



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509)667-6475

September 10, 2020

TO: Planning Commission

FROM: Jim Brown, Director

SUBJECT: PACKET--REMAND OF SHORT TERM RENTAL CODE DRAFTING

This packet of materials contains:

Exhibits (4):

A: September 23, 2020 Planning Commission Agenda

B: July 22, 2020 Draft minutes

C: September 9, 2020 Draft minutes

D: STR Remanded code: Version as of July 9, 2020 close of PC meeting
(You already had a copy of this “sandwiched” for the September 9, 2020 meeting.
Attached is a stand-alone “fresh copy” [pdf and Word] without the other materials.
NOTE: It has no reference to the BOCC “Vision Statement” from the prior process.)

ACTIONS REQUESTED FOR EXHIBIT D:

The Board of County Commissioners (Board) has remanded this process back to you. You are being asked to “disregard” and not consider the former “vision statement” of the Board in your reconsideration of this draft code. Furthermore, you are being asked to re-review the draft, consider all the testimony, both written and oral, that which you have received and will receive soon from the current comment window. I suggest individually reflecting upon the content and think about how you wish to proceed with your fellow commissioners at the upcoming September 23, 2020 meeting. You have the *full range* of drafting options available to you that you did right up until the time your all voted on passing the current draft. Consider it simply as, “re-opened” and subject to further editing, if so desired.

Of note, Lisa Grueter is not available so it will be Catherine Lorbeer and myself working through this with you and making any edits that you propose. So, any research information or questions directed to Lisa will not be available this time. We can simply take it from the top of the code and work through it piece by piece, or whatever method you think best. My suggestion is that we do that. Most of you are very familiar with the draft, but the two newest members may not be.

You can decide whether to continue the meeting past this scheduled meeting, if you wish for further time. Or you can render a decision on the draft. Water code consideration is no longer on the schedule, however continuing with Critical Areas Ordinance update is very important to finish. We will send you the additional written comments as soon as the commenting window closes again on September 16, 2020.

Exhibit A



Chelan County Planning Commission

Chair: Ryan Kelso

Vice Chair: Carl Blum

Commissioners District 1: Vicki Malloy, Ryan Kelso, Will Wiggs

Commissioners District 2: Jim Newberry, Ed Martinez, Joel Walinski

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

Meeting Agenda

Wednesday, September 23, 2020 at 7:00 P.M.

Chelan County Community Development

In response to the [Governor's Proclamation 20-28](#), the Planning Commission will hold all of their Regular and Special Meetings via Zoom Video Conference until further notice. Click the link below to join the meeting, beginning at 7:00 pm on September 23, 2020.

Join Zoom Meeting

<https://us02web.zoom.us/j/84404082136?pwd=TXBOK0RESZJaWmZBNVZ1aE5RaExXdz09>

Meeting ID: 844 0408 2136

Passcode: 566641

Call Meeting to Order

I. Administrative

A. Review/Approval of Minutes from July 22, 2020

B. Review/Approval of Minutes from September 9, 2020

II. Public Comment Period

Comment for any matters not identified on the agenda (limit 2 minutes per person)

III. Old Business

Deliberation and Possible Decision for Short-term Rentals

IV. New Business

Meeting start time for the winter months

V. Discussion, at the Chair's discretion

VI. Adjournment *Meeting will go no longer than 9:00 PM.*

Written comment must be received by September 16, 2020 @ 5:00 PM

Comment must be submitted to CD.STRComment@co.chelan.wa.us

(OR)

Chelan County Community Development – STR Comment

316 Washington Street, Suite 301

Wenatchee, WA 98801

Any person may join this meeting via Zoom Video conference, of which the link is provided on the Chelan County Website. A Copy of the Agenda may be reviewed online

<https://www.co.chelan.wa.us/community-development/pages/planning-commission> or requesting it by email at CD.Director@co.chelan.wa.us

Chelan County has been recording Planning Commission meetings which will continue to be accessible on the Community Development Planning Commission web page shortly after the meeting takes place. If you need special accommodations to view the meetings while they take place, please contact us immediately at 509-667-6225 to set up a place for you to do so on the County Campus. Keep in mind you would be required to wear personal protective equipment and maintain social distancing guide lines at all times.

Materials available on the Community Development website

Next Regular Meeting: Deliberation and discussion on the County's Critical Area Ordinance

October 28, 2020 at 7:00 pm via Zoom

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

Exhibit B



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission
Chelan County Community Development VIA ZOOM

Date: July 22, 2020

Called to Order: 7:00 PM
316 Washington St., Suite 301
Wenatchee, WA 98801

CALL TO ORDER

Meeting was called to order at 7:04 pm.

COMMISSIONER PRESENT/ABSENT

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

STAFF PRESENT

Jim Brown - Director
RJ Lott - Planner II
Wendy Lane - Permit Clerk

PUBLIC PRESENT

ZOOM MEETING

BUSINESS:

Approval of minutes from July 9th special meeting. Approval of minutes: Vicki moves to amend the minutes and second from Greg. Unanimous approval.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

No Comments

OLD BUSINESS:

None

Chair Ryan Kelso called the meeting to order at 7:05pm.

No members of the public wished to comment on items not on the agenda.

Current business: Critical Areas discussion.

RJ briefly gave an overview of the need. And introduce Christina of Perteet. Christina gave an overview and update of the Critical Areas. Process started last summer. CAO is due when the periodic update due back in 2017. Level of regulation to the same level as before while using best available science and current regulations via the state.

Local regulations are to be based on best available science as required. Recommendations are based on current codes or other regulating documents. New codes should increase consistency.

