should address common nuisance impacts, such as reckless driving, street parking, noise, trespassing, and excessive trash.*

- **Parking and reckless driving.** Most vehicle related comments concern parking – supporters want short-term rentals to supply adequate parking to help limit street parking on county or residential roads. A few respondents suggest holding short-term rentals to the same parking requirements as bed and breakfasts. Traffic, speeding vehicles in residential neighborhoods, and winter driving are other cited concerns – for example, out-of-town guests with limited winter driving experience sometimes cause problems for local residents, either getting stuck in the snow or driving too fast for conditions.
- **Noise and parties.** Loud or excessive partying is a common concern expressed by respondents, including music, public urination, and vulgar imagery and profanity. Several respondents want stronger noise regulations with clear guidelines on how noise complaints will be addressed – despite adequate response from law enforcement, for example, the fact remains that individuals were still disturbed late at night.
- **Trespassing and privacy.** A few commenters cite personal experience with short-term rental guests trespassing on their property.

3.3.1.3 *Theme: Short term rentals place increased pressure on septic systems and other utilities.*

- **Garbage.** Many respondents note that garbage cans are often left curbside indefinitely at short-term rental properties, which commenters said is both unattractive and unsafe as it attracts wildlife. Respondents would like to make sure garbage is properly disposed of, regularly taken out/picked up following rentals, and stored in such a way that is attractive and protected from wildlife.
- **Capacity concerns.** Utility related comments primarily involve adequate capacity to serve the volume of people staying, with specific concern for septic and water capacity issues. A few believe capacity issues should already be addressed through the building permit process, while several others are concerned the actual volume of renters overwhelms systems built for fewer people (e.g., some respondents cite substantial odors coming from overburdened septic systems).

3.3.1.4 *Theme: Regulations should incorporate public health and safety.*

- **Fire risk and burn bans.** Safety concerns raised primarily relate to wildfire risk and guests not adhering to burn bans. Many respondents cite personal experience with guests who either outright ignore burn bans or who do not know how to responsibly contain campfires in dry conditions – one respondent suggests adding that “portable fireplaces/pits must be locked when burn ban is in effect” to the proposed code. The Forest Ridge Wildfire Coalition questions short-term rental code compliance and the response of local representatives to address wildfire danger characteristics of the region. Several want to know if sprinklers or other fire suppression would be required for larger units (especially older units that would need expensive retrofitting to comply) or if owners would be required to enforce other special fire code requirements.
- **Hot tubs/pools.** Several respondents want regulations to ensure hot tubs and pools are properly

fenced off and meet (and are subject to) Health Department regulations to ensure the safety of guests. In addition, several respondents want only those staying as registered guests of the rental allowed to use the rental's hot tubs or pools.

- **Law enforcement calls for service.** The Chelan County Sheriff notes there appear to be fewer logged complaints related to short-term rentals than hotel guests or long term residences in Chelan County. A few other comments question the need for short-term rental regulations because existing laws already handle the limited number of situational complaints. A few others believe the geographic spread of short-term rentals throughout the county makes it hard for law enforcement to respond quickly.

3.3.1.5 *Theme: Too many short-term rentals negatively impacts housing affordability, lowers the supply of housing for long term renters and owners, and is incompatible with residential community character.*

- **Affordability and supply.** Increased housing costs and lack of supply are often cited by those wanting regulation – respondents believe too many short-term rentals in residential neighborhoods raise local property prices and lower available housing for long term renters and homeowners. A few respondents, for example, believe the County's Comprehensive Plan did not adequately account for long term housing lost to short-term rentals when considering 20 year capacity (and therefore does not adequately meet GMA goals of preserving housing stock). Several comments note that short-term rental supply vastly outweigh the supply of long term rentals, which impacts the ability for people to live in areas impacted by the tourism. A group of local business leaders in the Leavenworth area, for example, believe employees are regularly unable to find affordable housing nearby, negatively impacting both the employees and business owners. One comment suggests a tax on short-term rentals could be used to build infrastructure and community amenities.
- **Community character.** Many commenters who support regulation want to maintain the residential character of neighborhoods in Chelan County and want the code to preserve the integrity of residential zoning. They believe short-term rentals are either a commercial use that is not compatible with residential communities or that too many short-term rentals dramatically changes the feel of a neighborhood (see the density discussion below).
- **Non-resident owners.** Some respondents want the County to restrict and limit short-term rentals by non-resident owners as a way of maintaining residential character.

3.3.1.6 *Theme: Respondents are divided over whether short-term rental regulations should include occupancy limits or limit the number of bedrooms.*

- **Support occupancy limits.** Many respondents who support the short-term rental regulations do so specifically because they want enforceable occupancy limits to help reduce overcrowding – these respondents generally do not identify themselves as owners or operators of short-term rentals. Some suggest a maximum occupancy of 10 guest (including children), with a few suggesting the cap could be greater in commercial zones. Comments support limiting sleeping capacity instead of the number of bedrooms, as the number of bedrooms don't necessarily reflect the number of guests that can stay at a short-term rental. Other suggested alternatives include considering a home's overall square footage or the capacity listed on building permits or of septic systems as methods of determining occupancy limits. Another alternative suggests limiting the number of nights per year a short-term rental can be rented.

- **Oppose occupancy limits.** Respondents who do not want occupancy limits are typically owners or operators of short-term rentals who oppose regulation. Most believe the occupancy limits are too restrictive and will be impossible to regulate. Some say occupancy limits would negatively impact their rental income. A few think young children should not be included in the calculations if limits are imposed.

3.3.1.7 *Theme: Limit the density of short-term rentals by zone and/or limit the number one person or entity is allowed to own in the county.*

- **Density by zone/neighborhood.** Many respondents who support short-term rental regulations do so specifically because they want to reduce the density of short-term rentals in residential neighborhoods. Respondents note that the draft code addresses density per lot but not density per neighborhood or zone. A few respondents want short-term rentals excluded from all residential zones as they believe the rentals are incompatible with residential uses. See the discussion of residential character above.
- **Limit number owned.** Some believe no person or entity should be allowed to own more than one short-term rental in the county to help keep properties in compliance with residential zoning.

3.3.1.8 *Theme: Short term rentals are a business and should be regulated like a business.*

- **Hotel/motel regulations.** Some respondents who want regulation believe short-term rentals should be required to adhere to the same standards as hotels, motels, and bed and breakfasts to ensure fair competition – there was concern, for example, that an owner of a condominium or apartment building would be able to operate it like a hotel without following the same rules that a hotel operator must follow. A few comments noted that hotels and motels are not permitted in residential areas yet short-term rental properties operating like hotels and motels are.
- **Economic impact.** Some who oppose short-term rental regulation think regulation will negatively impact the economic benefit short-term rentals bring to both the owner (rental fees) and local community (tourism and jobs). Others, however, believe a lack of affordable housing for employees is already negatively impacting local businesses. Both sides appear to believe most short-term rentals are no longer supplemental income for property owners but a primary source of income for business owners in residential areas.
- **Insurance.** A few comments noted that those operating a short-term rental should carry commercial or liability insurance as home-owners insurance is often null and void (or very difficult for neighboring properties to pursue restitution through). Comments suggested proof of insurance be required with registration.

3.4 COMMUNITY PROPOSALS EARLY 2020

After the public comments described above through the prior code review process, the public continued to provide input to County staff and commissioners and it is summarized below.

3.4.1 Manson Community Council

The Manson Community Council provided options and relayed some concerns as described in Attachment D. A summary of their proposals include:

- **Location:** Prefer short-term rentals be located in commercial zones; limit in UR1 and planned developments.
- **Limits on Number:** Would like to see a 500-foot separation. New construction for a single-family home building permit cannot be used as a short-term rental for 5 years [to] encourage community cohesiveness and good neighborhood... Current short-term rental permits are not transferable if the property is sold. New owners must reapply for a new short-term rentals Permit.
- **Occupancy:** Limit of 10 people or fewer; including children of all ages. Maximum of 4 bedrooms in residential zones. Five bedrooms or more are not allowed in residential zones, only in commercially zoned areas.
- **Other Standards:** Sign must be posted outside the entrance of home by that includes: Permit number, expiration date, maximum occupancy, name & phone number of person to contact in case of problems. Response time for complaints must be within 30 minutes. Short-term rentals should honor and maintain the character of surrounding neighborhoods.
- **Process/Fees/Enforcement:** Property registration fees should be figured on a sliding scale of a "per bedroom" fee. Larger properties are harder to mitigate and take more resources.

3.4.2 Peshastin Community Council

Based on a conference call with three members of the Community Council, County Community Development staff, and the Consultant summary comments about preferences for regulation were provided. A focus was on meeting the intent of the Peshastin UGA Comprehensive Plan, and recognizing short-term rentals are a business. Thoughts on location and limits/process included:

- **Location:** Allow short-term rentals where hotels/motels and bed and breakfasts are allowed. Do not allow in residential zones.
- **Limits on Number/Occupancy/Process:** Units should be owner occupied and require a conditional use permit. There will be nonconforming units (which may be vested).

3.4.3 City of Leavenworth

City of Leavenworth Development Services Manager Lilith Vespier reviewed some initial proposals from County Commissioner Bob Bugert; these proposals are described further below). City staff thoughts included:

- **Location:** Consider allowing short-term rentals in accessory dwelling units, since this is an efficient use of a separate space and retains one local resident per parcel.
- **Limits on Number:** 1% cap – if tied to January 1st, the number will change year to year and result in confusion and lack of certainty. Consider permitting all who apply in the first 6-12 months and reducing that number by xx% per year to reduce the total or a specific number per region (like Lake Chelan) or other options.
- **Occupancy:** If proposing two overnight guests per bedroom plus additional three overnight guests, this could encourage the use of other rooms for beds which in turn impacts the septic, noise, and neighborhood character.

- **Other Standards:** Inspections could be streamlined by just having the Fire District if the only purpose of the Chelan-Douglas Health District is to confirm bedrooms in relation to septic size. Have parking related to the number of sleeping units and not +one. If retaining the + one, it would encourage use of other rooms for beds and discourage carpooling. Signage could be limited sufficiently by size and colors and not natural material. Continue to have sheriff regulate conduct. If requiring a designated local property representative who lives within 30 minutes, this removes remote rentals which are the types of rentals with the least impact – no or remote neighbors.
- **Process/Fees/Enforcement:** Certify compliance with the conditions of license approval within 90 days after the closing date of the sale of the property would be difficult to enforce. These should be treated the same as a conditional use permit which runs with the land and anyone operating would need to comply with the conditions. This removes the potential for loss of an approved short term rental with the sale (affecting the sale value). All complaints should go only to code compliance officer will improve accountability and follow through. The State has identified and provided remedy for enforcement through the RCW; how to address the County objectives and processes with the RCW?

3.4.4 Dan Beardslee

- **Location:** Permitted use in all rural, residential, and resource zones.
- **Limits on Number:** None.
- **Occupancy:** Shall not exceed two persons per bedroom, plus four, provided that the standards of the Chelan-Douglas Health district and the Chelan County Fire Marshal are met.
- **Other Standards:** Follow RCW 64.37 which addresses owner contact information, installation of carbon monoxide alarms, provision of consumer safety requirements, and enforcement via a warning letter and potential for civil infraction.
- **Process/Fees/Enforcement:** Valid short-term rental registration required; annual renewal required. Transferable to a new owner; 60 days to update owner and contact information.

3.4.5 County Commissioner Proposed Conditions January 2020

To discuss with community councils and citizens, members of the Board of County Commissioners developed proposed conditions. These conditions are a supplement to the Washington State Statute on vacation rentals (RCW 64.37), which are to be adopted by reference. The draft code provided by Dan Beardslee above should be a foundation.

- **Location:** Unincorporated areas of the county. Vacation rentals must be operated out of a person's primary residence only. Accessory dwelling units, recreational vehicles, tents and other secondary housing units cannot be operated as Vacation Rentals. A Vacation Rental Permit is not automatically transferable as part of the sale of property; a permit application from the new property owner must be approved to continue as a vacation rental.
- **Limits on Number:** The annual number of new vacation rental licenses issued will be capped to 1% of the total number of licensed vacation rentals as of January 1 of each year. Once the maximum

number of vacation rental licenses has been reached, no additional licenses will be issued for that year. These licenses will be issued on a first-come, first-serve basis.

- **Occupancy:** Advertised lodging will have no more than two overnight guests per bedroom plus additional three overnight guests at any one time. The number of bedrooms is determined by the approved building permit for the structure. A guest is a person over six years of age.
- **Other Standards:** Vacation rentals must maintain an up-to-date property management plan on file with the Chelan County Community Development Department and property owners within 300 feet of the building within which the vacation rental is located. A designated local property representative who lives within 30 minutes of where the Vacation Rental is located and will respond to complaints and emergencies within that time frame. Reference the existing codes for trash, trespassing, noise, and outdoor burning. Trash and recycling cans on the right-of-way are to be set out and removed within twenty-four hours of pickup. All vacation rental license holders are required to display the address of the residence so that it is clearly visible from the street or access road. The house must have a sign or other identifier on outside as vacation rental. The sign must be made of natural materials not exceeding two square feet in area and if illuminated, shall be indirectly illuminated.
- **Process/Fees/Enforcement:** There must be an annual rental permit. Vacation rental owners must annually certify compliance with the conditions of permit approval and with the fire and life safety requirements of the International Fire Code. Vacation rentals must meet all applicable local and state regulations, including business licenses and taxes such as Washington State sales, lodging and business and occupation taxes. The Chelan-Douglas Health Department and Chelan County Fire Marshall must inspect the vacation rental to secure a license from Chelan County. The Chelan County License is revoked for one year after three complaints are filed against a particular vacation rental.

4 Regulatory Approaches and Options

4.1 LEGAL FRAMEWORK AND BEST PRACTICES

The County regulates land use and development in unincorporated areas including unincorporated UGAs and rural/resource areas. Cities address land use in city limits. Through inter-local agreements Chelan County can opt to apply city regulations in unincorporated UGAs associated with cities.

In developing land use regulations, Chelan County considers its authorities under the Growth Management Act (RCW 36.70A) which allows the County to regulate land use and development like short-term rentals, and other statutes governing taxation, health and safety, and enforcement (for example, RCW 64.37, Short-Term Rentals). Additionally, the County can consider best practices that fit within the state legal frameworks.

The [Sustainable Economies Law Center \(March 2016\)](#) developed a guidebook for regulating short term rentals, recommending local governments:

- **Establish clear definitions:** Distinguish short-term rentals from long-term rentals and qualities of short-term rentals that differ from hotels, motels, boarding house, or bed and breakfast. Address

whether the unit is the host's primary residence, and whether the unit is occupied during a guest's stay.

- **Require registration and recordkeeping:** Require registration and registration renewal with fees and keep them low as possible (address administration costs and factor in addressing complaints and enforcement). (Note: for counties, an equivalent process could be a land use permit that is renewable.) Require hosts to keep records of guest names and contact information and revenue earned to assist with enforcement. Require the hosts to include the short-term rental registration number or permit number on all advertisements.
- **Establish protections for the supply and affordability of housing:** The guidebook notes that short-term rentals can increase housing costs by removing from the market a room that could have gone to a long-term tenant, and by raising the cost for prevailing housing prices. A municipality can set caps on the number of allowed short-term rentals per host (e.g. Seattle, Okanogan-Methow), and the number of nights a short-term rental can be rented to guests (e.g. Cannon Beach and Bend). To prevent speculation, the guidebook recommends limiting short-term rentals to the primary residence. The recommendations also include ordinance requiring occupancy for a period of time prior to the unit being offered for short-term rental.
- **Create protections for the wellbeing of guests:** Provide for health and safety standards, inspections by fire and building officials or a self-checklist, and insurance carried by short-term rental hosts.
- **Establish oversight, complaint, and sanction procedures for the wellbeing of neighbors:** Create a process for filing complaints, and fines or other sanctions.
- **Preserve neighborhood quality:** Maintain a neighborhood feeling with limitations on parties, manage parking, and establish quiet hours.
- **Preserve public tax revenues and level the playing field between short-term rentals and commercial hotels:** short-term rentals should be charged a transit occupancy tax or hotel tax. A third-party facilitator should collect and remit the tax.

Locally, [MRSC \(November 2017\)](#) has noted common concerns addressed in codes in Washington State and the Pacific Northwest include:

- **Collection** of lodging and sales tax on these short-term rental stays;
- **Mitigation** of traffic, parking, noise, and other impacts on the surrounding neighborhood;
- **Compliance with life/safety standards** that are commonly applied to other types of lodging establishments (such as hotels, motels, and bed-and-breakfasts); and
- Addressing impact of short-term rentals on a community's **affordable housing supply**.

Jurisdictions have developed regulations addressing many of the best practices and concerns above. See Attachment A for a matrix of regulations from counties in Washington as well as cities in Washington and Oregon. See Attachment A. Highlights include:

- Many regulate short-term rentals by zones and may treat them differently depending on location and others allow them where single-family units are allowed though permits may vary length of time allowed in residential zones.

- Most communities have defined different levels of short-term rentals regulating whole homes and room rentals differently by permit type and by zone.
- Many vary requirements based on whether the host lives in the home and how many days per year the unit is rented.
- Some have instituted limits on the numbers of short-term rentals based on distance such as Bend. Cannon Beach instituted a lottery for years but in 2019 removed it and has a committee studying the effects of short-term rentals on the community; they have defined permits by length of rentals.
- Some limit the number of occupants.
- All address parking. Many address solid waste, noise, signage, and health and safety. Many require annual checklists for fire and safety, and acknowledgement of Good Neighbor Guidelines.
- Most require a local representative to live in proximity to the community.
- Some regulate short-term rentals with land use permits; many offer licenses with annual renewals. However, counties in Washington State tend to regulate by land use permit rather than license. Most ordinances specify the state or local taxes that must be paid.
- Several require inspections at the time the short-term rentals application is approved, and many require regular inspections or self-checklists after that. Some only inspect upon complaint.

4.2 OPTIONS

Considering the public input and proposals a range of options have been developed for the following factors listed below with more detailed options listed in Exhibit 13:

- Zones Allowed
- Unit Types
- Limits on Numbers
- Occupancy
- Standards
- Permits, Inspections, and Enforcement

Exhibit 13. Summary of Options Examined

Topic	Options Evaluated
Zones Allowed	<ul style="list-style-type: none"> ▪ Vacation Rentals with permits of different lengths – accessory use and lesser days lengths in rural residential zones; permitted in commercial zones ▪ Vacation Rentals with 1% cap – permitted in rural residential and commercial zones, conditionally permitted in resource zones, limited by county or area cap ▪ Vacation Rentals Peshastin or Manson UGAs – limited to existing in residential zones and new ones in commercial zones

Topic	Options Evaluated
Unit Types	<ul style="list-style-type: none"> ▪ Allow short-term rentals within a person’s primary residence only. Permit is not transferable to new owner. ▪ Allow within either primary residence or accessory dwelling units, recreational vehicles, tents and other secondary housing units. Permit is transferable to new owner.
Limits on Numbers	<ul style="list-style-type: none"> ▪ Cap the number of short-term rentals, countywide or by area (e.g. UGA versus non-UGA area), e.g. 1%. ▪ Establish distance/separation requirements. ▪ Establish permit authorizations of different lengths.
Occupancy	<ul style="list-style-type: none"> ▪ Relate occupants to bedrooms; allow limited occupancy in common areas. ▪ Cap at a flat number of guests, e.g. 10 per International Residential Code.
Standards for health and safety	<ul style="list-style-type: none"> ▪ Follow RCW standards only. ▪ Tailored to local conditions and needs. ▪ Combination.
Permits, Inspections, and Enforcement	<p>Consider all together:</p> <ul style="list-style-type: none"> ▪ Require an annual land use permit. Initial permit should require inspections or review by Fire District and Health District. Set permit fees based on cost of permit review and inspection. Allow owners to provide affidavit of compliance on renewals. ▪ Enforce based on consistency with RCW 64.37.030 and Chelan County Title 16. <p>(Note RCW 64.37.030 references RCW 7.80; and 7.80.010 indicates a county can hear and determine civil infractions pursuant to its own system established by ordinance.)</p>

4.2.1 Zones Allowed

Some examples allow short-term rentals in any zone where single-family homes are permitted (Clallam, Jefferson, and Pierce Counties and Cannon Beach, OR) while others vary regulations by zones (Okanogan and San Juan Counties, and Bend, OR). Options include:

1. Regulate short-term rentals similarly across the County in all zones allowing single-family residences and tourist accommodations.
 - a. Pros: Simpler enforcement of uniform zoning regulations.
 - b. Cons: Less recognition of different community characters and market and housing conditions.
2. Regulate short-term rentals differently by zone or community. Regulations could differ in the Manson UGA, Peshastin UGA, or assigned City UGAs (e.g. authorizing local cities regulations per interlocal

agreements). Rural areas could have a more uniform approach, except the allowances could be more flexible where zones recognize long-standing resort or second home communities, or less flexible on resource lands to avoid conversion or cessation of resource activity.