Asked about maps and comments from agencies. Mapping documents are available online. Lots of data exists. Greg questions the mapping needs of the critical areas as well as the goals of the Growth Management Act. Vicki asks to quantify how much area there is throughout the County that are designated as critical areas. Ryan asks about what to do with inaccurate mapping. Christina will discuss that later in the evening. Jim clarifies the hurdles in providing paper maps to the PC for their review of critical areas.

Started with definitions. Code for Chelan County to match state definitions. Greg asks if waters need to be navigable. Questions the definition of floodplain. Questions around floodplain vs frequently flooded areas. Also questions on Wellhead def.

The Planning Commission requests cost estimates on some of the work borne by developers with regards to the critical areas.

Stopped at wetlands. Consideration of a special session in the future. Carl moves to continue to August 26th, seconded by Vicki. Unanimous. Greg motions to adjourn, Carl seconded.

Adjourned at 9:14pm

**It was asked at the August 26, 2020 Planning Commission Meeting, by Commissioner Vicki Malloy, to go back through these minutes and answer the questions brought forth during the meeting. After review, it was determined, during the past meeting, a commitment was made that the questions asked will be addressed by Christina Wollman, from Perteet, during a future Planning Commission Meeting where she goes back through the code during the Deliberation and Decision step of the process.*

Exhibit C



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission
Chelan County Community Development VIA ZOOM

Date: September 9, 2020

Called to Order: 7:05 PM
316 Washington St., Suite 301
Wenatchee, WA 98801

CALL TO ORDER

Meeting was called to order at 7:05 pm.

COMMISSIONER PRESENT/ABSENT

Ryan Kelso	Present	Carl Blum	Present
Greg Becker	Present	Vicki Malloy	Present
Pat Hammersmith	Present	Jim Newberry	Absent
James Wiggs	Present	Ed Martinez	Present
Joel Walinski	Present		

STAFF PRESENT

Jim Brown, Director
Catherine Lorbeer, Assistant Director
Wendy Lane, Permit Clerk
Lisa Ogle, Permit Clerk

PUBLIC PRESENT

ZOOM MEETING – 125 PARTICIPANTS INCLUDING STAFF AND PC MEMBERS

OLD BUSINESS:

Public Hearing for the Code Development of Short-term Vacation Rentals

Chairman Ryan Kelso opened the meeting to the public comment portion of Short-term Rental Public Hearing. He explained the time limits and the registration sheet.

The following members of the public spoke on the matter –

Bruce Williams, Leavenworth
Barbara Rossing, Leavenworth
Pat Thirlby, Leavenworth
Mara Bohman, Leavenworth
Kirvil Skinnarland, Leavenworth
Jerry Jennings, Plain

Steve Stroud, Leavenworth
Stacy Hurd, Plain
Tom Howard, Manson
Jeff Bartee, Manson
Kendell Newell, Wenatchee
Joni Fisher, Manson
Leslie Young Cutler, Leavenworth
Zelda Holgate, Plain
Matt Wilks, City Unknown
Bob Fallon, Leavenworth
Annie Robertson, Wenatchee
Laura Johnson, Lake Wenatchee
Don MacKenzie, Fish Lake
Thomas Williams, Wenatchee
Fara Newell, Leavenworth
Robert Mundy, Ponderosa
Chris Moody, Leavenworth
Jeff Janssen, Leavenworth
Doug Klunder, Bellingham – STR in Plain
Sean Lynn, Leavenworth
Megan Bond, Leavenworth
Denae Poss, Ponderosa
Hernan Savastano, Leavenworth
Colton Riblett, East Wenatchee
Kate Szurek, Fish Lake
Mary Pat Barton, Leavenworth
George Wilson, Lake Wenatchee
Maureen O’Dea-Mitchell, Ponderosa

MOTION:

Motion made by Commissioner Carl Blum, second by Commissioner Ed Martinez, to close the public comment portion of the meeting.

Vote – Unanimous

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the July 22, 2020, meeting.

Commissioner Greg Becker pointed out an error in the first paragraph of the minutes. Minutes from the July 9, 2020 meeting were inadvertently included. Director Jim Brown stated that the minutes would be corrected and put before the Planning Commission during the September 23, 2020 meeting.

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the August 26, 2020, meeting.

MOTION:

Motion made by Commissioner Greg Becker, second by Commissioner Carl Blum, to approve the minutes from the August 26, 2020, meeting.

Vote – Unanimous

NEW BUSINESS:

Water Code Process Update

Director Jim Brown explained that the Chelan County Water Management Program, that was introduced by Mike Kaputa, during the August 26, 2020, meeting was actually out of the purview of the Planning Commission. The Program falls under the Title 13 Section of the Chelan County Code and does not need to be put forth before the Planning Commission before going to the Board of County Commissioners.

DISCUSSION AT THE CHAIR'S DISCRETION:

Commissioner Carl Blum suggested that the Planning Commission should digest the information brought forth in tonight's meeting for discussion and a possible decision during the Planning Commission's next regularly scheduled meeting.

Director Jim Brown wanted to add a point of clarification. He pointed out that included in their packet was a revised code, from Lisa Grueter, from the July 9, 2020 Planning Commission meeting. The language was struck from the document that made reference to the vision statement. He stated to look at the code as if it was the night they voted to submit the final draft without that statement considered.

Director Jim Brown also gave instructions on how and when the Planning Commission is allowed to communicate with each other on the matter.

Commissioner Greg Becker asked when the absolute cutoff date would be for additional public comment. Chairman Ryan Kelso answered that said date would be September 16, 2020 at 5:00 pm.

Commissioner Carl Blum asked Director Jim Brown if the new Commissioners were sent to the Open Government Training Website. Mr. Brown answered that the gentlemen were so new to the group that the opportunity had not presented itself. He stated that he will make sure that the information is distributed to them.