- a. Pros: Ability to recognize community character across large county. Adapt regulations to consider tourist-based economies. Tailor regulations to address affordable housing concerns in local areas.
- b. Cons: Complexity of regulations and enforcement.

Recommendation: Option 2 would be more responsive to different community concerns and needs.

4.2.1.1 Urban Unincorporated Areas – Code Options:

- Vary short-term rentals within the by Manson UGA and Peshastin UGA. Recognize local characters, housing markets, and local economies. The County Comprehensive Plan and zoning code already distinguishes these communities with subarea plans and area-specific zones. Allowances could vary by zone. Options include:
 - UGA-1. Allow short-term rentals in residential zones as an accessory use with permits that allow limited use annually so that a primary resident is in the home majority of year; and permit short-term rentals outright in commercial uses.
 - UGA-2. Allow short-term rentals in residential zones and commercial zones. Assume 1% cap above existing number will limit level of use/change in neighborhoods.
 - UGA-3. Match community preferences. The focus is to allow short-term rentals in commercial areas. Existing short-term rentals would be grandfathered and could continue but if discontinued could not be re-established.
- Consider application of city regulations in assigned UGAs where short-term rentals are prevalent, e.g. Leavenworth and Chelan, and likely to result in nonconformities if areas are annexed. City regulations could be phased in after the County launches its countywide program before introducing more complexity. Until then, the County could restrict added short-term rentals in assigned UGAs (see cap below).

4.2.1.1.1 Peshastin Section 11.22.030

Note: Selected uses shown on chart due to similarity of uses and to provide context.

(2) The following acronyms apply to the following use chart:

Uses:

PRM = Permitted use

ACC = Accessory use

CUP = Conditional use

EL = Existing Legal are Permitted; new ones are not permitted

Where a cell is empty, the use is prohibited in that zone. All of these assume compliance with any and all development standards.

Land Uses	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
RESIDENTIAL USES								

Land Uses	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
Bed and Breakfast	CUP	CUP	CUP	PRM ¹	PRM ¹			
Boarding/Lodging House	PRM	PRM	PRM	CUP	PRM	PRM		
Multifamily Dwelling		PRM	PRM	PRM	PRM		CUP	
Single-Family Dwelling	PRM	PRM	PRM					
Existing Single-Family Dwelling as of July 1, 2008				PRM	PRM			
Hotels/Motels				PRM	PRM	PRM	PRM	
Winery, Small Scale	ACC	CUP	ACC	PRM	PRM	PRM	PRM	
<u>Option UGA-1: Vacation Rentals (with permits of different lengths)</u>	<u>ACC</u>	<u>ACC</u>	<u>ACC</u>	<u>PRM¹</u>	<u>PRM¹</u>			
<u>Option UGA-2: Vacation Rentals (with 1% cap)</u>	<u>PRM</u>	<u>PRM</u>	<u>PRM</u>	<u>PRM¹</u>	<u>PRM¹</u>			
<u>Option UGA-3: Vacation Rentals Peshastin Community</u>	<u>EL</u>	<u>EL</u>	<u>EL</u>	<u>PRM</u>	<u>PRM</u>			

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

² Indoor facility only.

4.2.1.1.2 Manson Section 11.23.030

Note: Selected uses shown on chart due to similarity of uses and to provide context.

- P Permitted use—Subject to development standards in Chapter 11.88 and/or 11.93
- EL Existing Legal uses are permitted; new ones are not permitted
- 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

Table 9.1 – District Use Chart

USE/ACTIVITY	UR1	UR2	UR3	CT	CD	MLI	UP
Recreation/Tourist Uses				P			
Bed and Breakfast (3 or Fewer Rooms)	A	A	A		P		
Guest Inn—4 to 6 Rooms			CUP		P		
Home-Based Business							
Home Occupations	A	A	A				
Multifamily Dwellings (Apartments)			P				
Residential Dwelling Units, Above Ground Floor				A	P	A	
Boarding House	P	P	P				
Single-Family Dwelling	P	P	P				

USE/ACTIVITY	UR1	UR2	UR3	CT	CD	MLI	UP
Single-Family Dwelling, as of December 31, 2017, excluding parcels adjacent to Wapato Way				P ¹	P ¹		
Farm Visit, U-Pick and Rent-A-Tree Operation	P	P	P				
Winery Less Than 1,500 sq. ft. of Retail Space				P	P	P	
Winery Greater Than 1,500 sq. ft. of Retail Space				P	P	P	
<u>Option UGA-1: Vacation Rentals (with permits of different lengths)</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>P¹</u>	<u>P¹</u>		
<u>Option UGA-2: Vacation Rentals (with 1% cap)</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>		
<u>Option UGA-3: Vacation Rentals – Manson Community</u>	<u>P²EL¹</u>	<u>EL¹P²</u>	<u>EL¹P²</u>	<u>P¹A²</u>	<u>P¹A²</u>		

P¹ = Permitted with Standards

4.2.1.2 Rural and Resource Areas – Code Options:

Note: Selected uses shown on chart due to similarity of uses and to provide context.

- Rural Option-1. Allow as an accessory use to the primary occupancy of the home in rural residential and resource zones and permit in rural commercial zones. This is allowed with permits of different lengths (longer in RW, RRR, RC and shorter in others). See “Limits on Numbers.”
- Rural Option-2. Permit short-term rentals in rural zones and conditionally permit in resource zones. This is combined with a permit cap. See “Limits on Numbers.”

11.04.020 District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Recreation/Tourist Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	
Bed and Breakfast (3 or Fewer Rooms)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Guest Inn—4 to 6 Rooms	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP		
Home-Based Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
Home Occupations	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Multifamily Dwellings							P(1)						
Residential Dwelling Units, Above Ground Floor								P(1)					
Single-Family Dwelling	P	P	P	P	P	P	P				P	P	
Winery, Equal to or Less Than 1,500 sq. ft. of Retail Space	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P		
Winery, Greater Than 1,500 sq. ft. of Retail Space	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	
Commercial Facilities Serving Water-Related Recreational/Tourist Activities, Less Than 5,000 sq. ft.					CUP	CUP		CUP					
Lodging Facilities								P					
<u>Rural Option-1: Vacation Rentals (with permits of different lengths)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>P(2)</u>			<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>
<u>Rural Option-2: Vacation Rentals (with 1% cap)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>			<u>CUP</u>	<u>CUP</u>	<u>CUP</u>

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
- 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

4.2.2 Unit Types

Some communities limit which types of housing can be used as short-term rentals (e.g. Okanogan). For example limiting it to primary residences or allowing secondary residences to be used.² Some indicate that that the short-term rental can be in either the principal residence or accessory residence but not both (e.g. Jefferson County, San Juan County).

1. Allow short-term rentals within a person’s primary residence only. Permit is not transferable to new owner.
 - a. Pros: Recommended to prevent speculation, support neighborhood cohesion, and assist with maintaining housing affordability.
 - b. Cons: Limits flexibility for owner.
2. Allow within either primary residence or accessory dwelling units, recreational vehicles, tents and other secondary housing units. Permit is transferable to new owner.
 - a. Pros: Allowing short-term rentals in either a primary or accessory dwelling could allow for primary owner to increase their income and improve their ability to pay for their monthly housing costs. If a short-term rental is located in an accessory dwelling unit, the owner could continue to live year-round in the primary unit. Permit flexibility facilitates sale to new owners due to retained value.
 - b. Cons: Without restriction some accessory/secondary units may not provide for occupant comfort and safety (e.g. tents, RVs) as much as a permanent structure and result in more noise and discomfort for neighbors. More flexible permit transfer could mean housing values continue to increase, there is more frequent turnover, and there is less neighborhood cohesion.

Recommendations: Option 1 for most cases with some flexibility in zones allowing tourist accommodations or meant for resorts.

- A. Require short-term rentals in primary residence only, unless exceptions apply per “B” below.
- B. Consider flexibility in zones permitting tourist accommodations or zones designed for resorts/second homes (e.g. commercial zones in UGAs; Rural Commercial; Rural Waterfront; Rural Recreational/Residential).

² Also, some limit whether they can apply to attached apartments to avoid defacto hotels in residential areas. However, Chelan County unincorporated areas tend to be lower-density and this concern is likely limited. If it is a concern, then the number of short-term rentals managed by common owners could be limited, e.g. Seattle limits to 2 units.

4.2.3 Limits on Numbers

Limiting the number of short-term rentals can help address concerns about housing affordability and neighborhood cohesion, but can be complex. They should consider investment in existing units and fairness for new applicants. Options include:

1. Cap the number of short-term rentals, countywide or by area (e.g. UGA versus non-UGA area), e.g. 1%. The County could require annual renewal of existing units in one period (e.g. September-November) and then allow for registration of new short-term rentals after the existing number of short-term rentals is established (e.g. February-April). The cap could be established countywide and in UGAs or other defined communities so that there is no over-concentration in one area. (Example of Cap: Pleasant Harbor in Jefferson County.)
 - a. Pros: Addresses housing affordability and community stability concerns.
 - b. Cons: Added tracking and enforcement efforts.
2. Establish distance/separation requirements. (Example: of Distance: Bend, OR.)
 - a. Pros: Addresses community stability concerns.
 - b. Cons: Complex enforcement. Existing short-term rentals in “buffer” areas become non-conforming and may be amortized. Lottery would be needed to allow persons to establish permitted ones and the location of the buffers.
3. Establish permit authorizations of different lengths. In zones allowing tourist accommodations, permits would be long-term and annually reviewed with no term limit. In zones allowing single-family residences, limit short-term rentals to a certain number of days per year, e.g. available for rent fewer than 30 days in a calendar year. (Example of permits of different lengths: Bend and Cannon Beach, OR.)
 - a. Pros: Addresses housing affordability and community stability concerns.
 - b. Cons: Added tracking and enforcement efforts.

Recommendations: Either Option 1 or 3 would be more straightforward to implement compared to Option 2. A cap would provide more certainty about the level of potential rentals. Per City of Leavenworth comments some thought on timing of when the count is determined is in order.

- A. Apply a cap.
- B. Consider sub-geographies so that one area does not become the location for all new ones in a given year.

4.2.4 Occupancy

To avoid noise, parking issues, and other nuisance concerns, jurisdictions often limit occupancy. Some relate to bedrooms (examples San Juan County; and Bend and Cannon Beach, OR) and some relate to an overall number (e.g. max 10, Okanogan County). And some have a number per bedroom with an overall cap (e.g. 2 per bedroom up to 10 guests; Pierce County). Options include:

1. Relate occupants to bedrooms; allow limited occupancy in common areas.
 - a. Pros: Relates usage to size of home/number of sleeping quarters.

- b. Cons: More complex. Allows use of common areas for sleeping quarters, increasing usage/density.
- 2. Cap at a flat number of guests, e.g. 10 a number referenced in the International Residential Code in reference to an owner-occupied lodging house.
 - a. Pros: Simpler to enforce.
 - b. Cons: None provided size of unit meets building code standards.

Recommendations: Relate occupancy to bedrooms with a cap related to the International Residential Code.

4.2.5 Standards

Standards for health and safety are included in the state law, though more limited than best practice standards.

1. Follow RCW standards only. (No counties examined rely only on RCW which may have post-dated some counties' code.)
 - a. Pros: More streamlined code. Linked to state law.
 - b. Cons: Limited conditions apply to short-term rentals.
2. Local Standards.(All examples have local standards.)
 - a. Pros: Tailored to local conditions and needs. More completely addresses best practices.
 - b. Cons: More complex to administer.

Recommendations: Combine RCW standards (by reference) and local standards for some benefits of streamlining and benefits of tailored local requirements important to balance compatibility and neighborhood cohesion.

4.2.6 Permits, Inspections, and Enforcement

Counties in Washington State implement state land use planning (e.g. GMA, RCW 36.70) and regulate permitted and conditionally permitted uses, and have limited authorities under business licensing laws (RCW 36.32.120 sub 3). Further the State recently passed some laws addressing enforcement of short-term rental violations.

Thus, the variations on permits and procedures are limited. The following are recommended:

- Require an annual land use permit. Many counties reviewed in Appendix E reference these as vacation rental or hospitality permits (e.g. Jefferson, Pierce, and San Juan Counties).
- Initial permit should require inspections or review by Fire District and Health District. (examples, Clallam, Jefferson, Okanogan and San Juan Counties have at least fire inspection or other safety inspection; plus cities of Bend and Cannon Beach, OR)
- Set permit fees based on cost of permit review and inspections. (This is common practice.)
- Allow owners to provide affidavit of compliance on renewals. (Most examples in Attachment A.)

- Enforce based on consistency with [RCW 64.37.030](#). This section requires a warning letter and if found to be in violation the vacation rental operator is subject to a class 2 civil infraction with a fine of \$125.
 - The County's enforcement rules in Title 16 appear compatible with RCW 64.37 since Title 16 focuses on education, letters to those violating the code, and civil penalties though amounts differ (\$750-\$1,500 per violation). If there is an investigation and letter from the County to the owner of the rental and an attempt to correct, but continued violations there could be fines and liens.
 - RCW 64.37.030 references civil infractions per chapter 7.80 RCW. RCW 7.80.010 indicates a county can hear and determine civil infractions pursuant to its own system established by ordinance. Thus, the County could potentially amend its civil penalties for short-term rentals to allow three violations and in addition to fines restrict reapplication for a year.

Enforcement options will be further reviewed in consultation with the Prosecuting Attorney's office.

Once a code proposal is developed more fully, we can evaluate the proposed \$500 fee in relation to cost recovery. Example counties range in their permit costs with some at \$200 to over \$2,000 though some may exclude inspections. We will review the costs for an initial inspection and permit and the costs for an annual renewal. Manson UGA permits may be similar to a renewal level.

5 Next Steps

Following County staff review, the Situation Assessment and Options is being presented to the Board of County Commissioners for review and direction. Formal code language will be developed to take forward to the Planning Commission and public review.

6 Attachment A: Code Comparison Matrices

Table 1. Short-Term Rentals Matrix of Example Regulations

Requirements	Manson, Chelan Co. WA	Clallam County, WA	Jefferson County, WA	Okanogan County, WA	Pierce County, WA	San Juan County, WA	Bend, OR	Cannon Beach, OR
Classification	One type – rented for less than thirty consecutive days.	Vacation rentals are dwellings intended for occupancy of the entire dwelling (not rental of individual rooms) by any person/group other than the primary owner for periods of 30 days or less. Does not include bed and breakfasts (see note below) or uninhabitable structures like garages, barns, or sheds. See 33.51	Transient Residence or Transient Guest House (ADU): Single-family residential units and guest houses (ADUs) or portions thereof rented for a period of less than 30 days and operated in a way that prevents unreasonable disturbances to area residents. See 18.20.210	There is a nightly rental permit for zones where such are permitted outright and CUP for zones where conditionally permitted. If a nightly rental is in a planned development and nightly rentals are an allowed use, they are permit exempt. Nightly rentals may not occur in mobile homes or RVs (modular homes are permitted). There is an amortization period for units that do not comply with rules.	Vacation Rental is a short-term rental accommodation within a legally established single-family or accessory dwelling. Rental occupancy is limited to a period of 30 consecutive days or less. See 18A.37.040	Vacation rental of a residence or an ADU means a single-family residential unit or an accessory dwelling unit that is rented (for periods of less than 30 days). Not allowed in natural shoreline or conservancy shoreline designations; Agricultural Resource or Forest Resource zones; on Shaw Island or Waldron Island; in owner-builder exempt structures, structures connected to Friday Harbor water system, or structures other than a single-family residence or accessory dwelling (includes boats, tents, vehicles or unpermitted structures). CUP in some zones: Rural Residential, Village Residential, Hamlet Residential) and some other village zones. See 18.20.220 and 18.40.275	<ul style="list-style-type: none"> ■ Exempt: Resort zones ■ Type I: Admin., No Comment Period. Owner occupied STR or infrequent use <30 days in 4 periods ■ Type II: Admin., Notice with Comment Period, Whole House ■ Type III: Notice + Hearing: Group property designation 	Three categories of STRs. <ul style="list-style-type: none"> ■ lifetime unlimited permits (rent the property any and all days of the year) ■ five-year unlimited permits (same as above but expires in 5 years) ■ fourteen-day permits (rent the property to one tenancy group once in a fourteen-day period)
Permitted Zones	Permitted in Residential zones. Accessory use in Commercial zones.	Vacation rentals allowed in all zoning districts that allow single-family residence. Permitted outright in most residential zones and some commercial. See Ordinance 913 and 33.03.010 (109)	Transient rental of residences or ADU permitted outright in Resource Land, Rural Residential, and Rural Village Center zones. Short-term rentals permitted outright in Master Planned Resorts. Irondale and Port Hadlock UGAs allow ADUs in all residential zones, and single-family in Urban Low and Urban Moderate Density Res. Transient/short-term rental not specified.	Permitted outright in some rural and resource zones, CUP in Urban Residential and Neighborhood Use zones, and Planned Development in Methow and other Rural Residential zones.	All zoning districts that allow single-family residences. ADUs allowed as an accessory use in conjunction with any detached single-family structure in all zones that allow single-family (except on lots created under Small Lot Design). See 18A.37.020 and 18A.37.120	Permitted outright in Eastsound Village Commercial. Provisional use (subject to permits) in Village and Hamlet Commercial, Village and Hamlet Industrial, Island Center, and most rural zones. CUP in Village, Hamlet, and Rural Residential zones. Requires an amendment to an adopted master plan in Master Planned Resort zones. Some specific restrictions or CUPs in Olga Hamlet, Deer	Mt Bachelor Village, Deschutes Landing, Courtyards at Broken Top: Exempt Commercial, Mixed Employment Mixed Use: Type 1 Residential: Type II	Residential zones and Manufactured Dwelling Park/RV Park.

Requirements	Manson, Chelan Co. WA	Clallam County, WA	Jefferson County, WA	Okanogan County, WA	Pierce County, WA	San Juan County, WA	Bend, OR	Cannon Beach, OR
			Note: CUP in Rural Residential zones for rural recreational lodging or cabins for transient rental. See 18.15.040 , 18.18.040 , and Title 17			Harbor Hamlet, Boatworks HI-A, Orcas Village Activity Center, Country Corner Island Center Plan, Lopez Village UGA, See 18.30		
Limitations-Number	Not specified	Not specified.	Owner/lessee may rent principal residence or guest house on a short-term basis, but not both. Pleasant Harbor MPR development cap of 890 residential units with short-term accommodations (hotels, motels, lodges, and STR) of at least 65% of the total units.	Only one dwelling may be rented per owner in Methow Valley More Completely Planned Area.	Not stated.	Outside of UGAs, one vacation rental is allowed on a property, either in the principal residence or an accessory dwelling. Detached ADUs outside of UGA permitted on or after June 29, 2007 not allowed to be vacation rentals.	Type II, whole house STR in residential areas, 250 feet of separation between properties zoned Residential	No limits to numbers. However, 14-day and 5-year unlimited may not extend beyond the dates approved. Lifetime unlimited does not transfer to new owners.
Occupancy Limits	2 for each bedroom plus 2 additional persons, excluding those under age of six. Above Age 6: 1-4 persons bedrooms: 10; 5-6 bedrooms: 14. May not have > 7 rooms.	Not specified. If on-site septic, occupancy must be consistent with the design capacity of the system and type of wastewater discharges allowed.	Not specified.	The maximum number of individuals served by a nightly rental is 10.	Up to five guest rooms with two guests per bedroom, not to exceed a total of 10 guests.	No more than two guests per bedroom plus additional three guests be at any one time. Number of bedrooms is determined by the approved building permit for the structure. Guest is a person over two years of age. <i>Does not apply to permits vested or approved prior to March 27, 2018.</i>	Maximum occupancy - 2 persons per bedroom plus 2 additional persons. For owner-occupied STRs, 2 persons per rented bedroom, in addition to residents of the dwelling.	6 per 1 or 2 bedrooms, 8 for 3 bedrooms, 10 per 4 bedrooms, 12 for 5 bedrooms.
Parking Stalls	Provide at least one off-street parking space, outside of the required setbacks for each two rented bedrooms. Beyond 2 required for home.	On-site parking adequate to accommodate vacation rental guests ("adequate" not defined).	At least one additional off-street parking space provided for the transient use in addition to the parking required for the residence or guest house.	Not specified.	One off-street parking space required for the ADU in addition to off-street parking required for principal dwelling. Guests provided with information indicating the location of guest parking spaces.	One on-site parking space per bedroom. <i>Does not apply to permits vested or approved prior to March 27, 2018.</i>	One per bedroom Owner occupied, 2 for owner plus 1 per STR	2 off-street spaces for 1 or 2 bedrooms, 3 for 3 bedrooms, 4 for 4 or 5 bedrooms
Solid Waste, Noise, Signage, Fire, Building	Providing year around solid waste receptacles and pickup service. Trash cans should be removed within 24 hours of pickup. Conform with noise ordinance.	Conform to Building Code, including required inspection to review fire protection. Connection to a public sanitary sewer or on-site septic system – owner	Operated in a way that prevents unreasonable disturbances to area residents. Adequate sewage disposal for the number of guests and current operations and	Need public health permit. Signage limited to one 2 sq. ft. with natural wood and indirect lighting. Occupancy and operation ... shall be ... compatible with the surrounding	Good Neighbor brochure for short-term rentals is provided to each renter. Notify neighboring property owners directly adjacent to the vacation rental property.	Operated according to rules of conduct including trespassing, noise, parking issues, vehicle speeds, and outdoor burning or burn ban violations. Best practices to conserve water included in the rules of	Good Neighbor Guidelines Fire and Emergency Safety Checklist Post License	Weekly solid waste collection service shall be provided.

Requirements	Manson, Chelan Co. WA	Clallam County, WA	Jefferson County, WA	Okanogan County, WA	Pierce County, WA	San Juan County, WA	Bend, OR	Cannon Beach, OR
	<p>Sign adjacent to front door – with occupancy limit and name of local contact.</p> <p>Annual Fire & Life Safety Permit through the Chelan County Fire Marshal.</p>	<p>required to ensure occupancy is consistent with design capacity of septic and type of wastewater discharges allowed.</p> <p>Outdoor storage of solid waste/recyclables must be secured in covered containers and must not create an odor nuisance or attract animals.</p> <p>Provide written notice to renters of noise regulations, rules of conduct (incl. burn bans), easement maps, and waste/recycling rules.</p>	<p>maintenance check on the septic system.</p> <p>Fire/Life/Safety review.</p> <p>No outdoor advertising signs allowed.</p>	<p>neighborhood character. Factors upon which compatibility will be judged include but are not limited to noise, traffic, light, and glare.</p>	<p>Entrance to attached ADU not directed toward any front yard unless utilizing an existing doorway.</p> <p>Detached ADUs no closer to front lot line than the front edge of the principal dwelling.</p>	<p>conduct. Rules of conduct approved by the County and on file in the property management plan with County and property owners within 300 feet.</p> <p>Display map of property boundaries and shoreline access easement or warnings not to trespass if no shoreline access.</p> <p>Solid waste removed every two weeks (stored in completely enclosed and secured receptacles or indoors).</p> <p>Address clearly visible from street or access road.</p>		
<p>Local Representative Location</p> <p>(24 hours a day / 7 day a week)</p>	<p>A local contact person (within a forty-mile radius) to respond at any time.</p>	<p>Owner must provide written notice to renters with the name and number of a local contact person(s) – local is not defined.</p>	<p>Owner/lessee must reside on premise if both a principal residence and guest house on the property. Otherwise not specified.</p>	<p>Not applicable.</p>	<p>Contact information for owner, representative, or property management company (phone and e-mail) in Vacation Rental Affidavit – local not specified.</p>	<p>Designated local property representative who lives on the island where the vacation rental is located and will respond to complaints and emergencies, including a 24/7 valid phone.</p> <p>Included in property management plan on file with County and property owners within 300 feet.</p>	<p>Authorized representative must have read short-term rental regulations, as well as owner (if different). No distance stated.</p>	<p>Must designate one who permanently resides in city or is within 10 miles of urban growth boundary.</p>
<p>Permits and Licenses</p>	<p>Limited administrative review application per CCC 14.10.020.</p> <p>Fees for Annual Vacation Permit: \$100.00.</p>	<p>Comply with State transient accommodation requirements (applies to facilities offering 3+ lodging units), including annual license required with the WA State Dept of Health.</p> <p>Business license (DOR)</p>	<p>Hospitality Permit:</p> <ul style="list-style-type: none"> Land Use Review: \$282 Septic: \$92 Fire/Life/Safety: \$188 Scan Fee: 24 Technology Fee: 5% <p>Food Establishment Permit Environmental Health if preparing food for guests.</p> <p>If on an individual well and will be serving guests food need to apply to the state to become a public water supply.</p>	<p>A nightly rental permit, or conditional use permit for a nightly rental</p> <ul style="list-style-type: none"> \$75 for nightly rental permit \$700 for CUP <p>Okanogan County Public Health Overnight Transient Accommodation Permit:</p> <ul style="list-style-type: none"> \$215 annual fee, which covers inspection of the property. \$380 for new permit (includes up to 2 site visits). 	<p>Building Permit for an ADU.</p> <p>Vacation Rental Affidavit filed with Pierce County Planning and Public Works Department – includes intent to use as vacation rental, contact information, internet sites where advertised, and required neighborhood notification provided.</p> <p>CUP for vacation rentals that cannot meet code standards.</p>	<p>Vacation Rental Permit (includes County approved sewage disposal permit)</p> <ul style="list-style-type: none"> CUP: \$2,300. Provisional use permit: \$1,000. Certificate of Compliance: no fee <p>Permit not required in Eastsound Village Commercial (compliance number still required).</p> <p>Certify annually compliance with conditions of permit approval and fire/life/safety. Permits vested/approved after</p>	<p>Land Use Permit:</p> <ul style="list-style-type: none"> Type 1: \$720.72 Type 2: \$2006.16 <p>Notice to Neighbors License: \$275 Annual renewal: \$200</p>	<p>Transient rental permit, business license</p> <p>\$200 for the initial application and \$75 annually thereafter</p> <p>200 foot notification required for short-term rental permits</p>

Requirements	Manson, Chelan Co. WA	Clallam County, WA	Jefferson County, WA	Okanogan County, WA	Pierce County, WA	San Juan County, WA	Bend, OR	Cannon Beach, OR
						<p>March 27, 2018 expire two years after date of approval.</p> <p>Advertisement include permit or compliance number. Penalty for advertising or operating an unpermitted vacation rental is \$2,300.</p> <p>Vacation rental permits run with the land.</p>		
Taxes	Not stated.	Local/state (DOR) regulations for sales and lodging taxes, and business and occupation (B&O) tax.	Meet all local/state regulations, including those pertaining to business licenses and taxes.	Provide a valid Washington State unified business identifier (UBI) number for taxation purposes	Not specified	<p>Active vacation rentals must meet local/state regulations, including business licenses and taxes such as Washington State sales, lodging, and B&O taxes.</p> <p>Must have a UBI number regardless of the amount of income the vacation rental generates.</p>	Renting > 30 days: Transient Room Tax at time rent paid	Subject to Transient Room Tax
Inspections	Not stated	Inspection required to review fire protection.	At permit. Fire/Life/Safety review required if building was built prior to permitting requirements.	<p>The owner or operator shall provide an inspection report from the building department verifying they have met all applicable building code requirements.</p> <p>Also see Health Department fees and inspections above.</p>	Not specified	Fire inspection approx. every 2-3 years (placed onto fire inspection schedule at permit)	At permit, and per prescribed schedule	At permit, and any time after with notice

Table 2. Cities of Chelan County – Short-Term Rental Regulations

Requirements	Cashmere, WA	Chelan City, WA	Entiat, WA	Leavenworth, WA	Wenatchee, WA
Classification		The City allows STRs in zones that accommodate tourist accommodations (hotel/motel, transient businesses, and accommodations).	Vacation Rental/Short-Term Rental (less than 30 days)	“Bed and breakfast” means an activity whereby the property owners allow visitors in their homes, up to three rooms for compensation, for periods of 30 consecutive days or less, while at the property, owner lives on site, in the dwelling unit, throughout the visitors’ stay. Detached units with rooms are allowed. Accessory dwelling units may be allowed to be a part of the bed and breakfast.	“Transient rental” means a dwelling unit or habitable unit which is used, let, sublet, occupied or possessed for a period of 30 consecutive days or less.
Permitted Zones		<ul style="list-style-type: none"> ▪ Tourist Accommodation (T-A) ▪ Downtown Mixed Use (DMU) ▪ Tourist Mixed Use (TMU) ▪ Waterfront Commercial (C-W) ▪ Highway Service Commercial (C-HS) ▪ The Lookout Planned Development 	<ul style="list-style-type: none"> ▪ MTR – Mixed Tourist Recreational: CUP ▪ W-B – Waterfront Business: CUP ▪ W-T – Waterfront Transition: MUPD 	Residential Low Density and Multifamily Districts: CUP.	Permitted in: <ul style="list-style-type: none"> ▪ CBD ▪ WMU ▪ OMU ▪ RMU ▪ HEO ▪ MRC ▪ PO ▪ RRO
Limitations-Number		Not stated	Not stated	Not stated	Not stated
Occupancy Limits		2 persons per each double bed or larger excluding up to 4 children. More than 10 tenants meet standards per building official, and be greater than 2000 SF to comply with International Residential Code. Must have habitable space requirements of 70 SF and 50 SF per person. Existing legal allowed.	Not stated	Two people for each bedroom, excluding children under the age of six.	
Parking Stalls		Meet City standard parking requirements. Provide parking diagram. Existing legal STRs that do not meet parking standards are grandfathered.		One off-street space for each room rented. All parking must be accommodated on site and not in required yards.	1 space per bedroom
Solid Waste, Noise, Signage, Fire, Building		<p>Weekly solid waste collection service shall be provided. Trash must not be visible from public view and must be in proper containers on collection day.</p> <p>Noise shall not be in violation of CMC Chapter 8.31, Public Disturbance Noises.</p> <p>Occupancy and operation shall be compatible with the surrounding neighborhood character. The short-term rental shall not give the</p>	CUP criteria address health and safety: (1) The proposed use, at the proposed location, is consistent with the purposes of the comprehensive plan, the zoning code and the zone district in which it is to be located, and that the proposed use will meet all applicable requirements of this title.	Written management plan with management structure, information related to emergency exit routes, 24/7 contact information, required guest rules and regulations, including for litter control, quiet hours, parking, and proposed methods to enforce occupancy limitations and other requirements.	Not stated

Requirements	Cashmere, WA	Chelan City, WA	Entiat, WA	Leavenworth, WA	Wenatchee, WA
		appearance of being a business. Factors upon which compatibility will be judged include but are not limited to: noise, traffic, solid waste management, signage, and light and glare.	(2) The use, as conditioned, will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.	Annual Building, Fire & Life Safety Occupancy Permit Application.	
Local Representative Location (24 hours a day / 7 day a week)		If the owner does not permanently reside within the Chelan City limits or is not always available when the property is being rented, the owner shall provide the name, telephone number and email of a qualified person (which can be a person or company) who can be contacted concerning use of the property and/or complaints and can respond to the property within 30 minutes to complaints related to the short-term rental.	Not stated	Owner must live on-site throughout visitor stay.	Not stated
Permits, Licenses, and Insurance		All short-term rental owners or authorized agents shall obtain a valid City business license and State UBI # and annually renew it. \$250 first time license, \$150 annual renewal The short-term rental operating license registration number shall be listed on all short-term rental advertisements. State requirements for liability insurance for coverage of no less and \$1 million.	Conditional Use Permit Fee not published	Obtain a City business license and separate annual permits	Not stated
Taxes		The owner shall be in compliance with the Chapter 3.36, Special Excise Tax on Lodging, and other local sales taxes and state hotel/motel and sales taxes in accordance with the Department of Revenue.	Not stated	Short-term rentals are subject to lodging taxes	Not stated
Inspections		Prior to approving the initial operating license, the City shall perform a life-safety inspection. After the unit is approved for rental, a completed self-certification checklist for health and safety (fire extinguishers, smoke alarms, carbon monoxide detectors, appropriate egress, etc.) shall be required with each annual operating license renewal consistent with forms provided by the Administrator.	Not stated	Prior to operations. Thereafter with property owner certifying Annual Building, Fire & Life Safety Occupancy Permit Application.	Not stated

7 Attachment B: Unit Types used as Short-Term Rentals Unincorporated Chelan County January 2020

County	Chelan
Unincorporated	yes
Listing Type	(All)
Year 2020	2020

Row Labels	Cashmere	Chelan	Entiat	Leavenworth	Malaga	Manson	Peshastin	Wenatchee	Grand Total
Apartment	3			35	1	4	3	1	47
Barn	1								1
Bed and breakfast				19				1	20
Boutique hotel						1			1
Bungalow	2	1		5		4		1	13
Cabin	2	8	2	255		3	15	2	287
Camper/RV	1	1		2		1			5
Campsite			1	3					4
Cave				1					1
Chalet	4			45		1	4	1	55
Chateau / Country House		1		2					3
Condo		2		5		15			22
Condominium		6		17		45		2	70
Cottage	1	2		10		3			16
Earth house				2					2
Estate		1							1
Farm stay	4			2		2			8
Farmhouse	1						1	1	3
Guest House				3					3
Guest suite	8			47		1	1	3	60
Guesthouse	1			14		3	3	1	22
Hotel				1					1
House	9	74		284	3	183	27	30	610
Lodge				23			1		24
Loft				2					2
Nature lodge				2					2
Resort						3			3
Room in hotel						4			4
Room in serviced apartment						2			2
Studio				2		2	1		5
Tent			1	1	1				3
Timeshare						1			1
Tiny house	2	1		10					13
Townhome				1		3			4
Townhouse		1		3		12			16
Villa		2		6		2			10
Yurt				2					2
Grand Total	39	100	4	804	5	295	56	43	1,346