ADJOURNMENT

MOTON:

Motion made by Commissioner Greg Becker, seconded by Commissioner Carl Blum, to adjourn the meeting.

Vote - unanimous

Meeting Adjourned at 9:04 pm.

Next Planning Commission Meeting is on September 23, 2020, at 7:00 pm – a Zoom meeting.

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

Exhibit D

Chelan County Short-Term Rentals

Planning Commission Recommendations July 9, 2020 | Report Date: September 1, 2020

Introduction

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. Short-Term Rentals are found across the county, but particularly in the Leavenworth-Peshastin area, Lake Wenatchee, Manson, and Chelan. The number of short-term rentals has increased rapidly in the last six years especially in Leavenworth and Manson areas.

Chelan County has been considering how to best address short-term rentals to allow for property owner income while protecting the character of residential communities across the county.

In 2019 Chelan County considered draft regulations. The Planning Commission and Board of County Commissioners heard comments and felt proposals did not 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. The process includes: development of a situation assessment; development of code options; Planning Commission review, hearing, and recommendations; and Board of County Commissioner review, hearing, and decision.

The Chelan County Planning Commission met seven times over April to July 2020 to develop draft short-term rental regulations, with a hearing on June 17, 2020 and deliberations on June 24 and July 9, 2020.

The Board of County Commissioners met in July and August 2020 to consider the Planning Commission Recommendations. The Board remanded the short-term rental code back to the Planning Commission for reevaluation in September 2020 including a new hearing and deliberation.

This document presents Planning Commission recommendations as of July 9, 2020 and would be the basis for the Planning Commission hearing scheduled for September 9, 2020.

Data on short-term rentals and the evolution of the draft code can be found at:

- Project website: <https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals>. Public comments received through the review process are posted at the project website.
- Planning Commission packets are located at this link: <https://www.co.chelan.wa.us/community-development/pages/planning-commission>.

Planning Commission Recommendations

The Consultant and County staff reviewed meeting minutes and direction from the Planning Commission at their deliberation on July 9, 2020 to document the recommendations; our intent was to accurately capture the voted options and reconcile between the options and code text. Footnotes explain final changes meant to match Planning Commission recommendations or to clarify information.

34 Planning Commission recommendations are illustrated in Exhibit 1 and described below.

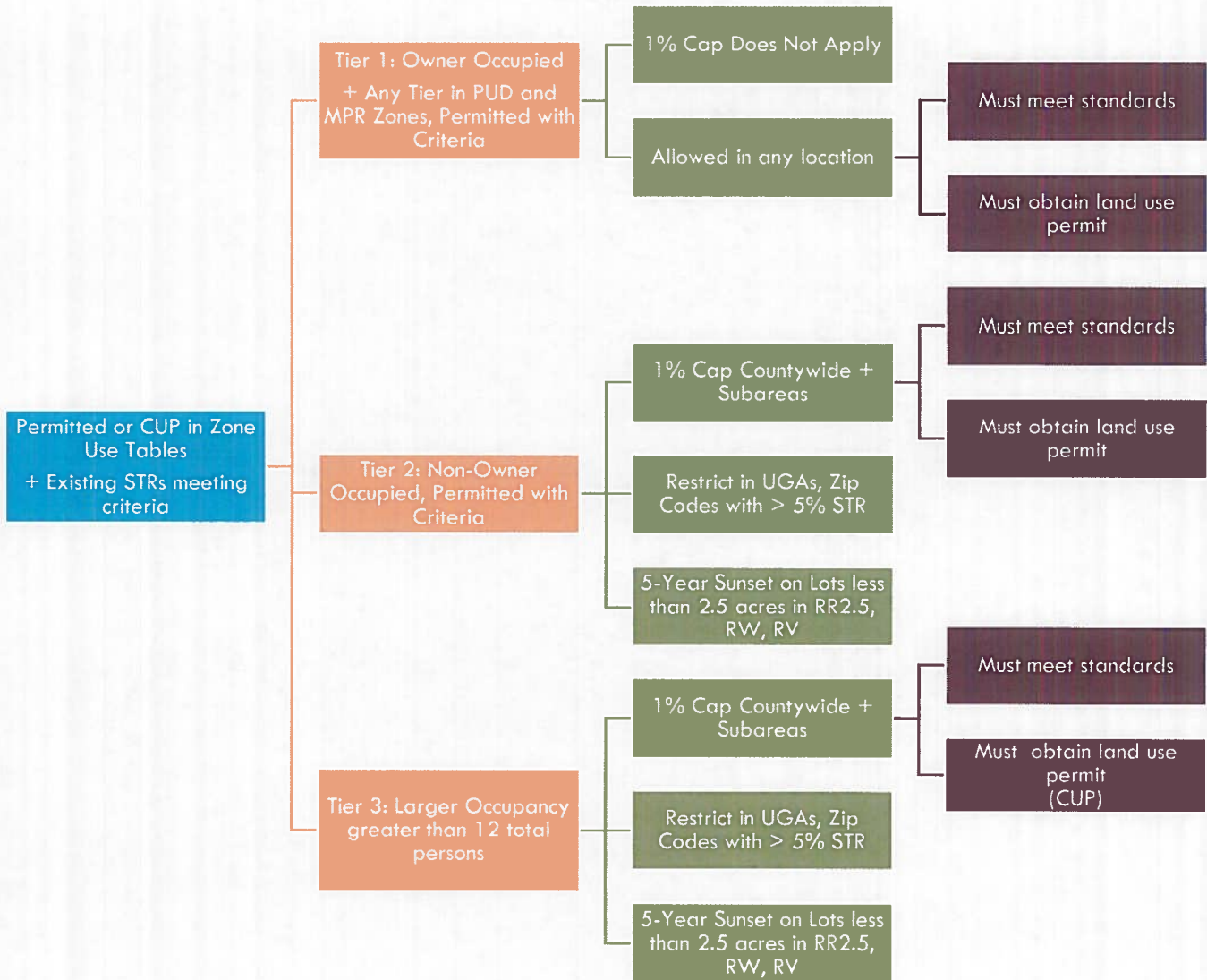
- 35 ■ **Zones Allowed:** A short-term rental owner/operator would determine if the zoning district permits
36 or conditionally permits a short-term rental. Tier 1 owner-occupied short-term rentals are permitted
37 in most zones in the County provided they meet operational standards and obtain a land use permit.
38 Tier 2 short-term rentals are non-owner occupied, and are permitted but are further restricted on
39 smaller lots in certain zones with a sunset clause, or limited in numbers in areas where there is a high
40 concentration of existing short-term rentals. Tier 3 short-term rentals are those with larger
41 occupancies (over 12 total guests) and would require conditional use permits and have similar
42 restrictions on locations and numbers as Tier 2.
- 43 ■ **Number Allowed:** New non-owner-occupied units (Tier 2) and larger occupancy short-term rentals
44 (over 12 guests; Tier 3) would be limited in number to 1% of existing compliant short-term rentals
45 documented countywide. The Tier 2 and Tier 3 short-term rentals could locate in unincorporated
46 areas except for zip codes, overlay zones, and Urban Growth Areas (UGAs) with more than 5%
47 short-term rentals as a share of total units.¹ See Attachment A for a map of zip codes, and
48 Attachment B for a map of the Leavenworth-Lake Wenatchee subareas. These areas are referenced
49 in relation to the restrictions on locations where short-term rentals make up more than 5% of the
50 housing stock. Also, due to community preferences and concern over neighborhood quality, new short-
51 term rentals would be limited in Peshastin and Manson UGAs particularly in residential zones. Tier 1
52 includes developments specifically designed for short-term rentals (e.g. Planned Unit Developments
53 and Master Planned Resorts) are not subject to the cap.
- 54 ■ **Operational Standards:** Tier 1, 2, or 3 units would be required to meet standards such as occupancy,
55 parking, noise, solid waste, pool/hot tub monitoring, adequate sewer and water, fire preparedness,
56 access to a qualified person within 60 minutes, establishing a property management plan, etc.
- 57 ■ **Existing Units:** Existing short-term rentals established prior to the effective date of the code would
58 need to meet criteria regarding use allowances in their zones (locating in a zone that allowed for a
59 similar use such as a bed and breakfast), use as a short-term rental, proper payment of taxes, and
60 compliance with operational standards. Permits would need to be obtained as well. Where existing
61 units are in the RR2.5, RV, and RW zones but are on lots less than 2.5 acres, there is a 5-year sunset
62 clause. Where existing units are in a zone that prohibits them, there is a 2-year sunset period.
- 63 ■ **Permit Process:** Once compliant numbers of existing units are established through a land use permit
64 process, the 1% cap of new units would be determined. Then new units could be permitted. The first
65 permit would require inspections and more detailed review, but annual renewal would be based on