AirDNA 2020; BERK 2020

8 Attachment C: Comment Compilation as of March 2020

- Comment Matrix Fall 2019
- Public Comment Early 2020

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
2	All of these comments are from pdf file titled "Short Term Vacation Rental Public Comment- clean"				
3	Fallon	Bob	bofallon@gmail.com	7/5/2019	Concerned with STRs impact on residential areas, increased housing costs, negative impacts to school districts, increased pressure on public services, owners not part of community. Suggests limitations of STRs within residential areas, one per owner in county, escalating penalties for repeat offenses.
4	Harris	Bruce and	blharris01@live.com	7/8/2019	Stated garbage cans are left curb site for once a week pick up which attracts animals and makes community look untended and unattractive. Suggests STRs employ removing garage at the end of each rental when they clean for the next renter.
5	Terharr	Bill	btterhaar@nwi.net	7/8/2019	Issues with unregulated units with no onsite manager. Suggests all B&B's require a CUP. Question why small STRs would be permitted outright with standards and larger would require CUP. Suggests looking at lot size to be evaluated through CUP. CUP allows Chelan-Douglas Health District to comment on septic, hot tubs, and pools.
6	French	Franklin	ffrench50@comcast.net	7/2/2019	Concerns with renters starting fire during burn ban, fence for hot tubs in addition to pools, advertising rentals using pictures of neighboring property. Appreciates draft code addresses trespassing.
7	Fischer	Greg and L	lyndaf55@hotmail.com	7/3/2019	Concerned with negative effects of STRs including increase in traffic, noise level, safety, and outdoor fires.
8	Steeber	Greg and M	gmsteeber@gmail.com	7/4/2019	On behalf of Friends of Leavenworth the following recommendations were submitted for the Planning Commission to consider with the following goals: 1) Maintain the residential character of the neighborhoods in Chelan County; 2) Increase affordable housing in Chelan County; and 3) Allow well regulated STR properties in Chelan County. Whole house rentals of less than 30 days in residential zones should be limited to RR5 acres or smaller with the following requirements: 1) limit of 10 people or fewer including children; 2) maximum of 4 bedrooms; 3) rentals which exceed threshold allowed in commercial zones; 4) CUP require for all zones; 5) annual registration fee based on number of bedrooms; 6) 1 off-street parking space per bedroom with no street parking; 7) permit number posted on outside of home to include pertinent information; 8) limit use of new SFR to exclude STR use for 5 years; 9) CUP is to property owner, not property; 10) garbage screened and only put out on collection day with cans removed within 24 hours of pick up; 11) comply with county and state noise ordinances/no amplified sound allowed beyond property lines; 12) CUP review for septic; 13) CUP document fire safety; 14) pool use limited to registered guest; 15) Hotline for complaints; 16(3 citations or operating without registering unable to apply for registration for one year; 17) maximum percentage of STRs allowed in zones, STRs prohibited in subdivisions that were granted bonus densities; limit on number on STRs an individual or corporation can own; 18) encourages use of outside vendor; 19) address environment, health, and safety issues.
9	Chicoine	Joe	joe.chicoine@gmail.com	6/28/2019	Draft code addresses common complaints and makes homeowners responsible. Concern that with implementing enforcement. Attached article on San Diego's amendments to STR regulations.
10	Holm	Jerry	jholm@nwi.net	7/16/2019	On behalf of the Forest Ridge Wildfire Coalition addresses concerns with wildfire danger characteristics of the region. Questions about code compliance and response of local representative.
11	Howard	Jesse	yrconscience@gmail.com	7/4/2019	Unclear on how county will record/register complaints and determine if they are a violation. Parking needs to be out of county road. Larger notification area for notice of STRs to neighbors, look-up database on website. Address regulations for property management companies. Expects fee associated with STRs. STRs are a business and should be regulated like a business.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
12	Longley	Ken	kenlongley66@gmail.com	7/1/2019	Concerns with parking and code needs to address number and location. Boats, campers, and trailers should not be allowed. Limit the number of guests. Prohibit STRs from November 1 to May 1 due to winter conditions. Dogs need to be leashed and under voice control. Concerns with fire danger. Include noise ordinance in code. Address outdoor garbage to protect from animals. Feels process is unclear in draft ordinance. Reapply every year. STRs should be taxed differently. Homeowner liability insurance. Address violations of law as violation of code. Prohibit sex offenders from renting or require disclosure information. STR maintain registry for renters. STRs should have land lines. Property manager identified in STR application and in management plan.
13	Powers	Lorri	lorripowers49@gmail.com	7/16/2019	Wishes to speak at the July 26 Planning Commission Meeting.
14	Bohman	Mara	mbohman@aol.com	6/27/2019	Concerns with STR density and thinks it needs to be limited. Long term rentals and housing is being lost to STR. Permits should not be able to be automatically transferred upon sale of property. One permit per homeowner will help to keep properties in compliance with residential zoning. CUP must be required no matter the size. Believes it would be prudent of the county to retain outside experts, such as Host Compliance, at least for part of monitoring of STRs. Code Enforcement can still be handled by county. Linked Manzanita, OR STR ordinance.
15	Clark	Maribeth	maribeth.clark@vacasa.com	6/30/2019	Unfair that 3300 sq ft 3 bdrm house has a different process than their 3650 sq ft 4 bdrm house. Inquires about cost and process of CUP. Believes the current Manson Vacation Rental Permit is adequate. Owns/operates STR.
16	Olivier	Mark	charmar260@gmail.com	6/28/2019	Within 300 yards of their property on Division Street there are ~4-5 STR. Believes STR should have to adhere to same standards as hotels, motels, and B&Bs, otherwise would be unfair competition. Traditional accommodation units have to adhere to applicable codes such as Fire Code, ADA, CCC, STR should too. STR lowers adjacent property values. 3 strike rule seems to be only way to add consequences to valid violations. Encourages consideration of not just as current problems associated with STR but also future problems.
17	Newell	Nathan and	509-393-2330	6/26/2019	Consider a homes overall sq footage when determining occupancy. Number of bdrms does not reflect the number of guests that can stay at STR.
18	Hills	Rebecca	mamahills@frontier.com	7/1/2019	Concerned about presence of STR in Leavenworth UGA where they are not permitted. Owner has been made aware of the restriction but continues to rent. STR create intolerable noise that violates noise codes. The police often have to be called. Attached information about one problem STR in the area.
19	Johnson	Robert	rh1johnson4@hotmail.com	6/19/2019	Wants county to restrict and limit STR by non-resident owners. Non-resident owned STR raises property prices, limits long term rentals, and limits number of houses available to those who live in the area. This dramatically changes communities and is incompatible with neighborhoods. STR also increase wildfire risks b/c renters don't know about fire dangers and have large irresponsible fires. Additionally overburdened septic systems cause substantial smell. STR is not compatible with residential uses and only take money out of the communities.
20	Hunter	Susan	susaninwa@gmail.com	7/10/2019	Draft code addresses 1 STR per lot but not how many are allowed in a neighborhood. Would like to see density levels per area. Line 128, would like trash cans to go out and be taken in after pick up within 24 hours due to bear and other wildlife concerns. Would like to know who to contact in regards to STR violations. Would like fire flow requirements.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
21	Lynn	Sean	sean@loveleavenworth.com	6/26/2019	Owens/operates STRs. Feels that there is no evidence to support the restrictive proposed codes for STR. Feels the draft code lacks forethought and planning. Requests the CC Commission requests data to warrant the need to change the code. Why rush to regulate? Why is there a line item for \$750,000 in the 209/20 CCCD budget but no fees mentioned? Why no permitting requirements what does a CUP look like? Will permits be SEPA exempt? Why is County opening up to liability for issues that are neighbor to neighbor? Why does proposed code call out certain items and then point back to existing code? What are the issues with STR in our community and how does the proposed code solve them? STR fundamentally use homes the same as long term rentals, what are the property rights concerns here? What is the legal precedent?
22	Shum	Steve	steveshum@aol.com	6/28/2019	Will there be any fire code requirements for STR over 3601 sq ft in regards to sprinklers? Will there be any setbacks from neighbors for STR.
23	Shum	Steve	steveshum@aol.com	6/24/2019	Believes there should be a distance between STRs.
24	Witners	Stan and V	winterss1@me.com	7/8/2019	Areas that have existing STR code should have those codes recognized as separate from new STR code. Feels particularly strong about Peshastin code as it has been successfully implemented for more than 10 years. It is clear that STR are not allowed in residential areas in Peshastin, yet they are still operating. More action is needed in code enforcement.
25	Witners	Stan and V	winterss1@me.com	7/1/2019	Representing Peshastin Community Council. Feeling blindsided by the inclusions of the Peshastin in the STR code and encourages the removal of it.
26	Doherty	Tracey	ttsvdoherty@gmail.com	7/1/2019	Concerned by lack of enforcement of STR violations. STR are disruptive to the properties around them when they are not properly. They have had to call Rivercom about their next-door property, which is an STR, due to noise disturbances. Public urination and profanity are common. They are not anti-STR just anti-STR w/o appropriate regulations. Code enforcement for STR needs to be improved. If codes similar to those of the City of Leavenworth, such as the requirement of an on-site caretaker, were adopted, then many of these issues would be mitigated. Attached phot of bridal shower van with phalluses drawn on the windows.
27	Hatley	Tobby	tobbyh@wahospitality.org	7/10/2019	Unsure how apartments or condominiums would be regulated. Concerned that an owner of a condominium or apartment building would be able to operate it like a hotel without following the rules that a hotel or motel operator must follow.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
28	Shea	Tim	tjs1163@cox.net	7/5/2019	Have lived in Ponderosa Community Club since 1982. since that time many residences have been purchased by person from the Seattle Metropolitan area for the purpose of becoming an STR. They can operate like an unregulated motel. No other business, such as a hotel or motel, would be permitted in a residential area. STR are doing just that though. Hotels or motels would not be permitted to put a dozen people into a 2 bdrm or 1 bdrm house, or allow renters to pitch tents on their lawns, but STRs regularly do. They would not be allowed to have open bonfires, but STRs regularly do. They would not be permitted to break noise ordinances, but STRs regularly do. They would not be permitted to have unleashed dogs or off-site managers, but STRs regularly do. Because of the comparative inexpensive per person cost of STR large groups of people over a dozen in small structures are not uncommon. Because of the location of many STR, response of Sherriff's deputy is difficult and sporadic. STR is a commercial use not a residential use. Trespassing, prohibited campfires, and littering is common. Property owners do not know who is coming to their property because of the inherent anonymity of the process. Property managers are unresponsive to concerns. The renters of STR are not from the area and are there to have a good time, not be a good neighbor because they have no consequences. Loud parties happen every weekend. STR are a business that need to be regulated like any other business.
29	Holgate	Zelda	zeldascott123@gmail.com	7/2/2019	Wishes to speak at the July 24 Planning Commission Meeting.
30	Detering	Abigail	adetering1174@gmail.com	7/21/2019	Owens/operates STRs. Against STR regulations. STR are how a large percentage of Chelan County residents earn their living. Proposed STR regulations are absurdly strict and will negatively impact residents and will decrease amount of tourist. Equitable and reasonable regulations may be positive but what has been proposed is too much.
31	Taylor	Andy	ataylor10@hotmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
32	Anderson	Brian	leavenworthcozycabin@comcast.net	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
33	Huber	Brian	brianhuber@hotmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
34	Nyberg	Bruce and	bknyberg@comcast.net	7/21/2019	Owens/operates STR. Opposes STR regulations.
35	Shipman	Brian	cranehawk12@gmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
36	Rockwell-K	Connie	connrock@earthlink.net	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
37	Eby	Daniel	eby.dan@gmail.com	7/18/2019	Wishes to speak at the July 24 Planning Commission Meeting.
38	MacIndoe	Dan	danmacindoe@gmail.com	7/22/2019	Has vacation cabin in Chiwawa River Pines and was party to lawsuit in that area about STR. Has rented cabin since early 90's without complains. Opposes STR regulations. The 3 strike rule will be abused by neighbors to shut down STRs. Common sense rules could be helpful. \$500 annual fee is extreme. Number of guest restriction is too restrictive and is impossible to regulate.
39	Mundle	Dan and Je	dimundle@msn.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
40	Poole	Dave	dpoole@microsoft.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
41	Grass	Eli	egrass@gmail.com	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
42	Friends of Leavenwort				pg 102-103
43	Diamond	John	luckyjohn100@yahoo.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
44	Goodridge	Jennifer	j_goodridge@hotmail.com	7/20/2019	Concerned about public notice of this process. Questions how much the permits will cost. Questions what problem is trying to be solved. If noise is the concern than maybe the regulations should only apply to STR that sleep more than 4 or have off site owners. Concerned that neighbors could shut down the, doesn't think a blanket policy is fair.

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1	Last Name	First Name	Contact	Date Received	Comment
45	Grassley	Jamie	jamiegrassley@gmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
46	Huber	Jamie	jamielhuber@gmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
47	Joslin	James	jamesbjoslin@gmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
48	Koopmans	Jacob	jacob.e.koopmans@gmail.com	7/22/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
49	Meese	Joshua and	Joshua.Meese@belinghamschools.org	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
50	Bookey	Kevin	ksbookey@gmail.com	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
51	Taylor	Kimber	kimbersmth@hotmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
52	Wagman	Kelly	kellywag@outlook.com	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
53	Fallon	Marty	martyfallon@gmail.com	7/19/2019	STR are not compatible with residential communities and neighborhoods. STR code should be to preserve the integrity of residential zoning. Density >5% of total homes should be allowed to be STR. Maximum occupancy, including children, should be capped at 10 in residential zones, greater in commercial. One STR per owner (attached Okanogan County Code with similar provision). CUP should be required for all STR in residential zones. CUP for STR in residential zoning should not pass on with sale of property. Chelan County should enforce UGA regulations. Owner must enforce fire regulations. Swimming pools should only be useable by renters. Permit fees should be based on occupancy. Areas are quickly transitioning from single-family residential to business operations. That must be prevented.
54	Skougstad	Norman	skougnp@hotmail.com	7/21/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
55	Ortiz	Patricia	ortizie@nwi.net	7/21/2019	Addendum to Peshastin Community Council's comment adding information regarding a discussion between CCCD Director and members of the council. Contains recommendations for changes to Peshastin UGA code. Attached Pacific County STR information.
56	Huffman	Susan	huffman@nwi.net	7/12/2019	Would the STR code apply to UGAs? Who will enforce the STR code?
57	Lillquist	Cami	camil@jdsalaw.com	7/23/2019	Delivered for Samuel Rodabough and Michelle Green of Samuel A Rodabough PLLC and Jeffers, Danielson, Son & Aylward, P.S. on behalf of the Short-Term Rental Alliance of Chelan County ("STRACC"). Believes the draft STR code will negatively impact the local economy, expand the size and reach of local government without achieving the County's aim, and will open the County to litigation. Urges the Planning Commission and County Commissioners to reject the draft code. Draft code doesn't allow for STR of more than 5 bedrooms. CCC already address the issues that are discussed in the draft code and the county should enforce the existing code instead of implementing new ones. The one-year suspension of the STR permit can't be done without a hearing. The draft code may be considered a takings by the courts. Attached is a letter from the STRACC Executive Board expressing concerns about the CCCD Budget, lack of transparency in the process, the public notice process, lack of cause for the STR code, and apparent unusual speed of the code process. Also attached, CCCD 2019 Budget Summary, an email chain from CCCD to a redacted person, and Short Term Rental Data set apparently compiled by STRACC.
58	Bookey	Terri	tlbookey@gmail.com	7/22/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
59	Furrer	Tracie and	furrercabin@gmail.com	7/22/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
60	Vetrovsky	Thomas	tvetrovsky@vmware.com	7/22/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
61	Emery	Virginia	virginia@betahatch.com	7/22/2019	Owens/operates STR. Opposes STR regulations. Says STRs are beneficial due to the money and business they bring into local economy. Thinks proposed code will have a net negative impact on tourism.
62	Holgate	Zelda	zeldascott123@gmail.com	7/15/2019	Owens/operates STR. Concerned about how County would manage 3 strikes and your out policy, how the occupancy limits would be set, and requiring fire suppression for homes greater than 3,600 sq ft in size.
63	Parrish	Tina & Dan	alpinestube@gmail.com	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
64	Ware	Adam	adampware@gmail.com	7/24/2019	Owens/operates STR. Opposes STR regulations. Says STRs are beneficial due to the money and business they bring into local economy. Supports enforcing current regulations.
65	Patterson	Brian	bcpatters@yahoo.com	7/23/2019	Chelan County should consider limiting where and how many STRs are allowed in the Lake Chelan Valley portion of the County. Opposes allowing STRs in areas zoned for low and medium density residential use (RR20/RR10/RR5/RR2.5/R-1/R-2/UR1/ and UR2). STRs should be held consistent with parking requirements in place for bed & breakfasts and guest inns. STRs should provide proof of liability insurance. Septic inspections should be required every 3 years.
66	Florea	Carl	carlflorea@gmail.com	7/23/2019	Comment/email not found (originally sent to Lynn on 7/23).
67	Goehner	Duane	duane@live.com	7/24/2019	Opposed to authorizing nightly rentals. Wants county to enforce the nightly rental code already existing even if it means more litigation. Concerned about STR owners who are not local not screening renters. Wants the quality of life within a residential neighborhood to be valued over STRs.
68	Boyd	Fred	boyd_fam6@msn.com	7/23/2019	Owens/operates STR. Opposes STR regulations. But if implemented, proposed fee should be based on occupancy.
69	Cutler	Gerry	gerryc122@gmail.com	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
70	Smith	Gabe & De	pyro4492@hotmail.com	7/24/2019	Opposes STR regulations. Instead need consistent enforcement of current regulations.
71	Savastano	Hernan & A	snowgrasslodge@gmail.com	7/24/2019	Owens/operates STR. Opposes STR regulations. Proposed code would require retrofitting existing lodge with sprinklers & be a burden financially.
72	Black	Jennifer	black.jennifer.r@gmail.com	7/24/2019	Opposes STR regulations. Instead need consistent enforcement of current regulations.
73	Bettinger	Kaylin	kaylin@uvmend.org	7/23/2019	Neutral - Leavenworth businesses are being impacted by lack of available Leavenworth area housing for their employees. Upper Valley MEND - group of local business leaders in the Leavenworth area have endorsed this letter.
74	McRoberts	Kimberly	kamcroberts02@gmail.com	7/23/2019	Opposes STR regulations. Instead need consistent enforcement of current regulations.
75	Brunner	Marianne	info@brunnerslodge.com	7/24/2019	Owens/operates STRs. Doesn't like the 3 strikes rule - should be a fine against the renter instead. Concerns about occupancy limits. Wants STR code process to slow down & get things right.
76	Langer	Maria	mlanger@mac.com	7/24/2019	Owens/operates STR. Concerned the proposed STR regulations will force her to close up her glamping site in Malaga.
77	Mills	Mike	mmillsnc@att.net	7/24/2019	Opposes STR regulations. Proposed regulations will hurt tourism. Enforce existing regulations.
78	Clayton	Patricia	pcclayt23@gmail.com	7/24/2019	Opposes STR regulations. Proposed regulations will hurt tourism. Enforce existing regulations.
79	Abbruzzi	Rita	rcabbruzzi@gmail.com	7/24/2019	Opposes STR regulations. Instead need consistent enforcement of current regulations.
80	Gibbs	Rusty	rusty@gibbs-graphics.com	7/23/2019	Owens/operates STR. Opposes STR regulations.
81	Hills	Rebecca		7/18/2019	Wants STR regulations. Has issues with neighborhood STRs having late-night parties & wants to preserve neighborhood regulations.
82	Lynn	Sean	sean@loveleavenworth.com	7/23/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
83	Monahan	Tom	celticcross3000@yahoo.com	7/24/2019	Owens/operates STR. Opposes STR regulations.
84	Steinburg	Twyla	twylas43@charter.net	7/24/2019	Opposes STR regulations.
85	Curry	Whitney	whitneycurry@gmail.com	7/24/2019	Owens/operates STR. Opposes STR regulations. Signed form letter by Love Leavenworth Vacation Rentals.
86					

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
87	All of these comments are from pdf file titled "STVR Comments from 7-24-2019 to 8-26-2019"				
88	Robin	John	robin@posthotelleavenworth.com	8/18/2019	Wants STR regulations due to large noisy parties
89	Trichler	Jason	jtrichler@yahoo.com	8/21/2019	Concerned about occupancy limits. Owns/operates STR.
90	Shumway	Steve	steveshum@aol.com	8/21/2019	Wants limits on STRs in high density neighborhood.
91	Carlisle	Matthew	carlislematthew@hotmail.com	8/17/2019	Wants STR regulations due to noise, trespassing, garbage, occupancy limits, and desire for 24-hr. support.
92	Hills	Rebecca	mamahills@frontier.com	8/15/2019	Wants STR regulations due to occupancy limits and is also concerned about the pools meeting Health Dept. regulations.
93	Borges	Camila	camilafletcher@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
94	Geers	Jeff	jeffgeers@outlook.com	8/23/2019	Owns/operates STR. Supports inspections/occupancy limits/zoning restrictions, but doesn't support proposed noise nuisance policy.
95	Riddick	Melanie	melanie.riddick@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
96	Harris	Cody	codyharris@gmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
97	Clark	Andrea	andrea.clark@vacasa.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
98	Simonis	Matt	k9mat@hotmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
99	Savastano	Hernan	snowgrasslodge@gmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
100	Kertson	Kim	dunegrass@gmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
101	Nunn	Brook	brookh@uw.edu	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
102	Glockner	Joe	gloc_haus@outlook.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
103	McRoberts	Kimberly	kamcroberts02@gmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
104	Sucich	Angela	asucich@hotmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
105	Anderson	Allegra	allegraand@gmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
106	Eikenberry	Don	doneikenberry@hotmail.com	8/22/2019	Owns/operates STR. Wants enforcement of existing noise ordinances. Occupancy limit concerns when it comes to including children. Wants more time for property representative to be on site. Wants rental property manager to have business license in lieu of the owner.
107	Curry	Whitney	whitneytcurry@gmail.com	8/22/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
108	Patterson	David	davepatt1955@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
109					
110	All of these comments are from pdf file titled "STVR Comments 8-27-2019"				
111	Noble	Deborah	life.gardener@hotmail.com	8/27/2019	Opposes STR regulations.
112	Thresher	Michael	michael@thresherphotography.com	8/27/2019	Owns/operates STR. Opposes STR regulations.
113					
114	All of these comments are from pdf file titled "STVR Comments PC Meeting 7-24-2019 - Clean"				
115	Eby	Daniel	237 Timber Ridge Canyon, Leavenworth	7/24/2019 Meeting	Legal Committee Chair of STRACC. Opposes new STR regulations. Says problem is that Chelan County Community Development does not enforce the current code when issues occur. Punish person causing the disturbance but don't punish the owner of the property.
116	Newell	Summit			Son of owners of Leavenworth Lodge. Opposes new STR regulations. Enforce existing code. Punish/fine those that break law.
117	Burnett	Brian			Chelan County Sheriff. Appears to be fewer complaints about STRs than hotel guests/long-term residents in Chelan County. Law enforcement can work with STR owners/operators to remove problem renters if violating their contract. If have problem with an STR, contact Sheriff or RiverCom
118	Rossing	Barbara	7785 E. Leavenworth Rd.		Wants STR regulations. Has several proposed changes for the STR code. Would also like to address density of STRs in neighborhoods & has suggestions on how to do so.

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1	Last Name	First Name	Contact	Date Received	Comment
119	Bohman	Mara	7840 E. Leavenworth Rd.		Wants STR regulations. Large lodges in neighborhoods significantly impact the quality of life. Noise, parking, & trash are big issues. Wants County to address the allowed density of STRs in neighborhoods.
120	Holgate	Zelda	18720 Fir Loop, Leavenworth		Owens/operates STRs. Vice Chair of STRACC. STRs are economically beneficial for the County. Neighbors of STRs refuse to work on improving the situation, just complain to the County. Enforce existing codes instead of implementing new ones that could impact County negatively.
121	Davis	Reava	8211 Lynn St., Peshastin		Supports STRs in the Peshastin Community.
122	Thirlby	Richard	1210 Dempsey Rd., 98826		Wants STR regulations. Wants code to say "portable fireplaces/pits must be locked when burn ban is in effect." Supports utilizing Host Compliance.
123	Thomason	Alex	Represents Thomason Justice, PS		Objection to July 12, 2019 Determination of Non-Significance. Hired by several anonymous homeowners
124	Thirlby	Kat	1210 Dempsey Rd., 98826		Wants STR regulations. Concerned about STR densities in neighborhoods. Increases housing costs. Traffic/noise/fire safety concerns.
125	Winters	Stan	8200 River View Rd., Peshastin		Peshastin Community Council. Wants County to enforce current STR regulations and outlaw them in Peshastin UGA
126	Lynn	Sean	sean@loveleavenworth.com		Owens/operates STRs. Owns Love Leavenworth property management company. Opposes STR regulations. Wants whole proposed code overhauled.
127	Patterson	Brian	150 Kestrel Lane, Manson		Chelan County should consider limiting where and how many STRs are allowed in the Lake Chelan Valley portion of the County. Opposes allowing STRs in areas zoned for low and medium density residential use (RR20/RR10/RR5/RR2.5/R-1/R-2/UR1/ and UR2). STRs should be held consistent with parking requirements in place for bed & breakfasts and guest inns. STRs should provide proof of liability insurance. Septic inspections should be required every 3 years. Attached "White Paper"
128	Pfluger	Lee			CEO of Building North Central Washington. Questions if County really wants to get involved in what is mostly neighbor vs. neighbor disputes. List of 10 questions they would like addressed.
129	Gustin	Amy			Chairman of Building North Central Washington. Questions if County really wants to get involved in what is mostly neighbor vs. neighbor disputes. List of 10 questions they would like addressed.
130	Lewis	Doug & Ch	16750 Brown Rd., Leavenworth		Wants STR regulations. Concerned about number of guests at STRs. Wants enforcement of existing CUPs for STRs.
131	Fallon	Bob	12275 Village View Dr., Leavenworth		Wants STR banned outright in County. Concerns about density of STRs in neighborhoods that ruin their character. Also concerned about the commercial use in a residential zone.
132	Fallon	May	12275 Village View Dr., Leavenworth		Wants STR regulations. Concerned about STRs being used as "event centers" that disrupt residential neighborhoods.
133	Blum	Kathy	15 Helios Hills Lane, Manson		Member of Manson Community Council. Wants moratorium on new STRs in Manson. Wants new code to address density limits. Concerns about septic system problems with STRs. Wants mandatory land line required in STRs. Wants capacity limits based on septic requirements.
134			Manson Community Council		Wants moratorium on new STRs in Manson. Wants new code to address density limits. Concerns about septic system problems with STRs. Wants mandatory land line required in STRs. Wants capacity limits based on septic requirements.
135	Fazio	Sue	205 Helios Hills Lane		P. 66
136					
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141	Harada	Steve	harada.steve@gmail.com	9/8/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
142	Mounsey	Jane	janelydamounsey@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.