¹ The threshold share of short-term rentals is 5% of the total housing stock which is similar to a recommendation in a study of Oregon jurisdictions that 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. See copy of study hosted by the City of Olympia's website: <https://engage.olympiawa.gov/4076/documents/5992>.

The rate of short-term rental growth has been occurring faster than new home construction in 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 (15.6%) and Manson (11.2%). Peshastin Zip Code is at 5.5%. Chelan is 3.9% and others are less than 2%. These percentages are based on whole house rentals and are corrected to exclude housing inside city limits. The number where only a room is offered is < 100. See Attachment D for the updated information.

66 self-certification and a more abbreviated review. Fees would be set to recover costs of permit
 67 reviews and inspections such as by the fire marshal, health district, etc.

68 **Exhibit 1. Proposed Short-Term Rental Regulation Process**



69

70 **Task Force**

71 In addition to the permitting and code compliance standards in the proposed regulations, the Planning
 72 Commission has recommended a Task Force be formed to review the effectiveness of the regulations
 73 after a 2 to 3 year period. It would have nine members.

74 See Attachment C.

75 **Schedule**

76 The Planning Commission recommendations will be the subject of a hearing on September 9, 2020. A
77 deliberation session is scheduled for September 23, 2020. More information about the schedule can be
78 found at the project website: [https://www.co.chelan.wa.us/community-development/pages/short-term-](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals)
79 [vacation-rentals](https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals)

80

81 Chelan County

82 Draft Short-term Rental Code

83 DRAFT July 9, 2020 | Planning Commission Recommendations

84 Use Allowance Amendments

85 CHAPTER 11.04 DISTRICT USE CHART

86 11.04.020 District Use Chart

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

- P — Permitted use
- P(1) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards
- P(2) — Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence
- P(3) — On lots 2.5 acres or smaller the short-term rental shall sunset within 5 years of XXX [effective date]**
- 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

90 **District Use Chart**

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

91 CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

92 **11.22.030 Permitted, Accessory and Conditional Uses**

93 (1) A district use chart is established and contained herein as a tool for the purpose of determining the
 94 specific uses allowed in each use district. No use shall be allowed in a use district that is not listed in the
 95 use chart as either permitted, accessory or conditional use, unless the administrator determines, by a

96 written administrative interpretation that may be appealed to the hearing examiner, that an unlisted use
 97 is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the
 98 requirements associated with that use and all other applicable provisions.

99 (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.

100

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

101

Land Uses	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
RESIDENTIAL USES								
Boarding/Lodging House ³	ACC	ACC	ACC	ACC!	ACC!			
Short-Term Rentals Tier 1 or Tier 2 ²				ACC	ACC			
Short-Term Rentals Tier 3				P	P			
COMMERCIAL USES								
Hotels/Motels/Lodging Facilities				PRM	PRM	PRM	PRM	

102

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

103

² Indoor facility only.

104

³ Per CCC 18.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two boarders, roomers, or lodgers is permitted as an accessory use.

105

106

CHAPTER 11.23 MANSON URBAN GROWTH AREA

107

11.23.030 DISTRICT USE CHART.

108

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.

109

110

UR1 Urban Residential-1

UR2 Urban Residential-2

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

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 Tier 1 or Tier 2	P¹	P¹	P¹	A¹	A¹		
Short-Term Rentals Tier 3				P¹	P¹		

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.~~

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

138 Short-Term Rental Standards

139 CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

140 **11.88.280 Short-Term Rental Regulations**

141 (1) PURPOSE

142 (A) The purpose of this section is to establish regulations for the operation of short-term rentals as
143 defined in Chelan County Code (CCC) 14.98.1692, within the unincorporated portions of Chelan
144 County. This chapter also establishes a short-term rental land use permit.

145 (B) The provisions of this chapter are necessary to promote the public health and safety by
146 protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the
147 impact of short-term rentals on adjacent residences.

148 (2) TYPE, NUMBER, AND LOCATION

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

150 (i) Tier 1: Owner-occupied short-term rentals where either (a) rooms are rented and the
151 owner is personally present at the dwelling during the rental period, or (b) the short-term
152 rental is located within 200 feet of the owner's primary residence³, or (c) the entire
153 dwelling is rented no more than 15 total days in a calendar year provided that an on-site
154 qualified person is there during the owner's absence. Portions of calendar days shall be
155 counted as full days.

156 (ii) Tier 2: Short-term rentals at a dwelling that is not the owner's principal residence or
157 that is rented more than 15 total days in a calendar year.

158 (iii) Tier 3: Short-term rentals exceeding occupancy limits of 11.88.280(3) or containing
159 group facilities designed to host events such as weddings, gatherings, or retreats.

160 (B) Number and Density

161 (i) Tiered Permits and Numbers Allowed.⁴

162 (a) Tier 1: Short-term rentals are allowed where permitted per subsection (C).⁵

163 (b) Tier 2 and Tier 3: The annual number of new short-term rental land use permits
164 issued must be capped to one percent (1%) of the total number of permitted short-

³ Editorial: Could clarify measurement: "within 200 feet of the parcel containing the owner's primary residence.

⁴ Editorial: Could move the (B)(i) to become title of (B) and renumber subsections accordingly.

⁵ With the consolidation of number and density provisions under Option J in Planning Commission's July 9, 2020 recommendations, only cross reference to (C) is needed for Tier 1.

165 term rentals in the county as determined through land use permit procedures in
 166 subsection (4) below, provided that:

167 (1) Short-term rentals in the following zones are not subject to the 1% cap:
 168 Planned Unit Development Overlay Districts expressly permitting short-term
 169 rentals, or Master Planned Resorts Overlay Districts.

170 (2) The number of short-term rentals subject to the cap cannot be located
 171 where short term rentals make up 5% or more of the total housing stock;⁶
 172 countywide, zip codes⁷, urban growth areas⁷, or the Leavenworth–Lake
 173 Wenatchee Overlay or any subarea within the overlay. If allowed in the
 174 future by paragraph (D), the number of short-term rentals subject to the
 175 cap cannot exceed 1% of the total countywide short-term rentals or
 176 exceed 1% of those located in the Leavenworth–Lake Wenatchee Overlay
 177 or any subarea within the overlay.⁶

178 (3) Leavenworth–Lake Wenatchee Overlay: An overlay district co-terminus
 179 with Zip Code 98826 encompassing Leavenworth–Lake Wenatchee. [See
 180 Attachment A.] It is further subdivided into three sub-areas for Lake
 181 Wenatchee, Plain, and Leavenworth, as well as lands abutting Fish Lake
 182 areas. [See Attachment B.]

183 (C) Zones Allowed. Short-term rentals must be permitted, accessory permitted, conditionally
 184 permitted, or prohibited pursuant to:

185 (i) Section 11.04.020 applicable to all Rural and Resource Designations, except as limited
 186 in Subsection (2)(B).⁸

187 (ii) Section 11.22.030 applicable to the Peshastin Urban Growth Area, except as limited
 188 in Subsection (2)(B).⁸

189 (iii) Section 11.23.030 applicable to the Manson Urban Growth Area, except as limited in
 190 Subsection (2)(B).⁸

191 (iv) In city-assigned Urban Growth Areas, pursuant to a city’s land use regulations,
 192 development standards, and land use designations, where the County has adopted such

⁶ The 1% cap identifies the total units allowed and paragraph (2) indicates where they can locate. The Planning Commission recommended Option J to “Continue the 1% cap on new Tier 2 and Tier 3 short-term rentals, but amend the code to limit new short-term rentals from locating in any place countywide where the share of short-term rentals exceeds 5%.” The July 2, 2020 deliberation draft code text at lines 388-393 conflicted with the intent of Option J by indicating “The number of short-term rentals subject to the cap cannot exceed 1% in any of the following locations where short term rentals make up 5% or more of the total housing stock...”. An unintentional reading of it is that Tier 2 and 3 rentals could locate in impacted areas but not add more than 1%. The intent of Option J was to consolidate elements of the hearing draft code to streamline it without changing meaning. Per the hearing draft code and Option J, the concept was to not allow Tier 2 or 3 short-term rentals until the share was below 5% in various impacted locations. Thus the first sentence has been changed to reconcile the code text with Option J as: “The number of short-term rentals subject to the cap cannot be located where short term rentals make up 5% or more of the total housing stock.” The hearing draft code was also intending that short-term rentals allowed by the 1% cannot all locate in one geographic area especially in the Leavenworth-Lake Wenatchee area; the last sentence is clarified to match the hearing draft and Option J intent to clearly indicate that when short-term rental units are allowed in the future if the share drops below 5% the 1% cap applies countywide and to the Leavenworth-Lake Wenatchee overlay.