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1	Last Name	First Name	Contact	Date Received	Comment
143	Du Val	Tim	tdv@dvency.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
144	Willcock	Bill	wwillcock@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
145	Gresham	Symonty a	symonty@symonty.org	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
146	Croy	Jon	joncroy@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
147	Holgate	Zelda	zeldascott123@gmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
148	Brown	Jordan	goducks@me.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
149	Arnaud	Shauna and	shaunaarnaud@yahoo.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
150	Meier	Tony	tony@windermere.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
151	Miller	Tim	tim_s_miller@hotmail.com	8/23/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
152	Shaw	Gillian	icgs241@gmail.com	8/24/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
153	Wong	Allison	allisonwong123@gmail.com	8/25/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
154	Besand	Brian	brian.besand@gmail.com	8/26/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
155	Knapp	Dennis and	dknapp3140@aol.com	8/26/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
156	Ware	Adam	adampware@gmail.com	8/26/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
157	Schulz	Mark and M	toklat2@nwi.net	8/26/2019	Lived in Sunnyslope for 16 years. In April a neighboring home was sold and turned into an STR for up to 16 people which causes a negative impact on them. STR use is not compatible with residential neighborhoods. Completely against STR in the neighborhood.
158	Beaulieu	Jennifer	jenannbeau@gmail.com	8/26/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
159	Smith	Mike	miklorsmith@gmail.com	8/27/2019	Recently purchased a home in the Lake Wenatchee area to eventually retire in. Agrees that some of the proposed STR regulations make sense. Others such as bedroom limits are a blunt instrument. The 3 strikes rule and verified complaints are problematic. It could put the County in the middle of neighbor disputes.
160	Wakefield	Janice	janicew35@me.com	8/27/2019	Owned and operated a STR in Leavenworth area since 2009. Bought property with the express intention of running an STR. Has previously worked with the County in regards to STR issue. Would not own the property if it couldn't be an STR. The only time they have had noise issues was when non STR guests were staying at the location.
161	Hansen/Du	Dangy Edra	tdv@dvency.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
162	Du Val	Allison	tdv@dvency.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
163	Radovich	Nick and Kr	nick@jrdevco.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
164	Sprinker	Nancy	patamaplace@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
165	Ropka	Ben and Sa	ben.ropka@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
166	Valdes	Kaela	kv@seattlemetroagent.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
167	Roy	Melissa	melissareneroy@hotmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.

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1	Last Name	First Name	Contact	Date Received	Comment
168	Hurd	Stacey	staceyhurd@gmail.com	8/27/2019	Supports STR regulations. Their house in Plain used to be a nice area made up of families but it is all now just STR full of rude people who don't appreciate the neighbors. Common issues they have experienced include late night partying and noise, garbage not properly disposed attracting wildlife, trespassing. Rental companies do not address issues. Proposed noise regs seem a little wishy washy. How doesn't record and report noise at 2 am. Stronger verbiage is required. A floorplan of sleeping arrangement is not adequate. The number of guest should be restricted to the number of bedroom on building permits or septic systems. A 24 hour support line should be created. You should also be able to text that line to better document concerns.
169	Lynn	Bill and Kat	info@encthedriverinn.com	8/27/2019	Have operated a BnB in Leavenworth area with a CUP from 2002 till 2017. Closed the BnB in 2017 for health reasons and started renting it as a STR. Their house is 5,000 sq ft and 6 bedrooms and 5 bathrooms and can sleep 14. The have never had an issue that resulted in a complaint to the police. Opposes STR regulations as it will eliminate their income source.
170	Fiorito	Stephanie	stephaniefiorito@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
171	Shipman	Brian	cranehawk12@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
172	Farrar	Tracy	tracy@paradiseontheriver.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
173	Brown	Annette	leavenworthsl@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
174	Cuthill	Stephanie	stephanie@leavenworthrealty.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
175	Groen	Luke	luke.groen@kw.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
176	Harrison	Karren	k.harrison.inc@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
177	West	Ken	ken@leavenworthrealty.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
178	Koopmans	Jacob	jacob.e.koopmans@gmail.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
179	Glasenapp	Allen and J	allen@leavenworthrealty.com	8/27/2019	Has a neighboring property that is an STR. Overall has been good neighbors, and any issues of trespassing has been dealt with through a quick conversation. Does not believe the County has the legal authority to regulate STR and believes the actions are more motivated by revenue generation than concern for public impact.
180	Ericson	Denise	denise@comfycabins.com	8/27/2019	Opposes STR regulations. Owns/operates STR. Signed form letter. Has received calls in the past about their property and it has always been someone else, not one of their guests.
181	Simpson	Kristin	2kristinsimpson@gmail.com	8/27/2019	Owns/operates STR outside of Leavenworth for past 4 year. Would like to point out that they employ many locals. The people who rent the STR spend money in town. If groups can't rent STR they will just go to different areas and tourism in the County will decline. They pay lodging taxes. They are not the enemy and love the County and the community.
182	Goodridge	Jennifer	j_goodridge@hotmail.com	8/27/2019	Owns/operates STR. Concerned about the STR regulations. Unclear about the problem the County is trying to resolve. If noise is the problem, consider properties with on-site owners to be self regulating and eliminating the fees. Also reduce or eliminate fees for units that only sleep 2. Noise complaints should be documented in decibels during the enforcement response, otherwise the three strikes is unfair. They have never had a complaint.
183	McMahon	Niki and De	dnmcMahon@nwi.net	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
184	Davis	Reava and	reavadavis@gmail.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
185	Latta	Tom	4lattas@comcast.net	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
186	Furrer	Tracie and	furrercabin@gmail.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
187	Baker	Chad	ZayLyLodge@outlook.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
188	Wagman	Kelly and L	kelly@tailspinners.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter. Employ large amounts of people. Has a strict no party policy. Never had a complaint that resulted in a police response.
189	Whitten	Rob	plainhardware@hotmail.com	8/28/2019	Opposes STR regulations. Frustrated with layer upon layer of regulation. Existing laws already cover situational complaint issues. STR owners should not be treated any differently than anyone else. The County is charged with funding the Sheriffs department, if the Sherriff is underfunded and not able to respond, it is the County's fault. Their observation have been that month to month renters are much bigger problems than STR. Asks for data to show that STR are source of complaints. Is the STR fee just to help boost budgets? How is it in the budget before the county-wide STR regulations are enacted, it appears that the decision has already been made. In Plain and Lake Wenatchee, tourism is only economy, and the STR regulations would discourage tourism. The County Code does not allow other options for housing in the Plain, Lake Wenatchee area. No zoning that allows for multi-family or hotel development. Rural Commercial zoning is already built out.
190	Plannagan	Gary	gary@ospreyrafting.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
191	Moody	JoAnee and	jumooddy@mac.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter. Why can't the county educate people about the current code and then follow it? Why is the County discriminating against one group?
192	Rhodes	Rande and	yvonnerhds@aol.com	8/28/2019	Several neighbors operate STR. Have complained to the county about Speeding vehicles, noise, parties, trespassing, dog feces, and trash. Doug England stopped any response because the BCC didn't know how they wanted to handle STR yet. They have lost their privacy, safety, and security and they have no recourse other than calling the sheriff.
193	Gaughan	Paul	paularae22@frontier.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
194	Williams	Matt	mattwilliamsbp@gmail.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
195	Dillon	Brooke	brookelynnedillon@gmail.com	8/28/2019	Opposes STR regulations. Owns/operates STR. Signed form letter.
196					
197					
198	Green	Michelle	Jeffers, Danielson, Sonn & Aylward, P.S.	8/14/2019	Representing STRACC. Had submitted a Public Records Request to Chelan County Sheriff's Office for copies of all records regarding STR in Chelan County in the last 2 years. 26 records were provided by the sheriff. With 1500-1800 STR in the County, 26 incidents in the last two years is certainly not a major problem and their is no need to enact regulations for them. Of those 26 only 2 were legitimate incidents. The county's existing regulations are sufficient to deal with issues. Included is a copy of each of the 26 incidents that was provided by the Sherriff.
199					
200	Noble	Deborah	life.gardener@hotmail.com	8/27/2019	Opposes STR regulations. STR helps the County's economies. These regulations would hurt the middle class.
201	Thresher	Michael	ichael@thresherphotography.com	8/27/2019	Opposes STR Regulations. STR are important to the communities they are in and should have the support of the County.
202					
203					

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
204	Huffman	Susan	huffman@nwi.net	7/24/2019	Who would be enforcing the STR regulations? How does someone report and issued? Who keeps tally for the 3 strikes? Will the County enforce after the third strike? Parking requirements are not sufficient. Neighboring STR routinely have one car per bedroom or per guest. The fine is too low, and is often less than a weekend rental. Expand the 300 ft notice to are larger area. Trash and wildlife issue are a large concern in Leavenworth. What is one lot? Will the county STR regulations align with the City of Leavenworth in the UGA?
205	Loukusa	Kerwin	kerwinloukusa@gmail.com	9/10/2019	Number of STR vastly outweigh the number of long term rentals and it impacts the ability for people to live in the areas that are impacted by tourism. The purposed STR regulations are a good start but would like the County to look for ways to balance tourism and residency. Perhaps a tax for STR that goes to the community to build infrastructure and community amenities.
206	Morse	Stan	Stan Morse, Attorney at Law	8/7/2019	Offers several ways to improve the proposed STR regulations.
207	Kragt	Mallory	jmkragt@gmail.com	7/24/2019	Opposes STR regulations. The majority of the people who run STR are good law abiding citizens who contribute to the local economy. More appropriate to increase fines and enforcement.
208	Leavenworth	Friends of	Friends of Leavenworth	7/24/2019	Supports STR regulations. It is important to have a diversity of accommodation types, that diversity shouldn't come at the cost of the integrity of neighborhoods. Main concern with STR of whole houses without on-site owner. STR regulation needs clear statement of purpose to protect the integrity and character of residential neighborhood and ensure there is adequate housing for fulltime residents. Limit should be set at 4 bdrm and/or max of 10 people including children. Off-street parking requirement not adequate, all parking for STR should be off-street. Supports three stake rule. Density of STR in neighborhoods must be addressed. Include a list of code recommendations from the group.
209	Barton	Mary Pat	611 Cedar St, Leavenworth, WA		Home owners insurance is null and void if the property is used for STR (a commercial business). If owner or guest damages other properties the insurance doesn't cover it and restitution is very difficult. Need to require mandatory commercial insurance.
210	Haire	Karen	1380 Commercial St, Leavenworth, WA		STR regulations seem reasonable. They have an STR across the river from them and is used for loud parties. Have been woken up at midnight to loud music and people screaming. Has called police and they have shut it down but is hard for them to go back to sleep when they work at 3 am or 5 am. Figured out who managed the STR and called them up and haven't had a problem since. Its about the management not the property size.
211	Stanford	Mark	2393 Kinnikinck Dr, Leavenworth, WA 98826		Supports STR regulations. President of Chiwawa River Pines HOA Board of Trustees. Lived there for 38 years. Currently the subdivision has 367 lots with 307 owners, about 32 are STR. Chiwawa River Pines went through the court system regarding STR. The majority of the owners in the subdivision are for some form of STR, however the board has received complaints about STR for noise, overcrowding, sewer, parking, property trespass, reckless driving, garbage and illegal fires. The Board supports the proposed STR regulations
212	Seaman	Shaun	10463 Titus Rd Leavenworth		Supports STR regulations. The 2017-2037 Chelan County Comp Plan Chapter 5 says there is enough housing stock for the next 20 years, but does that account for long term housing lost to STR. The goals and the policies of the Comp Plan are to promote affordable housing. The Comp Plan says that vacation rentals impact the character of a neighborhood and impact housing stock.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
213	Florea	Carl	Leavenworth		Not fundamentally opposed to STR. Most issues they have heard from neighbors have to be about noise, parking, and garbage but there are other issues to consider too. STR significantly increase housing prices because people can make money off of them and therefore are able to afford a higher price. This also means that long term rentals are turning into STR because they can make more money. The preservation of housing stock is a goal of the Growth Management Act. An STR is not a residential use just as a hotel is not a residential use. STR should only be allowed in commercially zoned areas. A fee should be charged for each night a STR is rented that supports affordable housing. Just because the genie is out of the bottle doesn't mean it can't go back in. It happened with marijuana and can happen with STR.
214	Thrilly	Richard			Line 92 of draft contains a should that needs to be a must. Endorses Host Compliance as an invaluable tool that has been used in many other jurisdictions.
215	Blum	Kathy	15 Helios Hills Lane, Manson, WA		On behalf of Manson Community Council. Asks for a moratorium be placed on all STR permits within the Manson UGA. Concerned that STR regulations does not address density. STR regulations should address septic system issues. STR should be required to have land-line telephones as many areas do not have cell phone service. For STR on sewers, capacity should be 2 per bedrooms plus two additional person, should include anyone over the age of two in those calculations. Includes a memo from the Manson Community Council.
216	Johnson	Nola	10196 Ski Hill Drive	8/22/2019	Supports STR regulations. Has had problems with neighboring properties that are STR including street racing in front of house.
217	Stroud	Steve	sstroud@nwi.net	8/28/2019	Supports STR regulations. STR are destroying neighborhoods. They create issues with traffic, noise, lights, over occupancy, and drunk rowdy behaviors. They are filling residential areas with commercial uses. Why is there a hotel in my neighborhood? Requests no STR in residential neighborhoods. Requests STR be permitted, licensed, inspected, regulated and taxed. Permits need to be contingent of neighborhood acceptance. Any county commissioner or planning commission member with an STR must recuse themselves from the final decision.
218	Sartin	Gabe	gabesartin@gmail.com	8/28/2019	Owens/operates an STR. Supports some amount of regulation. Feels like a solution is being proposed for a problem that is still unclear. What is the problem being addresses? Fees should be proportional to usage not a flat fee. Any fees should be paid through the lodging tax structure instead of creating a new process.
219	Beckley	Kari and Da	karibeckley@outlook.com	8/28/2019	Own/operates STRs. Opposes the requirement to have a responsible party within 30 minutes of the property. Opposes the permit fee. Opposes requirement to notify neighbors. Opposes the requirements of 1 STR per lot. Have appropriate off street parking.
220	Chicoine	Joe	joe.chicoine@gmail.com	8/28/2019	Supports STR regulations. Owns/operates an STR. Big players like VACASA are problems that only care about volume and turnover. Included several photos of issues with STR renters.
221	Monahan	Tom	celticcross3000@yahoo.com	8/28/2019	Opposes STR regulations. Owns/operates and STR. The STR regulations are government at its worst.
222	Murphy	Patrick	pmurph53@hotmail.com	Aug-19	Supports STR regulations. Has experienced noise, yelling, outdoor music, outdoor floodlights, speeding cars, illegally parked cars, overflowing septic tanks, trespassing. Preference to ban STR. STR are destroying neighborhoods in Leavenworth. STR are commercial uses in residential areas. Economic benefit of STR is minimal as most are owned by no-residents as an investment property. Rejects the claim that STR will self regulate. Humans don't self regulate, that's why we need police, lawyers, and judges. Self regulations also puts the onus on the neighbors to report and takes away responsibility from the property owners.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
223	Huffman	Susan	huffman@nwi.net	8/28/2019	Who would be enforcing the STR regulations? How does someone report and issued? Who keeps tally for the 3 strikes? Will the County enforce after the third strike? Parking requirements are not sufficient. Neighboring STR routinely have one car per bedroom or per guest. The fine is too low, and is often less than a weekend rental. Expand the 300 ft notice to are larger area. Trash and wildlife issue are a large concern in Leavenworth. What is one lot? Will the county STR regulations align with the City of Leavenworth in the UGA?
224	Hansen	Katie	katie@kadhanson.com	8/28/2019	Opposes STR regulations. The regulations would have a negative impact on their rental income because it would limit how many people they could rent to by limiting number of people per bedroom. Employs others to help with STR maintenance.
225	Fallon	Bob	bobfallon@gmail.com	8/28/2019	Supports STR regulations. STR detract from neighborhoods and sense of community. They decrease the availability and increase cost of housing for full time residents. They occasionally are the sites of disturbances and detract from the health, welfare, and safety of citizens. The STR regulation needs density limitations. RR10 or denser, have to be primary residence of full time residence and the resident must be present when the property is rented. No more than 2 rented bedrooms per property. When allowed in residential zones, full house rentals must have no more than 4 bedrooms, renters of all ages county, and only register guests may be present. No person or entity may own more than one STR in the County. Density limitation mechanism must be developed. Larger STR allowed in commercial zones, and in agricultural and forester areas with a CUP. Likes Host Compliance as an enforcement mechanism. Includes links to several news articles about STR laws and regulations.
226	Tait	Shannon a	johannsmountainviewsuite@hotmail.com	8/29/2019	Supports STR regulations. Own/operates STR. Never had issues. Rely on income from STR. Some STR are giving the rest a bad name.
227	Hosford	Shawn	shawnhosford@comcast.net	8/29/2019	Owens/operates an STR. Rents out to Stevens pass employees in the winter and as an STR in the summer.
228	Gould	Bill	gouldw@charter.net	8/28/2019	Recommends that permits and CUP be required in phases starting with Leavenworth, as that is the area of largest concern, and CUP process takes time. What will happen if the County receives hundreds of application at once? A simple permit will still take time and again what happens if the county receives a thousand applications at once. Add back the plus 2 additional person to the occupancy portion of the code. Remove the response time requirements as it was made up by the commissioners and refer to the non-emergency response requirements within the CCC. No trespassing signs should be discouraged unless requested by neighbors. Why are permits and home inspections required annually, when a CUP is only required once. Remove the water and septic verification as it was completed when the home was built. STR permits should run with property like CUPs and be valid for longer amounts of time. Photographic evidence and videos can create conflict. Included a report by the California Economic Forecast, "The Effect of Short Term Rentals on Neighborhood Nuisance Complaints Along the Central Coast."
229	Fallon	Marty	martfallon@gmail.com	8/28/2019	Supports STR regulations. Proposed regulations needs to be more restrictive. The argument of not disrupting income flows for those who bought property for the sole purpose of turning the home into an STR is weak compared to the argument expressing the need to preserve residential neighborhoods. STR is a commercial use. Consider limiting full house STRs in densities of RR10 or smaller.

	A	B	C	D	E
1	Last Name	First Name	Contact	Date Received	Comment
230	Savina	Leslie	lesliesavina@comcast.net	9/3/2019	Supports STR regulations. The proposed regulations appear reasonable on paper but in practice will not curb the negative impacts. Example: having a 30 minute requirement is great but when you are disturbed in the middle of the night by a loud party the damage is already done. Only limiting STR will alleviate the problem. Consider what other communities have done: limiting the nights in a year that an STR may be rented; not permitting additional STR within a distance of an existing STR. STR are no longer supplemental income for property owners but primary income for business owners in residential areas. Renters have no motivation to be good neighbors. They are loud, trespass, litter, let dogs run loose, get stuck in the snow, illegally park.
231	Stoller	Heidi	stollerheart@gmail.com	9/6/2019	Asks about what is happening with STR regulations and what is required to start an STR. Not fair to charge same fee for those who rent out a room in a house as those who rent a whole house.
232	McMahon	Niki	dncmahon@nwi.net	9/1/2019	Opposes STR regulations. Owns/operates a STR. Built a home specifically to be an STR for the income. Home is surrounded by STR. Sometime it is noisy but they are on vacation and they have never called the police or property owner on them. A few bad owners have given the rest of STR owner a bad name.
233	Clute	Roger	rcandmac@nwi.net	9/8/2019	A portion of the hotel/motel tax that is collect on STR should go to the area the STR is in to support code and law enforcement in that area.

9 Attachment D: Community Proposals

Don't want in URL, STRs existing in this zone currently
Don't want in planned development
Should be in Commercial

FINAL
2-8-20

GENERAL

An annual Short Term Rental (STR) permit is required for all STR's - regardless of zoning. STR property registration fees should be figured on a sliding scale of a "per bedroom" fee. Larger properties are harder to mitigate and take more resources. Limit of 10 people or fewer; including children of all ages. The International Building Code considers all persons regardless of age.

Maximum of 4 bedrooms. Five bedrooms or more are not allowed in residential zones, only in commercially zoned areas. Sign must be posted outside the entrance of home by that includes: Permit number, expiration date, maximum occupancy, name & phone number of person to contact in case of problems. Response time for complaints must be within 30 minutes.

New construction for a single-family home building permit cannot be used as a STR for 5 years. When a homeowner goes to the County and signs the building permit for a "single family home," that designation must be honored following construction for a period of time. This will encourage community cohesiveness and good neighborhood and discourage those who only want to buy into our small rural communities for monetary gain, with complete disregard for existing homes and families. Additionally, this encourages the possibility of those homes being placed into long term, monthly rentals. Current STR permits are not transferable if the property is sold. New owners must reapply for a new STR Permit. STR's should honor and maintain the character of surrounding neighborhoods.

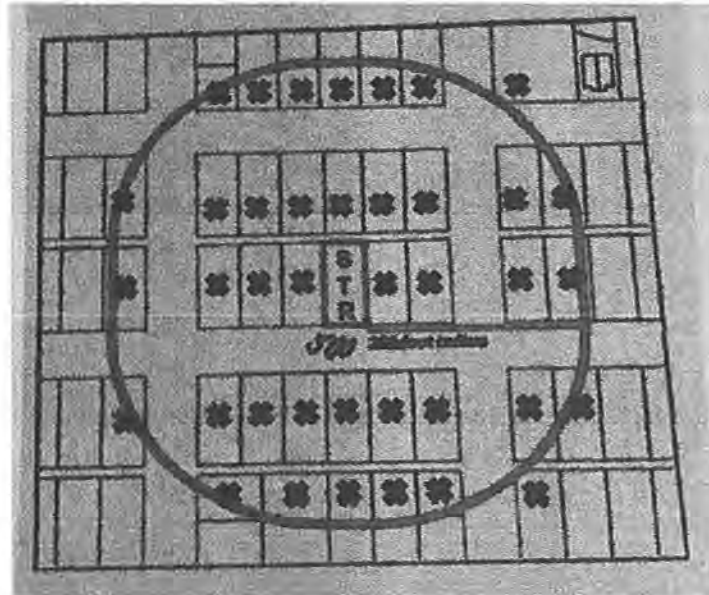
MANSON USE CHART

The Manson UGA Use Chart should be changed to reflect the changes outlined in this document.

LIMITING THE NUMBER OF STR'S PER NEIGHBORHOOD

For STR applications, there shall be at least 500 feet of separation between properties permit is STR's. This 500 foot of separation is measured radiantly from the STR property boundary (see figure below). This separation includes all properties that are wholly or partially within that radius (all properties in the figure with an "x" Shown

below). If one property within 500 feet of your property is an approved STR, your property cannot be approved as a new short term rental until the existing STR permit terminates.



Once the capacity of the STR's has been determined by Chelan County within Manson's Urban Growth Area, new STR's can only be designated and licensed once a slot becomes available. A lottery system should be used to determine if and when another property may apply within the 500 foot radius (upon termination of the existing STR permit).

COMPLIANCE

All owners of property used for STR's shall comply with the Manson UGA, Chelan County Codes, and the State of Washington requirements under the RCW.

PROPERTY MANAGEMENT

Property Management Plan. A property management plan demonstrates how the vacation rental will be managed and how it impacts neighboring properties. It shall be submitted for review and approval as part of the permitting process. The property management plan shall address (but not limited to) points of contact available to respond immediately to complaints,

garbage pick-up, instructions on septic use (if not on a sewer system), good neighbor policies (including addressing noise), and if there is direct access to a Lake Chelan, water and boating safety as well as how to keep our lake clean. It will be posted in a visible location within the vacation rental and a copy will be available with point of contact for problem resolution.

Requirements. The vacation rental shall meet all applicable state and local health, safety and building codes.

Property Manager. STR's must have a local property manager who is available 24 hours per day during periods the property is rented. The property manager must ensure compliance with all requirements set forth in this code, including timely response (within 30 minutes) to all complaints and their resolution.

Adjacent Notification. Upon approval by Chelan County of an STR, the owner or property manager will provide a notice by US mail to all adjoining property owners within a 500 foot radius of the property boundaries as a condition of license approval. This notice will include the UBI number, county registration number, current telephone number of the required in property landline, and a contact name and number of the owner or property manager that can respond to issues within the required period.

Right To Farm. For STR's abutting or adjacent to farm or orchard land, any inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of Chelan County codes. STR tenants should be advised and prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. This shall be disclosed in the Property Management Plan and should be disclosed in the rental agreement.

MAXIMUM OCCUPANCY

STR Property on Public Sewer

STR's served with public sewer shall not exceed 14 overnight guests, provided the rental meets the bedroom number standards as per Table 1. below.

STR Property with on-site septic system

STR's served by an on-site septic system shall not exceed 10 overnight guests, provided the rental meets the bedroom number standards as per Table 2. below. See specific entry below for properties served by an on-site septic system.

Number of Bedrooms	Maximum Occupancy	On-Site Parking
1	4	1
2	8	2
3	10	3
4	12	4
5 or more	14	5

Number of Bedrooms	Maximum Occupancy	On-Site Parking
1	2	1
2	4	2
3	6	3
4	8	4
5 or more	10	5

NOTE: 5 or more bedrooms only allowed in CT and CD

Septic Systems

For those applications where the proposed STR is serviced by a septic system, STR Permit applications must include annual certification from Chelan/Douglas County Health Department that the on-site septic systems are adequate for the maximum occupancy of home.

Parking

Off street parking should be required on a "per bedroom" basis (see Table 1 or 2 above). One parking space per bedroom, as determined by the fire marshal to legally be used as a bedroom. All parking must be off street; no street parking is allowed. This includes recreational vehicles, boat and jet ski trailers, etc. Parking will be consistent with chapter 11.90 Chelan County Code.

Pets

Pets outside of the rental structure will be secured at all times, either by STR

permanent fencing or a leash. Nuisance barking or noise from the pet is prohibited.

SIGNAGE

One sign either attached to the dwelling or placed in front of the dwelling and containing no larger than 4 square foot is permitted. No off site signage or advertising is permitted.

On properties containing both residential dwelling and an accessory residential dwelling or dwellings, only one structure may be rented out as a short-term vacation rental. All businesses identifier number and the names and addresses of the property owner and agents authorized to act on the property owners behalf;
Display the address of the residence so that it is clearly visible from the street or access road.

GARBAGE

All garbage must be screened from view from the street and neighbors, inaccessible to wildlife, and put out for collection only on the day of collection. Trash cans must be removed from the street within 24 hours of collection.

NOISE

STR's must comply with County and State noise ordinances which are clearly stated in Chelan County Code 7.35, regardless of time of day.

FIRE SAFETY

Annual on-site fire inspection must be performed by Fire Marshal as part of the annual STR Permit Application Process. Home must have current and adequate fire safety equipment and evacuation routes from the home posted clearly.

Additionally, outdoor fireplaces or fire pits must be able to be locked. The property manager or owner will ensure the outdoor fireplace or fire pit is closed and locked immediately during periods of a burn ban.

VIOLATION AND REPEAT OFFENSES

A short term rental of a home, apartment, accessory unit, or room without a permit from Chelan County Community Development and/or without a Washington State business

license will be fined in accordance with Title 17 of the CCC.

Failure of the owner, authorized agent, or local contact of a short term rental to respond to a complaint made to the Chelan County Sheriff Department arising out of the occupancy and use of short term rental by a tenant, or tenant's visitors or guests, is considered a violation and will be fined as follows:

1st Complaint & Violation Received: Written Warning

2nd Complaint & Violation Received: \$750 FINE

3rd Complaint & Violation Received: \$1000 FINE

4th Complaint & Violation Received: PERMIT REVOKED

In addition to any other remedy provided by this chapter, a short term rental permit and license issued pursuant to this chapter may be suspended, modify, or revoked for violations of this chapter, for violation of any other lot on the premise of a short term rental, or the maintenance of such other conditions as maybe shown to be in the interest to the public health and safety.

All STR is must register with the state of Washington Department of Revenue and show proof when applying for a Chelan County STR permit.

PROPERTY ACCESS

The road access to the vacation rental shall be constructed to meet minimum Chelan County road standards and shall be adequately maintained and clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk/abandoned/unlicensed vehicles, etc., to ensure unimpeded passage of emergency vehicles and other vehicle or traffic.

If there is a legal easement that provides renters access to off site areas (such as a beach access), this shall be indicated on a map in the property management plan and the easement shall be clearly marked.

PHONE SERVICE

The vacation rental shall have a working landline with local phone service that can be found in the Rivercom 911 database. The phone number servicing the vacation rental shall be included on the property management plan.

SWIMMING POOL/HOT TUBS

Swimming pool and hot tub usage is limited to registered guests only. This is standard policy for all licensed hotels and motels, as it's necessary for controlling noise and large parties. Pools & hot tubs must be continuously managed by a company that has been approved by the Chelan/Douglas County Health Department during the months the property is rented. Properties with pools must adhere to Chelan County codes regarding barriers, safety, hygiene, etc.



Vacation Rentals in Bend Oregon

*Bend
from a
STR -
mng.*

*letter fr a mng person
to a renter*

Questions? 541.241.6676

HOME

in the heart of Bend

VACATION HOMES

HOME LOCATIONS & MAP

RESERVATION CALENDAR | RESERVE HERE

CONTACT US!

Find the perfect
Bend home for
your stay

Arriving



Nights



Location



Bedrooms



Daily Price From



Daily Price To



Pet Friendly

Air Conditioning

Bend's Good Neighbor Guidelines

These homes are located in some of Bend's best downtown neighborhoods. We are serious about preserving these great neighborhoods for peaceful living and enjoyment of all residents and visitors! These are not party houses and you are required to observe the strict occupancy limits and quiet hours of 10pm to 8am.

All guests are required to follow the City of Bend's Good Neighbor Guidelines. They are posted here and at the home:

We have strict penalties for violations of the Good Neighbor

- Fireplace
- Jacuzzi
- King Bed
- Monthly Rental

Property Name or ID

Display Results



Khaya

3 Bedrm, 2.5 Bath, House
Westside Downtown Bend
Newport Neighborhood



Bernhard Justice Bungalow
3 Bedrm, 2 Bath, Cottage
Historic Downtown Bend



Cinder Cone Cottage

2 Bedrm, 1 Bath, Cottage



CITY OF BEND

Short Term Rental Operating License
Good Neighbor Guidelines

The Good Neighbor Guidelines (GNG) were created to educate Short Term Rental (STR) owners and tenants/guests on the importance of being a good neighbor. Welcome neighbors! Be nice, you're in Bend!

1. **24-Hour Contact Information.** If at any time you have concerns about your stay or in regards to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911.
2. **General Respect for Neighbors.** Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors and their property.
3. **Noise.** Be considerate of the neighborhood and your neighbor's right to the quiet enjoyment of their home and property, especially after 10 p.m.
4. **Maintenance of Property.** Be sure to pick up after yourself and keep the property clean, presentable and free of trash.
5. **Garbage Disposal.** Place trash and recycling containers at the appropriate place and time for pickup. Return trash and recycling containers to the designated location within 12 hours after pickup. Cigarette butts should be properly extinguished and disposed of in the garbage.
6. **Parking & Traffic Safety.** Refer to the parking diagram posted in the unit and park on-site whenever possible. Do not park on lawns or in a manner which blocks driveways, sidewalks, alleys or mailboxes. Drive slowly through neighborhoods and watch for pedestrians and children playing.
7. **Pets.** Promptly clean-up after your pets. Prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. Control aggressive pets, and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
8. **Tenant/Guest Responsibility.** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

Guidelines

lines and/or your rental contract. If you are found in violation of the rules, you may be asked to leave the home immediately with loss of deposit and rents without refund. We licensed by the City of Bend and our license depends on guest behavior.

Remember homes away from home

Remember...you're in Bend! Be nice! Please respect these loved homes and neighborhoods as your own and enjoy your home away from home.

Have a great time and enjoy Bend! Hope to see you soon!



Planning Department
201 1st Avenue East
Kalispell, MT 59901
Phone: (406) 758-7940
Fax: (406) 758-7739
www.kalispell.com/planning

November 28, 2018

Amunda & Ryan Pokorny
485 3rd Ave WN
Kalispell, MT 59901

RE: Short Term Rental @ 485 3rd Ave WN - FIRST NOTICE

Dear Mr. & Mrs. Pokorny:

We wanted to let you know that the Kalispell City Council recently enacted an ordinance addressing short term residential rentals (VRBOs, Airbnbs, etc) after focusing on the issue at a series of public meetings from April through December of 2016. The ordinance generally allows short term rentals in any residential home or dwelling unit provided that several conditions are met and a permit is obtained. It appears that you are listing on one of these sites, but have not yet applied for a permit.

The permit process helps ensure that those conditions are satisfied. The conditions set by the Council include: (1) a fire/building code inspection of the home; (2) checking that health department and state bed tax requirements are met; (3) that there are parking spaces on the property that would be required for a home in that location; (4) an affirmation that private covenants do not prohibit a short term rental; and (5) that contact information for the owner or their representative be included in the notice sent to property owners within 150 feet of the rental.

There are a number of documents that are available on our website. The permit application is available on-line at https://www.kalispell.com/files/second/development/center/2018/11/28/Short_Term_Residential_Rental_Application_NEW.

There is also a link to the checklist used by the fire inspector when he does his inspection. It is available at https://www.kalispell.com/files/second/development/center/2018/11/28/Short_Term_Rental_Fire_Inspector_Checklist.pdf.

Please contact us by December 12, 2018 to start the permit process and let us know if you have any questions.

Sincerely,

PJ Sorenson
Kalispell Planning Department



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250

(360) 378-2354 | (360) 378-2116

dcd@sanjuanco.com | www.sanjuanco.com

Vacation Rental Permit Application Checklist

Provisional (administrative) Permit or Conditional Use Permit

Application Checklist

- A completed Vacation Rental Permit Application and Checklist
- A signed and notarized agent authorization letter, if submitted by an agent (see SJCC 18.80.020.C.2);
- A legal description of the site and/or San Juan County Assessor's information for the property (available here: [Polaris Mapping Application](#); search address, click on the "I" information icon and then click on your parcel; scroll to links on assessor site and/or recorded documents to find this information.)
- Narrative description of proposal; surrounding land uses; and how the proposal is consistent with the applicable regulations and permit approval requirements.
- A copy of a County approved sewage disposal permit (available here www.sanjuanco.com/432);
- Floor plan(s) showing the use of all of the rooms, including bedrooms, in the structure(s) that will be used for the vacation rental. Plans should be drawn on 11" X 17" or smaller size paper;
- A property management plan including the following (see SJCC 18.40.275(K)(1)):
 - Rules of conduct, see SJCC 18.40.275(C) that address trespassing, noise, off-site parking issues, speeding on access roads, burn ban, and water conservation;
 - Unified Business Identifier number, and the names and addresses of the property owner and agents authorized to act on the property owner's behalf;
 - A designated local property representative who lives on the island where the vacation rental is located and will respond to complaints and emergencies; and
 - A valid telephone number where the local property representative can be reached twenty-four (24) hours per day.
- Applicable fee: www.sanjuanco.com/documentCenter/View/1683/Permit-Fees-PDF?bidId= and
- A site plan containing the following information:
 - Site plan printed on 11" X 17" (or smaller) paper;
 - North arrow and drawn to a standard engineering scale (1" = 40' for parcels over one acre in area and 1" = 20' for parcels under 1 acre);
 - Location of all existing structures, driveways, septic system components and significant features on the subject property and on adjacent properties;
 - All structures where vacation rental bedrooms are located should be marked on the site plan;
 - Property lines, adjoining streets, and immediately adjoining properties and their ownership;
 - Location and dimension of required parking spaces; and
 - Title block with the project name and address, drawing title, tax parcel number, and the name/address/phone of the person preparing drawing.

All the above is required for a complete application. If any information is missing, the Department of Community Development will not be able to begin the review process.



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Land Use Vacation Rental (VR) Permit Application

PROPERTY INFORMATION

Tax Parcel Number _____	Island: _____
Designation _____	Subdivision/Lot # _____
Water Body _____	Shoreline: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Acreage: _____	
Street Address (if assigned): _____	
Directions to Property: _____	

APPLICANT INFORMATION

Name of Owner(s): _____	Email: _____
Mailing Address: _____	Phone: _____
City: _____	State: _____ Zip: _____

CONTACT/AGENT INFORMATION (THIS IS THE PERSON TO BE CONTACTED ABOUT MATTERS PERTAINING TO THIS PERMIT APPLICATION)

Name of Contact/Agent: _____	Email: _____
Mailing Address: _____	Phone: _____
City: _____	State: _____ Zip: _____

ADDITION INFORMATION

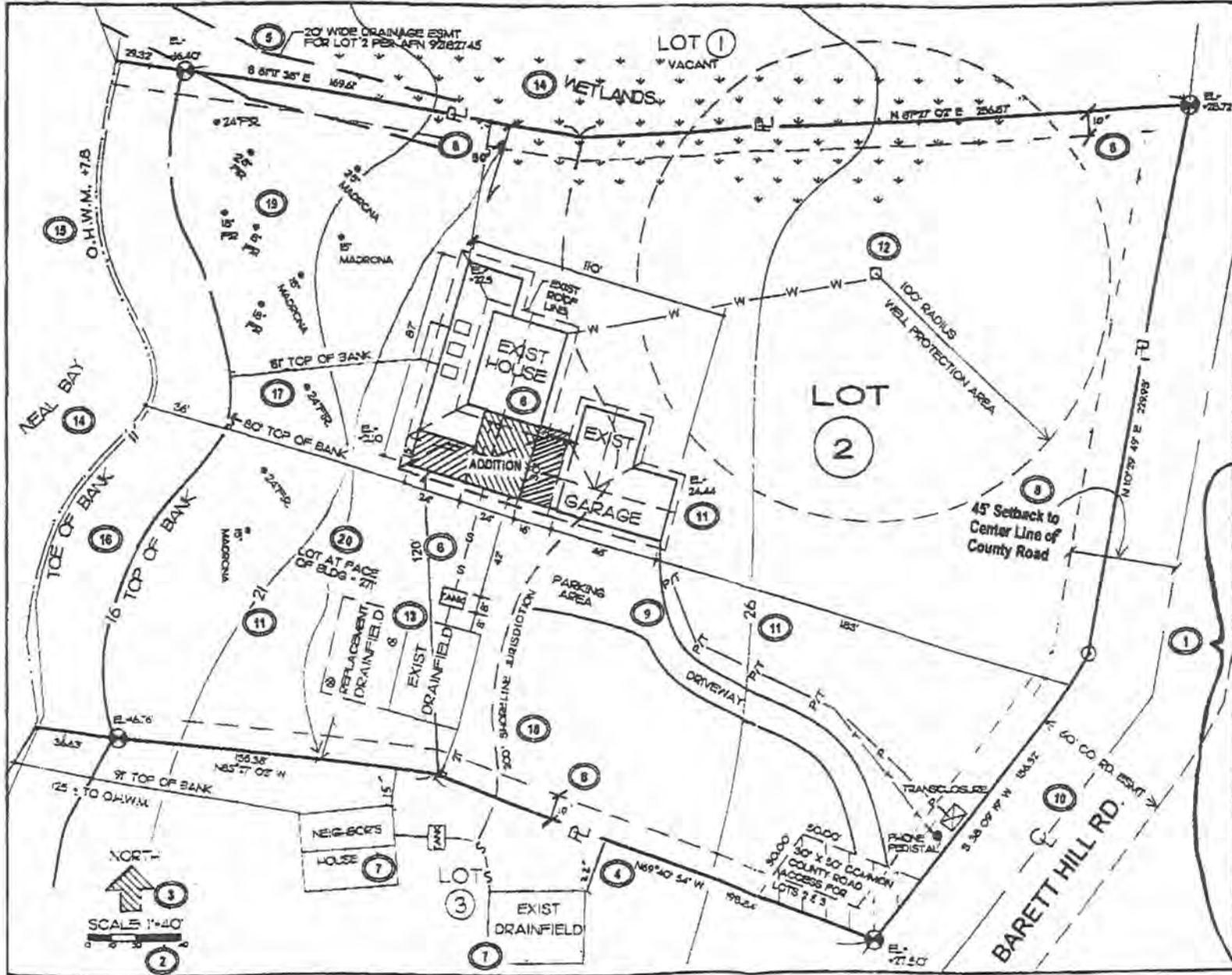
# of bedrooms proposed in the VR?	Is there an accessory dwelling (ADU) unit on the property?
# of guests to be hosted in the VR?	Do you propose to rent the SFR (home) or ADU?
# of on-site parking spaces proposed?	What year was the ADU built?