⁷ Made plural since there is more than one in county.

⁸ With the consolidation of number and density provisions under Option J in Planning Commission’s July 9, 2020 recommendations, only cross reference to (2)(B) is needed.

193 pursuant to the County-City Memorandum of Understanding filed with the Chelan County
 194 Auditor July 8, 1997; provided that, the County's review procedures in this subsection
 195 11.88.280 must control.

196 (D)⁹ New short-term rentals may be established in the locations cited in subsection (2)(B)⁹ if the
 197 combined percentage of Tier 2 and Tier 3 short-term rentals as a share of total dwelling units is
 198 less than five percent (5%) and the applications meet all requirements of this section 11.88.280
 199 as determined by the Director.¹⁰ Total dwelling units must be determined based on the latest
 200 annual count of total housing units by the State of Washington Office of Financial Management.
 201 Short-term rental percentages must be determined at the time the number of allowed short-term
 202 rentals is determined per subsections (2)(B) and (4)¹¹ of this section.

203 (E) Existing Short-Term Rentals:

204 (i) A use shall not be considered lawfully established and existing as of the effective date
 205 of this ordinance XXX [effective date] unless the owner proves all of the following:

206 (a) That similar uses were allowed in the subject zones at the time the short-term
 207 rental was established, including but not limited to: bed and breakfast, guest inn,
 208 boarding house, lodging facility, hotel/motel, or other transient accommodation;
 209 and¹²

210 (b) That a location was used for short-term rental purposes during January 1,
 211 2019 to XXX [effective date]. The Director may permit homes with approved
 212 building permits after January 2019, constructed within six months of the effective
 213 date of this ordinance to be considered as an existing short-term rental; and

214 (c) That all applicable state and local taxes were fully and timely paid for all
 215 short-term rental use that occurred prior to XXX [effective date], which at a
 216 minimum includes sales tax and hotel/motel taxes; and

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

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

220 (f) If located inside of the Manson Urban Growth Area, documentary evidence that
 221 the short-term rental was properly registered as a vacation rental with Chelan
 222 County per 11.23.040 as of XXX [effective date].

223 (ii) Nonconforming Short-Term Rental Units in Restricted Zones: Where a zone does not
 224 allow short-term rental units as of XXX [effective date] according to CCC Sections
 225 11.04.020, 11.22.030, or 11.23.030, only those short-term rentals that exist as of XXX
 226 [effective date] and are compliant with criteria in subsection (i) above, will be allowed as

⁹ Based on Planning Commission recommendations (July 9th, Option J consolidation) this paragraph is renumbered.

¹⁰ 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.

¹¹ Corrected cross reference to (4) since that is where permit process is addressed.

¹² See CCC 11.04. Generally Bed and Breakfasts are allowed in all rural residential zones and resource zones as accessory uses, and guest houses are conditional use permits in the same zones except they are not allowed in commercial forest zones (FC). Lodging facilities are allowed in the RC zone.

227 nonconforming uses. Such uses may not be significantly changed, altered, extended, or
 228 enlarged and must cease after two years from XXX [effective date]. After expiration or
 229 revocation of the permit authorizing a legal nonconforming short-term rental, no operator
 230 shall operate a short-term rental.

231 (iii) See CCC 11.04.020. Within the RR2.5, RW, and RV zones, short-term rentals on lots
 232 2.5 acres or smaller shall sunset within 5 years of XXX [effective date].¹³

233 (3) SHORT-TERM RENTAL STANDARDS

234 (A) Primary or Accessory Residence. Short-term rentals must be operated out of an owner's main
 235 house or a legally established accessory dwelling unit. In no case, shall an owner or operator
 236 make available a recreational vehicle, tent, or other temporary or mobile unit for short-term
 237 rental.

238 (B) Occupancy.

239 (i) Overnight Occupancy. The owner or operator must limit overnight occupancy to no more
 240 than two guests per bedroom, not to exceed a total of 12 guests including children.
 241 Occupancy limits must comply with the International Residential Code.

242 (ii) Daytime Occupancy. At no time shall the total number of persons at a short-term rental
 243 exceed 12 persons, including children.

244 (iii) Exceeding Nighttime or Daytime Occupancy. In order to exceed daytime or nighttime
 245 occupancy limits an operator must obtain a Conditional Use Permit provided that the zone
 246 allows short-term rentals as an accessory, permitted, or conditionally permitted use and
 247 meets all other short-term rental requirements of this section. All applicable criteria of
 248 CCC Chapter 11.93 shall be met.

249 (C) Parking.

250 (i) One off-street patron parking space in addition to the residential parking
 251 requirements, not located within a setback, shall be provided for each bedroom.

252 (ii) The number of vehicles allowed at the short-term rental must be limited to the number
 253 of bedrooms plus one; this requirement must be included in the Property Management Plan
 254 per Section (3)(K).^{14 15}

255 (D) Garbage. Trash containers must be provided. Trash must be in proper containers on collection
 256 day. Where curbside recycling is available to the unit receptacles must be provided. Receptacles
 257 must be set out on the right-of-way and removed within twenty-four hours of pickup. Trash must
 258 be managed in compliance with CCC Chapter 4.04 Garbage. This requirement must be included
 259 in the Property Management Plan per Section (3)(K) and good neighbor guidelines per subsection
 260 (3)(M).