PERMIT CERTIFICATION (Must be signed by all property owners or a signed and notarized agent authorization provided.)

1. I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Attach an additional signature sheet if necessary)

Signature _____	Printed Name _____	Date _____
Signature _____	Printed Name _____	Date _____
For DCD Use Only		Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO

DATE STAMP	FOR STAFF USE ONLY	
	Amount Paid: _____	Receipt #: _____
	SEPA Exempt Code Citation: _____	Inspection Required: <input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> Approved By: _____	Date: _____
	<input type="checkbox"/> Denied	



- LEGEND**
- PROPERTY LINE
 - SURVEY MONUMENTS
 - PROPOSED AREAS OF CHANGE
 - WETLANDS
 - BROKEN LINES DEPICT LEGAL SETBACKS, EASEMENTS, OR RESTRICTIONS UNLESS OTHERWISE NOTED
 - POWER LINE
 - TELEPHONE LINE
 - WATER LINE
 - SEPTIC LINE
 - WELL
 - PERC HOLE

Owner: JOHN DOE Date: 11/25/94

Owner's Address: 104 N. 42ND, ISLAND, WA 98102

Site Address: 2360 BARETT HILL RD. SAN JUAN IS.

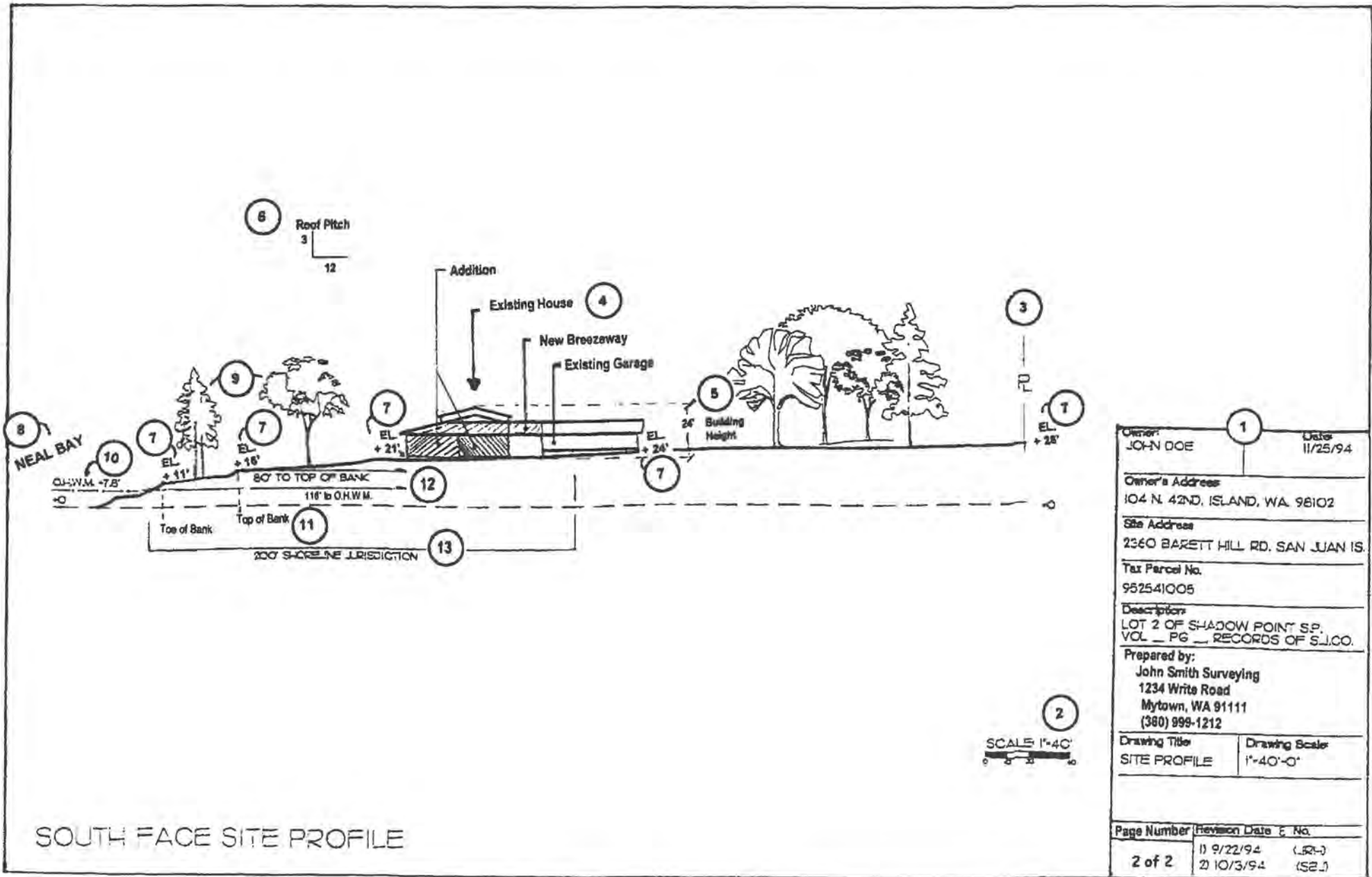
Tax Parcel No. 952541005

Description: LOT 2 OF SHADOW POINT S.P. VOL. PG. RECORDS OF S.J.CO.

Prepared by: John Smith Surveying
1234 Write Road
Mytown, WA 91111
(360) 999-1212

Drawing Title: SITE PLAN Drawing Scale: 1"=40'-0"

Page Number: 1 of 2 Revision Date & No.: 1) 9/22/94 (LRH) 2) 10/3/94 (SB)



Owner: JOHN DOE		Date: 11/25/94
Owner's Address: 104 N. 42ND. ISLAND, WA. 98102		
Site Address: 2360 BARETT HILL RD, SAN JUAN IS.		
Tax Parcel No. 952541005		
Description: LOT 2 OF SHADOW POINT S.P. VOL. PG. RECORDS OF S.I.CO.		
Prepared by: John Smith Surveying 1234 Write Road Mytown, WA 91111 (380) 999-1212		
Drawing Title: SITE PROFILE	Drawing Scale: 1"=40'-0"	
Page Number: 2 of 2	Revision: 1) 9/22/94 (SR-1) 2) 10/3/94 (SE-1)	Date & No.:

SOUTH FACE SITE PROFILE



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Vacation Rental Permitting Process

The purpose for requiring a permit to conduct land uses is to ensure that they are compatible with County land use and development regulations.

All Permits

After an application, fees, and required attachments and information are submitted, DCD has 28 days to determine whether the application is complete. If it is not complete, the applicant has 90 days to provide all missing information. Once the application is complete, DCD will begin processing it. The County must publish a notice of application in the local paper, and the applicant must post a notice on the property and mail the notice to adjacent property owners.

If approved, prior to operation, the applicant must have the driveway inspected by the SJC Fire Marshal; call (360) 378-3473, or make your request by e-mail to dcd@sanjuanco.com.

An annual certification of compliance is required to maintain the permit (SJCC 18.40.275 (K)(4)).

If you wish to convey the permit upon sale, please follow SJCC 18.40.275 (K)(5).

Your land use designation will determine which permit type you will be required to apply under, Provisional or Conditional. Each is explained below.

Provisional Permit

After the public comment period, DCD staff determine whether the project is consistent with the County land use and development codes and the criteria for approval. At that point the application may be approved, approved with conditions, or denied. There is no public hearing. The decision may be appealed by any party of record to the County Hearing Examiner by filing a written appeal and appropriate fees within 21 days of the decision.

Conditional Use Permit

When all necessary information has been submitted, DCD staff will schedule a public hearing before the San Juan County Hearing Examiner. At least 10 days prior to the hearing staff will issue a staff report analyzing the proposal for consistency with code requirements and the criteria for approval. At the public hearing, the Hearing Examiner will review the staff report, the applicant's presentation, and all public testimony and, after the hearing is closed, determine whether the proposal is consistent with the criteria for approval. The Hearing Examiner may approve, approve with conditions, or deny the application. For shoreline permits a notice of the decision is sent to the Dept. of Ecology and for variance and conditional use permit applications, within 30 days of transmittal they make the final decision. The Hearing Examiner's action on all except shoreline permits may be appealed to Superior Court in accordance with the requirements of the Land Use Petition Act. Appeals of shoreline substantial development permits must be submitted to the Shoreline Hearings Board within 28 days of the transmittal to Ecology, and shoreline variances and conditional use permits, must be submitted within 28 days the Ecology's final decision.

Criteria for Approval

Provisional Use Permits

1. The provisional use permit application shall only be approved by the administrator if the use has been reviewed for consistency with the applicable sections of this code (e.g., Chapter 18.40 SJCC, Performance Standards, Chapter 18.50 SJCC, Shoreline Master Program, and Chapter 18.60 SJCC, Development Standards) and found to meet the requirements set forth by this code; and
 2. Any provisional use application (not including short subdivisions) involving property located within the jurisdiction of the state Shoreline Management Act but not requiring a shoreline permit must conform to the policies in Element 3 of the Comprehensive Plan and the applicable regulations in Chapter 18.50 SJCC (the Shoreline Master Program).
-

Conditional Use Permits

1. The proposed use will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;
2. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located;
3. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;
4. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval;
5. The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;
6. The location, size, and height of buildings, structures, walls and fences, and screening vegetation associated with the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties;
7. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood;
8. The proposal complies with the performance standards set forth in Chapter 18.40 SJCC;
9. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70.547); and
10. The proposal conforms to the development standards in Chapter 18.60 SJCC.

From: Lilith Vespier <dsmanager@cityofleavenworth.com>

Sent: Tuesday, February 18, 2020 5:31 PM

To: Bob Bugert <Bob.Bugert@CO.CHELAN.WA.US>

Subject: Vacation Rentals

Joel shared your proposed code conditions with me and said you were open to comment. I've put a few thoughts below. No need to reply but I am open to meeting and discussing. I'll be back from vacation in March.

1. Short-term rentals must be operated out of a person's primary residence only.
 - a. Consider allowing in the ADU, this is an efficient use of a separate space and retains one local resident per parcel.
2. The Chelan-Douglas Health District and Fire Marshall must inspect....
 - a. Why the CDHD? If they are confirming the number of bedrooms for the septic that could be streamlined to the application review. Practicably, this will save a lot of expense for the CDHD.
3. The number of cars allowed at the short-term rental will be limited to the number of sleeping units (bedrooms) plus one.
 - a. Why add one? It would encourage use of other rooms for beds and discourage carpooling.
4. Advertise lodging will have no more than two overnight guests per bedroom pls additional three overnight guests.....
 - a. Similar to the parking this encourages the use of other rooms for beds which in turn impacts the septic, noise, and neighborhood character.
5. The sign must be made of natural materials....
 - a. If you limit the size, as proposed, and limit the colors it will remove bold impacting sizes.
6. Rules of conduct approved by the County
 - a. Not sure you want to be in the business of conduct approval which is already regulated by the sheriff.
7. A designated local property representative who lives within 30 minutes....
 - a. This will remove remote rentals which are the types of rentals with the least impact – no or remote neighbors
8. Certify compliance with the conditions of license approval within 90 days after the closing date of the sale of the property...
 - a. Difficult to track and enforce.... These should be treated the same as a conditional use permit which runs with the land and anyone operating would need to comply with the conditions. This removes the potential for loss of an approved short term rental with the sale (affecting the sale value). If the County wants to limit permits or remove existing units there are other more transparent options.
9. Complaints to the commissioners should not be used for enforcement rather all complaints should go only to code compliance officer. Single point for complaints will improve accountability and follow through. I understand that serious issues and noise may go to the sheriff but if the sheriff files a report those should go to the code compliance officer for action.
10. The third verified violation of this code section will result in a one year suspension of the County permit. Current permits for Manson are January to December (even if they don't apply until July they end in December). This violation process indicates a change to multiple start/end permit dates. I would recommend retaining the valid permit through December regardless of the

application/approval date. Then the third violation would be revoking existing permit and not permitting application for the next calendar year.

11. 1% cap... if you tie to January 1st, the number will change year to year and result in confusion and lack of certainty. Consider permitting all who apply in the first 6-12 months and reducing that number by xx% per year to reduce the total or a specific number per region (like Lake Chelan) or other options.

The major issue with these permit is enforcement. Therefore the way the rules are drafted will require careful consideration of how enforcement issues will play out. I didn't know the State had adopted RCW 64.37. The State has identified and provided remedy for enforcement through the RCW. It will be interesting to see how the consultant combines the County objectives and processes with the RCW.

I wish you all the best,

Lilith Vespier, AICP
Development Services Manager

City of Leavenworth

Development Services Department
700 US Highway 2 | PO Box 287
Leavenworth, Washington 98826
P 509.548.5275 ext. 131 | F 509.548.6429
www.cityofleavenworth.com

1 **NEW SECTION 11.101 SHORT TERM RENTAL OPERATING REGISTRY**

2
3 **11.101.010 Purpose**

4
5 A. The purpose of this chapter is to establish regulations for the operation of short-term rentals as defined herein,
6 within the unincorporated portions of Chelan County. This chapter also establishes a short-term rental registration
7 process.

8
9 B. The provisions of this chapter are necessary to promote the public health and safety by protecting year-round
10 residents' enjoyment of their homes and neighborhoods by minimizing the impact of short-term rentals on adjacent
11 residences.

12
13
14 **11.101.015 RCW 64.37 Adopted by Reference**

15
16 All provisions of RCW 64.37 are adopted by reference.

17
18 **11.101.020 Definitions**

19
20 For the purposes of this chapter only, the definitions found in RCW 64.37 are adopted.

21
22 **11.101.030 Applicability**

23
24 A. Short-term rentals are a permitted use in all rural, residential, and resource zones in Chelan County.

25
26 B. All allowed short-term rentals must be registered consistent with Chelan County Code Section 11.101.040.

27
28 **11.101.035 Maximum occupancy allowed**

29
30 The maximum number occupants shall not exceed two persons per bedroom, plus four, provided that the standards
31 of the Chelan-Douglas Health district and the Chelan County Fire Marshal are met.

32
33 **11.101.040 Annual Registration**

34
35 A. No owner of property within the unincorporated portions of Chelan County may advertise, offer,
36 operate, rent, or otherwise make available or allow any other person to make available for
37 occupancy or use a short-term rental without a valid short-term rental registration. Annual renewal is
38 required.

39
40 B. Short-Term Rental Operator Records and Advertisement: The short-term rental registration number shall
41 be listed on all short-term rental advertisements. Every short-term rental owner or authorized agent shall
42 maintain records of guest names and their contact information and revenue earned to assist with
43 enforcement of this chapter.

44
45 **11.101.050 Application and Fee**

46
47 A. Application Required. Applications for registration shall be on forms provided by the County,
48 demonstrating the application meets the standards required by this chapter.
49

50 B. Registration Fee. The fee for application for a short-term rental registration or registration renewal shall be
51 an amount to recover the County's actual average costs of reviewing and issuing the registration or registration
52 renewal application, including a fee for a late application, investigation, and any required inspections, as
53 established by resolution of the Board of County Commissioners.
54

55 11.101.060 Term of Annual License and Transferability

56

57 A. Term. A short-term rental registration shall be issued for a period of one year, with its effective date
58 running from the date the application is due as set forth in 11.101.070 and shall be renewed annually by the
59 owner or authorized agent provided all applicable standards of this chapter are met.
60

61
62 B. Transferability. The registration shall be issued in the name of the property owner and is transferable to a
63 new owner. The new owner or authorized agent shall have 60 days to update owner and contact
64 information to continue operation until the registration deadline. New owners must apply for a new
65 registration by the annual deadline. The registration shall terminate and be deemed void if the new
66 property owner does not update contact information within 60 days when the registration holder sells or
67 transfers the property.

68 69 70 11.101.070 Registration and License Renewal

71

72 A. A registration and number shall be obtained and/or renewed as required in this section. The ability to
73 operate a short-term rental in the County shall be discontinued for failure to obtain or renew a license to
74 operate as provided in this chapter.
75

76 B. Application and Renewal Application Process. A person engaging in a short-term rental who has not yet
77 obtained a registration, or who is required to renew an existing registration, shall do so as follows:
78

79 1. Time for Application.

80
81 a. New Permits. For new registrations applied for after the effective date of this chapter,
82 license applications must be submitted by November 1 for the following operating year.
83

84 b. Renewals. Renewal forms of licenses of registered STRs shall be submitted by December
85 1 for the following operating year, and annually every year thereafter.
86

87 c. Upon change in ownership of a property subject to a short-term rental registration, it is
88 the obligation and responsibility of the new owner or authorized agent to obtain a new
89 registration to operate the short-term rental by the annual deadline. The new owner or
90 authorized agent may operate for the remainder of the calendar year provided that the
91 new owner shall have 60 days from the date of ownership (closing of the sale) to update
92 owner and contact information on file with the County.
93

94 C. Notice – Late Applications. If the license application or renewal application is not received by the
95 expiration date, the County shall send notice of expiration to the owner and authorized agent, if known,
96 of any property for which a timely application has not been received, advising the owner that they have
97 30 days to renew.

98
99
100
101
102

11.101.080 Internet advertising must include registration number.

Any advertising of a short-term rental whether in print or on the Internet, including listings on short term rental platforms shall include the registration number provided for herein.

DRAFT

103 days to respond. An application will be considered timely submitted if the County receives a completed
104 application, accompanied by the required fees, within the 30-day late period.

105 D. License Expiration.

106 1. All registrations will expire Dec. 31 of each year.

107
108 2. Late renewals. Renewal applications shall be received by December 1st. If fees are not paid by
109 Feb. 1st, the operator has until March 1st the ability to operate shall be discontinued.

110
111 3. For transfer of property to new owners, once the 60-day grace period to update owner and
112 contact information for a current license expires as referenced in subsection (B)(1)(c) of this section,
113 or the new application deadline lapses, the ability to operate shall be discontinued with no further
114 action by the County.
115
116

117 E. Renewal Standards.

118 1. The County will review an application for registration renewal and issue a renewal provided all
119 the criteria of approval in Chapter 5.15.080 continue to be met. If not met, or documented
120 nuisances or complaints are on file regarding the Short Term Rental, the County reserves the right
121 to deny the renewal of the registration and the property shall not be used as a short-term rental.
122
123
124

125 2. A decision on a registration application or renewal may be appealed as provided in Title 14,
126 Chelan County Code.

127 .
128 11.101.080 Application Requirements and Criteria for Approval
129

130 The applicant for registration shall agree to and meet the requirements of RCW 64.37.
131

132 11.101.090 Violations – Penalties
133

134 Penalties for violations shall be consistent with RCW 64.37.030(3)

Chelan County Vacation (Short-Term) Rentals
Proposed Code Conditions
27 January 2020

The following conditions are to be included in the Chelan County Code for Vacation (Short-term) Rentals in unincorporated areas of the county. These conditions are to be used as a supplement to the Washington State Statute on vacation rentals (RCW 64.37), which are to be adopted by reference. The draft code provided by Dan Beardslee should be used as the foundation to build upon. These conditions are to be added to Dan's draft.

Vacation rentals must meet all applicable local and state regulations, including business licenses and taxes such as Washington State sales, lodging and business and occupation taxes. In addition, Chelan County shall institute a Vacation Rental license, described below.

Vacation rentals must be operated out of a person's primary residence only. Accessory dwelling units, recreational vehicles, tents and other secondary housing units cannot be operated as Vacation Rentals.

The Chelan-Douglas Health Department and Chelan County Fire Marshall must inspect the vacation rental to secure a license from Chelan County. The first-year license cost must cover HD and FM time, plus licensing processing and code compliance. Thereafter, the annual license fee will cover only the cost of code compliance each year.

The Chelan County Vacation Rental Code will reference the existing codes for trash, trespassing, noise, and outdoor burning. Trash and recycling cans on the right-of-way are to be set out and removed within twenty-four hours of pickup.

The number of cars allowed at the vacation rental will be limited to the number of sleeping units (bedrooms) plus one.

Advertised lodging will have no more than two overnight guests per bedroom plus additional three overnight guests at any one time. The number of bedrooms is determined by the approved building permit for the structure. A guest is a person over six years of age.

All vacation rental license holders are required to display the address of the residence so that it is clearly visible from the street or access road. The house must have a sign or other identifier on outside as vacation rental. The sign must be made of natural materials not exceeding two square feet in area and if illuminated, shall be indirectly illuminated.

All owners of property used for vacation rentals shall comply with the following operational requirements:

1. The vacation rental shall not operate or be advertised without a Chelan County Vacation Rental License. Evidence of operation includes advertising, online calendars showing availability, guest testimony, online reviews, rental agreements or receipts.
2. Vacation rentals must maintain an up-to-date property management plan on file with the Chelan County Community Development Department and property owners within 300 feet of the building within which the vacation rental is located. The property management plan must include the following:

- a) Rules of conduct approved by the County;
 - b) Unified business identifier number, and the names and addresses of the property owner and agents authorized to act on the property owner's behalf;
 - c) A designated local property representative who lives within 30 minutes of where the Vacation Rental is located and will respond to complaints and emergencies within that time frame; and
 - d) A valid telephone number where the local property representative can be reached 24 hours per day, every day;
3. Prominently display in the rental the rules of conduct and a map clearly depicting the property boundaries of the vacation rental, and the escape route in case of an emergency. The map shall indicate if there is an easement that provides access to the shoreline; if so, the boundaries of the easement shall be clearly defined. If there is no access, this shall be indicated together with a warning not to trespass;
 4. Include the Chelan County license number for the Vacation Rental in all advertisements (AirBnB, Craigslist, poster, etc.) and marketing materials such as brochures and websites;
 5. Vacation rental owners must annually certify compliance with the conditions of license approval and with the fire and life safety requirements of the International Fire Code (IFC—or cite county code) as identified by the Fire Marshall and Community Development Department on forms specified by the department director. The annual certification shall be prominently posted on site; and
 6. Certify compliance with the conditions of license approval within 90 days after the closing date of the sale of the property. Written certification must be submitted to the Community Development Department on forms specified by the department director.

The Chelan County License is revoked for one year after three complaints are filed against a particular vacation rental. Complaints will be to the Sheriff, Community Development Department, or Commissioner. The first verified violation of this code section will result in a written notice. The second verified violation of this code section will result in a fine in the amount of \$500. The third verified violation of this code section will result in a one year suspension of the County permit.

A Vacation Rental Permit is not automatically transferable as part of the sale of property. A permit application from the new property owner must be approved to continue as a vacation rental.

The annual number of new vacation rental licenses issued will be capped to 1% of the total number of licensed vacation rentals as of January 1 of each year. Once the maximum number of vacation rental licenses has been reached, no additional licenses will be issued for that year. These licenses will be issued on a first-come, first-serve basis.

From: Bob Bugert
Sent: Monday, February 24, 2020 2:59 PM
To: Steve Jangaard <sejd@me.com>
Cc: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: Re: Short-term rentals. comments to Feb. 14 Plain public meeting.

Steve,
Thanks for your thoughtful email, and apologies for the late response.

We will include your comments on short-term rentals and, if you wish, will include your name as a party of record, which places you on our distribution list on this issue.

As I mentioned at the meeting in Plain, our goal is to have the ordinance completed by July. Do not be hesitant in holding us to this commitment.

Best regards,
Bob

Sent from my iPhone

On Feb 23, 2020, at 11:44 AM, Steve Jangaard <sejd@me.com> wrote:

Bob Bugert,

Thank you for meeting with us Plain folk again.

Of special interest to me and my family are the proposed Chelan County Short-term Rental codes.

I built a cabin on property I own for many years on the River Road in 2000. We use it a lot throughout the entire year and are seriously thinking about calling it home in the future.

Over the years we feel we have become part of the Plain community and love it. That sense of community is extremely important to me, my family and my neighborhood and should be preserved.

I am outlining a few concerns I have concerning short-term rentals (STR's) which I fear are a threat to the character of our community.

- The in flux of short-term rentals (STR's) in our immediate neighborhood is dampening the growth of our neighborhood spirit.
- Homes and cabins are being bought out by people, groups of people and LLC's and turned into STR's strictly with profit in mind.
- Many of the renters do not seem to be concerned for road safety. Increased traffic, ATV (motorcycles, snowmobiles, UTV's, etc) abuses are on the rise. On many occasions persons of all

ages can be observed speeding and playing recklessly on River Road without helmets (children included) and under the influence.

- Lack of respect of private property and people in general seems to be a common M.O. of the renters.
- STR's displacement of long-term rentals is a real issue. Long-term rentals should be encouraged.
- Some of the properties are not safe or designed for rentals. One across the street from me has had multiple visits by the fire department for smoke caused by overloaded heating circuits.
- Increased demands on the Sheriffs Department could also be an issue.

One of my biggest concerns right now is the fact that when people get wind of these proposed regulations there will be a flood of applicants trying to get on board before the 1% cap is imposed. Therefore, time is of the essence in getting something implemented even if its a bare bones regulation to begin with.

we need some regulations that can't be legally challenged but yet carries teeth ASAP.

Sincerely,

Steve Jangaard
16025 River Rd
Leavenworth WA 98826

SeJd@me.com

10 Attachment E: Host Compliance Information

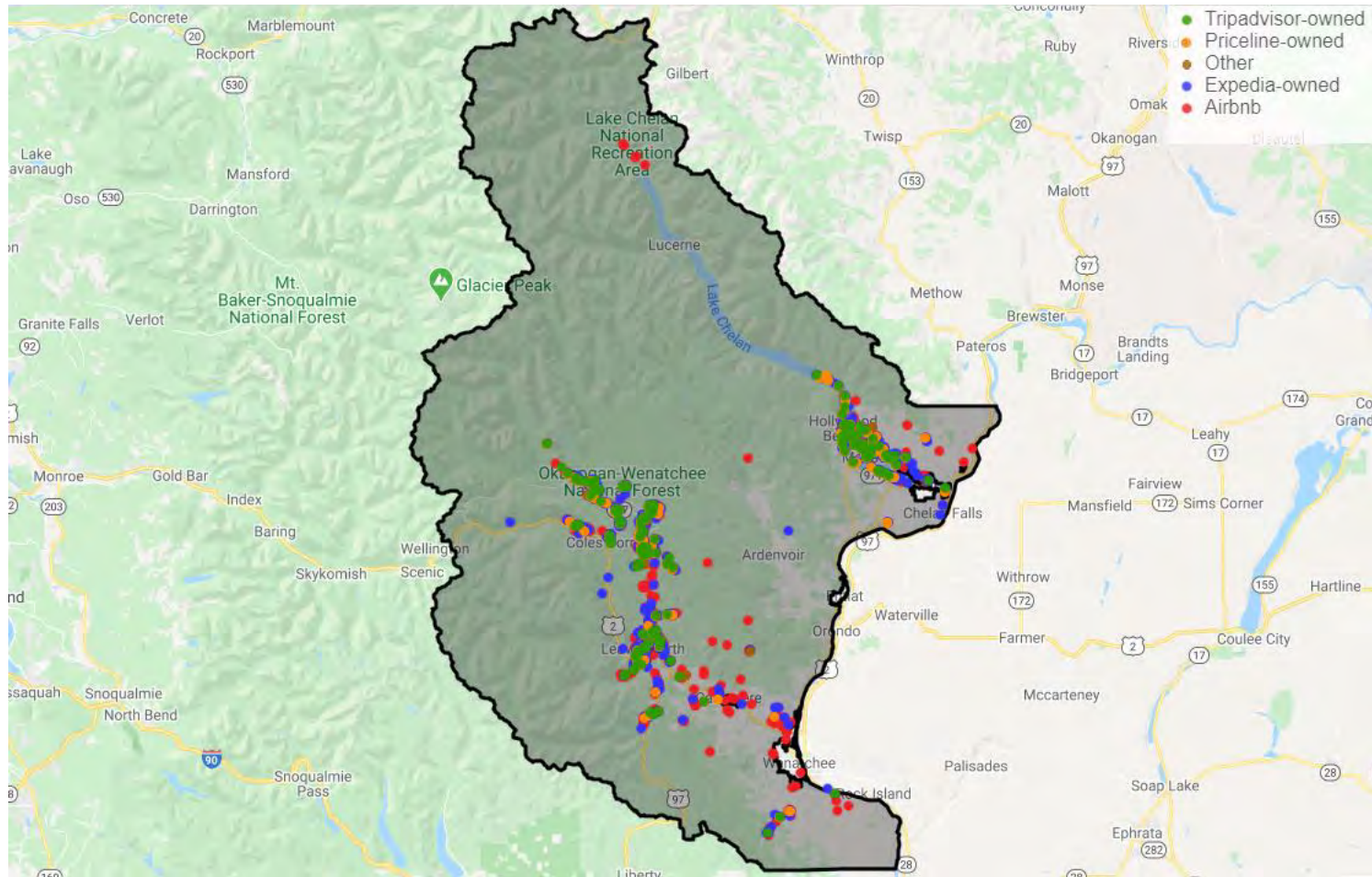


Cost-effective solutions to Chelan County's short-term rental registration, compliance monitoring, fraud, audit and enforcement challenges

March, 2020

...and in the unincorporated areas of Chelan County including the UGA excluding city limits we have identified 2,376 listings, representing 1,535 unique rental units*

Short-term rentals as of March, 2020



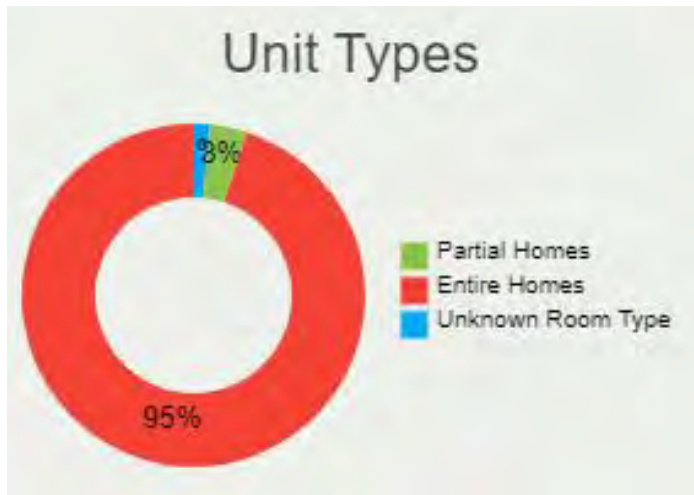
* Host Compliance's pricing is based on the count of listings and rental units that would need to be analyzed and monitored for compliance. In terms of listings, this number is 3,142 as we will expand our search area by several hundred yards beyond the borders of the unincorporated areas of Chelan County including the UGA excluding city limits to capture all relevant listings. Source: Host Compliance Proprietary Data

Chelan County's short-term rental listings are spread across a number of online platforms

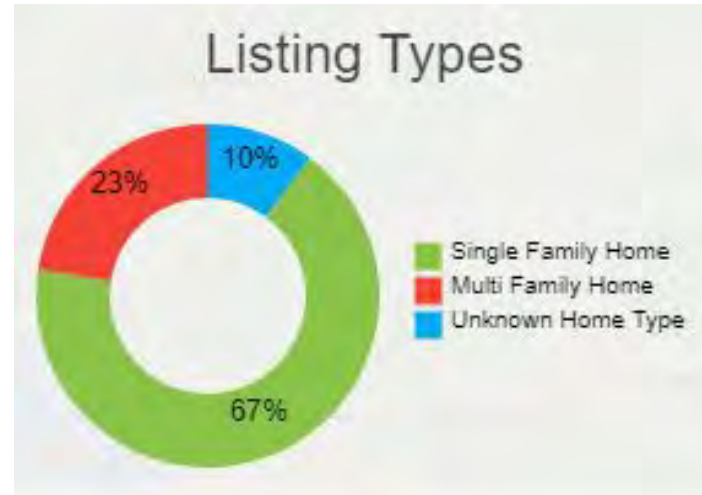
Median Nightly Rate
(USD)

\$216

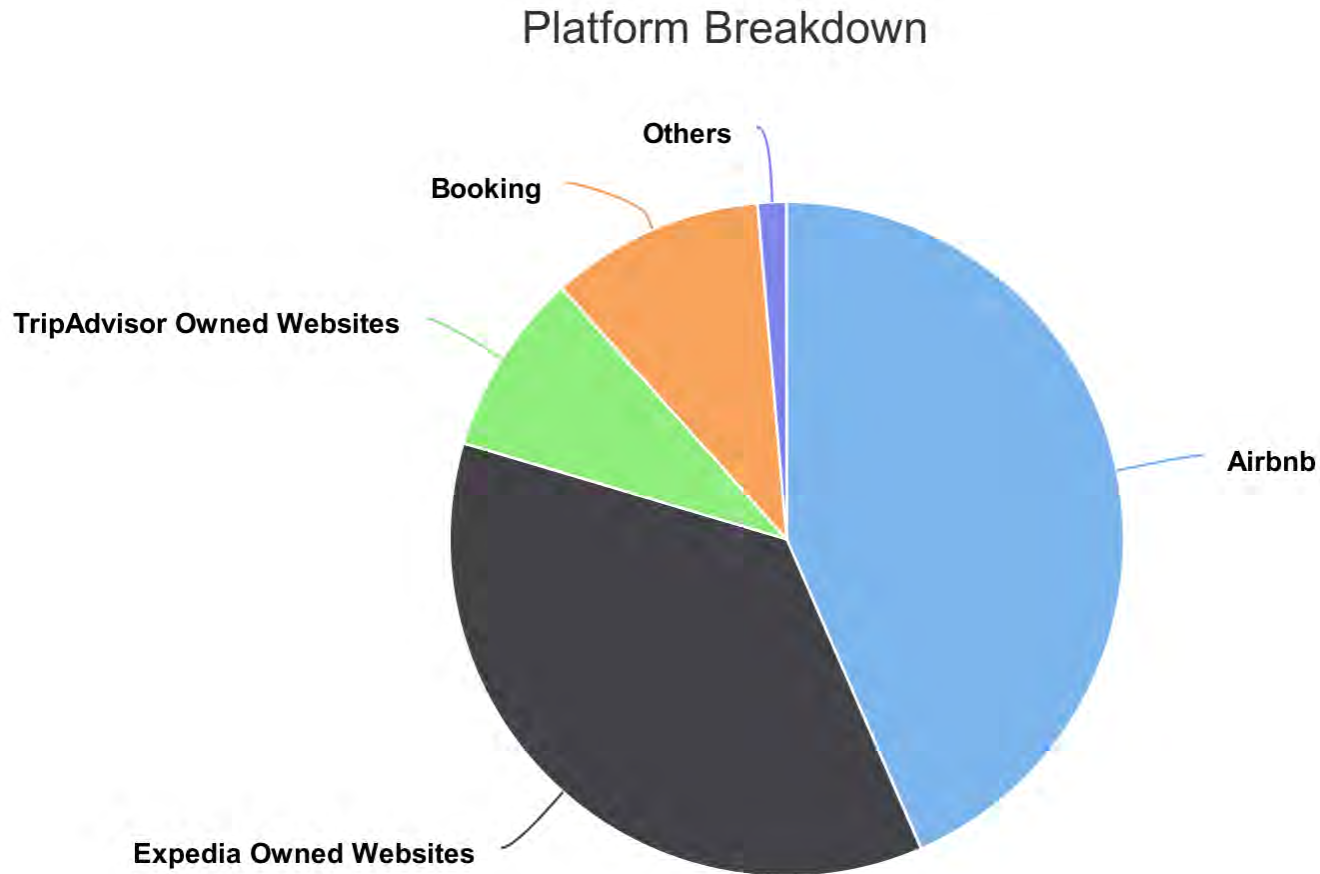
Unit Types



Listing Types



Chelan County's short-term rental listings are spread across a number of online platforms



Host Compliance's can help accelerate progress irrespective of where Chelan County is in the process of adopting and implementing effective short-term rental regulations

Pre-Ordinance

- ✓ Detailed local market data
- ✓ Online Ordinance Assistant tool
- ✓ Free webinars
- ✓ Guide To Effectively Regulating Short-term Rentals On The Local Government Level
- ✓ APA Short Term Rental Online Course
- ✓ Peer Introductions
- ✓ Free draft review
- ✓ Consulting and facilitation

Post-Ordinance

- ✓ Mobile-Enabled Online Permitting/Registration
- ✓ Address Identification
- ✓ Compliance Monitoring
- ✓ Rental Activity Monitoring
- ✓ Tax Collection
- ✓ Tax Audit Automation
- ✓ 24/7 Hotline

Host Compliance's software and services can address all Chelan County's short-term rental related challenges



Mobile-Enabled Registration and Tax Collection: Mobile/web forms and back-end systems for streamlining registration and tax collection processes and capturing required documentation, signatures and payments electronically



Address Identification: Automated monitoring of 50+ STR websites and online dashboard with complete address information and screenshots of all identifiable STRs in Chelan County's jurisdiction



Compliance Monitoring: Ongoing monitoring of STRs for zoning and permit compliance coupled with systematic outreach to illegal short-term rental operators (using Chelan County's form letters)



Rental Activity Monitoring and Tax Calculation Support: Ongoing monitoring of Chelan County's STR listings for signs of rental activity. Enables data-informed tax compliance monitoring and other enforcement practices that require knowledge of STR activity level



Dedicated Hotline: 24/7 staffed telephone hotline and online platform for neighbors to report non-emergency STR problems, submit evidence and initiative automatic follow-up activities



To accommodate any budget and ensure a high ROI for our clients, our services are priced based on the number of STRs that needs to be monitored

Cost per STR Listing/Rental Unit



**Mobile-Enabled Registration/
Tax Collection**

\$8.00 / yr



Address Identification

\$22.50 /yr



Compliance Monitoring

\$11.25 /yr



Rental Activity Monitoring

\$15.00 /yr



24/7 Dedicated Hotline

\$9.00 /yr

Note: The exact scope of work can be adjusted to meet Chelan County's exact monitoring needs in terms of geography, listing sites, listing types and other variables

Affordable modular pricing tailored to Chelan County's needs



**Mobile-Enabled Registration/
Tax Collection**

\$12,280 /yr



Address Identification

\$70,695 /yr



Compliance Monitoring

\$17,269 /yr



Rental Activity Monitoring

\$23,025 /yr



24/7 Dedicated Hotline

\$13,815 /yr

Note: Above pricing assumes 3,142 short-term rental listings and based in USD. Host Compliance would be happy to discuss alternative SOWs, contract terms, contract durations and pricing structures if that would be of interest.



HOST COMPLIANCE

Benefits to using Host Compliance's services

- ✓ Ensures fair, continuous and consistent compliance monitoring and enforcement
- ✓ Frees up valuable staff time that can be focused on higher-value added activities
- ✓ Minimizes noise, parking and trash violations
- ✓ Minimizes the impact on local law and code enforcement agencies as complaints are first handled by our 24/7 hotline and routed to the appropriate property owner before further enforcement actions are triggered
- ✓ Maximizes Chelan County's tax and permit fee collections
- ✓ REVENUE POSITIVE – in most cases, the additional registration fees alone pays for Host Compliance's services several times over
- ✓ Requires NO up-front investment or complicated IT integration
-> we can be up and running in 4 weeks!
- ✓ **6 MONTH UNCONDITIONAL MONEY BACK GUARANTEE!**

Contact info

Please feel free to contact us anytime if you have any questions about short-term rental regulation and how to best address the associated monitoring and enforcement challenges.

Kyle Salonga

kyle@hostcompliance.com

(415) 874-1783

Paul Hetherington

paulh@hostcompliance.com

(604) 763-7285

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