¹³ To match Planning Commission's recommendations on July 9, 2020 (amended Option C), the 5-year sunset limitation is stated here as well as in a note to the use chart in CCC 11.04.020 since this section contains regulations of existing short-term rentals and has other provisions about sunsets.

¹⁴ Corrected cross reference to (3)(K) instead of (2)(K).

¹⁵ Consider cross referencing to parking code and placing parking requirement in Chapter 11.90.

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

263 (F) Trespass. Owners or operators must provide rules in rental contracts restricting occupants from
 264 trespassing on neighboring private property and identify proper routes to public places such as
 265 easements to shorelines. Such trespass rules must be included in the property management plan in
 266 (3)(K) and good neighbor guidelines per subsection (3)(M).

267 (G) Signs. All owners or operators must display the address of the residence so that it is clearly
 268 visible from the street or access road. The rental must have a sign or other identifier on outside as
 269 short-term rental. The sign must be made of natural materials not exceeding two square feet in
 270 area and if illuminated, must be indirectly illuminated.

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

274 (I) Fire Safety and Outdoor Burning. Each owner or operator must include a fire protection plan in
 275 their property management plan in subsection (3)(K) to alert renters to respect firewise efforts on
 276 a property, or to comply with travel or activity restrictions of CCC Chapter 7.52, Fire Hazard
 277 Areas. The fire protection plan shall demonstrate consistency with a Ready Set Go program or
 278 equivalent. This includes, but is not limited to, restricting use of outdoor fire places or grills and to
 279 properly secure and restrict portable barbeques.

280 (J) Qualified Person.

281 (i) The owner or operator must provide the name, telephone number, address, and email
 282 of a qualified person (which can be a person or company) who can be contacted
 283 concerning use of the property and/or complaints and can respond to the property within
 284 60 minutes to complaints related to the short-term rental consistent with the requirements
 285 of this section. The owner or operator must provide a valid telephone number where
 286 qualified person can be reached 24 hours per day, every day.

287 (ii) The owner or operator must post a sign of similar materials and dimension as
 288 subsection (3)(G) with the contact information of the qualified person. If the permanent
 289 contact information changes during the permit period, the new information must be
 290 changed on the sign. Renewal applications must provide evidence of the sign. The Director
 291 may allow annual mailings to neighboring properties and an interior posted notice for
 292 tenants in lieu of an exterior sign where a property's size and visibility make an exterior
 293 sign ineffective. The purpose of this sign is so that adjacent property owners and residents
 294 can contact a qualified person to report and request resolution of problems associated
 295 with the operation of the short-term rental.

296 (K) Property Management Plan. Short-term rentals must maintain an up-to-date property
 297 management plan on file with the Chelan County Community Development Department and
 298 property owners within 300 feet of parcel boundaries within which the short-term rental is
 299 located. The property management plan must include the following:

300 (i) Provide a floor plan and site map clearly depicting the property boundaries of the
 301 short-term rental, and the escape route in case of an emergency. The map must indicate if
 302 there is an easement that provides access to a¹⁶ shoreline; if so, the boundaries of the
 303 easement must be clearly defined. If there is no access, this must be indicated together
 304 with a warning not to trespass;

305 (ii) Provide the unified business identifier number, and the names and addresses of the
 306 property owner;

307 (iii) Designate a qualified person and provide contact information consistent with (3)(j);
 308 and

309 (iv) Provide information required for Consumer Safety per (3)(H) and RCW 64.37.030
 310 and fire protection plan per (3)(I).

311 (v) All units must have an operable landline telephone installed to aid in emergency
 312 response, and the dwelling recorded in “Rivercom” data base.

313 (vi) The plan must identify the method by which the owner/operator will notify renters of
 314 emergency or temporary conditions such as burn bans.¹⁷

315 (vii) The plan must specify the maximum number of guests and number of bedrooms.

316 (viii) The plan must be kept up to date at the time of the annual permit and include the
 317 annual permit number per subsection (L).

318 (ix) The plan must include the Good Neighbor Guidelines per subsection (M).

319 (L) Annual Permit Number. The owner or operator must include the Chelan County land use permit
 320 number for the short-term rental in all advertisements (AirBnB, VRBO, Craigslist, poster, etc.) and
 321 marketing materials such as brochures and websites.

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

327 (N) Liability Insurance. A short-term rental owner or operator must maintain primary liability
 328 insurance consistent with RCW 64.37.050.

329 (O) Taxes. The owner or operator must be in compliance with CCC Chapter 6.30 Lodging Tax,
 330 and other local sales taxes and state hotel/motel and sales taxes in accordance with the
 331 Department of Revenue.

¹⁶ Changed from “the” to “a” since it could be any shoreline.

¹⁷ The Planning Commission discussed adherence to health guidelines such as 24 hours between guests and determined that standards of cleanliness are likely beyond the scope of a land use permit (and may be self-regulating as guests would likely use short-term rentals where an owner/operator strives to demonstrate voluntary measures to provide for health). This provision to ensure that emergency or temporary conditions are communicated to guests by the owner/operator/qualified person could encompass health if there was an emergency health district order.

332 (4) LAND USE PERMITS

333 (A) Land Use Permit Required. No short-term rental owner or operator may advertise, offer, operate,
 334 rent, or otherwise make available or allow any other person to make available for occupancy or use
 335 a short-term rental without a valid short-term rental land use permit issued by the Director.

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

337 (C) Permit Applications. Short-term Rental owners must apply for a land use permit to establish
 338 compliance with this code. Fees consistent with CCC 3.24.010 must be paid. The Director may
 339 waive the initial conditional use permit fee if the applicant provides written and notarized proof
 340 that an approval was granted by Chelan County prior to the effective date of this code. All other
 341 permit costs apply.

342 (D) Application Acceptance and Evaluation.

343 (i) From September 1 to October 31 each year, existing short-term rental owners must
 344 submit a Short-Term Rental Land Use Application. By February 1 of each following year the
 345 Director must report the baseline number of authorized existing short-term rentals and
 346 identify the number of new short-term rentals allowed pursuant to subsection (2)(B). From
 347 February 15 to March 15, the Director must accept new applications for short-term
 348 rentals. Compliant permits will be entered into a lottery by June 1. The lottery must be
 349 conducted at a public meeting after the publishing of a legal notice a minimum of 10 days
 350 prior to the lottery. The number of issued permits selected by lottery will not exceed the
 351 number allowed per the applicable cap in subsection (2)(B). Selected permits remain valid
 352 until such time as an annual renewal is required.

353 (ii) Within the first year of adoption of this code (effective date XXX, 2020), the Director
 354 may provisionally approve initial short-term rental land use permits subject to the owner
 355 completing a self-certification form provided that inspections in subsection (4)(H) are
 356 accomplished prior to the first renewal thereafter.

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

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

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

367 (H) Fire, safety, health and building compliance.

368 (i) Fire and Emergency Safety. Prior to approving the initial short-term rental permit, the
 369 applicable fire district or fire marshal must perform a life-safety inspection, except as
 370 provided under subsections (H)(iv) and (H)(v).¹⁸

371 (ii) Water and Wastewater. The Chelan-Douglas Health District must inspect the short-term
 372 rental to ensure that there is a verifiable legal source of water that meets applicable
 373 standards, and an approved on-site sewage disposal system, except as provided under
 374 subsections (H)(iv) and (H)(v).¹⁸

375 (iii) Hot Tubs or Pools. The Chelan-Douglas Health District must inspect new hot tubs or
 376 pools. Existing and new hot tubs and pools shall be annually monitored by either the
 377 District or a third-party inspector. Water quality shall be consistent with Chapter 246-260
 378 WAC and Chapter 246-262 WAC.

379 (iv) The Director may waive inspections under subsections (H)(i) and (H)(ii) and (H)(iii)¹⁹
 380 associated with the initial short-term rental permit if the owner provides a notarized
 381 affidavit from the applicable fire district or fire marshal or Chelan-Douglas Health District
 382 that the short-term rental is in compliance with applicable requirements in subsections (H)(i)
 383 and (H)(ii).

384 (v) The County building official must review each initial short-term rental application to
 385 ensure occupancy and other applicable building code requirements are met.

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

389 (vii) Owner Responsibility. It is the owner's responsibility to assure that the short-term
 390 rental is and remains in substantial compliance with all applicable codes regarding fire,
 391 building and safety, health and safety, and other relevant laws.

392 (I) Only one transfer of ownership is allowed, and the short-term rental is limited to a three-year
 393 operational period provided all permits per subsection (4) are obtained. A transfer occurs when
 394 the property is sold to a person or when officers of corporations are changed to remove former
 395 officers and add new officers. At the time of the only transfer, all permits shall include the
 396 following provision: "This permit shall automatically expire upon sale or transfer of the property,
 397 or three years, whichever comes first." After a single transfer, the short-term rental permit is no
 398 longer valid after the land use permit expiration date. The operator must obtain a new short-term
 399 rental permit compliant with this section following expiration or cease operation. New owners must
 400 certify compliance with the conditions of permit approval within 90 days after the closing date of
 401 the sale of the property. Written certification must be submitted to the Community Development
 402 Department on forms specified by the Director. New owners must apply for a new permit by the
 403 annual deadline.

¹⁸ Corrected cross references with the insertion of Planning Commission recommendation on Option K regarding hot tubs or pools.

¹⁹ Due to addition of Planning Commission Recommendation of Option K on Hot Tubs and Pools added cross reference.

(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.

(6) MONITORING

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

Chapter 11.93 Conditional Use Permits

11.93.450

All short-term rental applications requiring a conditional use permit shall be consistent with CCC 11.88.

Chapter 3.24 Community Development Department Fees

3.24.010 FEE SCHEDULE.

(a) Planning.

Application Type	Fee
Conditional use permit	\$1,520
<u>Short-term rental (Tier 1, first permit)</u>	<u>\$500</u>
Short-term rental (<u>Tier 2, inspection not required, annual first permit</u>)	\$500

Application Type	Fee
Short-term rental (Tier 2, inspection required first permit)	\$900
Short-term rental (Tier 3 first permit)	\$1,520
Short-term rental (Tier 1 annual renewal)	\$75
Short-term rental (Tier 2 annual renewal)	\$150
Short-term rental (Tier 3 annual renewal)	\$225

Definitions

14.98 DEFINITIONS

14.98.1410 Person.

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

14.98.1632 Bedroom

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

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.

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.

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,

457 dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an
 458 owner.

459 **16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS**

460 **16.20.010 Compliance**

461 Short-term rental owner's or operator's must comply with short-term rental regulations in Titles 11 and 14
 462 CCC. Violations and enforcement must be in accord with Title 16 CCC.

463 **16.20.020 Enforcement Procedures, Notices, and Citations**

464 (1) Enforcement Procedures. Except as specified in this Chapter 16.20, all enforcement procedures of
 465 Title 16 apply to short-term rental owner's or operator's.

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

471 (3) Citations must be issued consistent with Chapter 16.08, provided that citations may be issued on-site
 472 at the discretion of the code compliance officer if a violation of Short-Term regulations in Titles 11 and
 473 14 CCC occurs. Alternatively, the citation may be accomplished in another manner consistent with Title 16.

474 **16.20.030 Civil Penalties**

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

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

480 **16.20.030 Revocation**

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

484 (2) The following conditions may result in revocation of land use permits granted under short-term rental
 485 regulations in Titles 11 and 14 CCC:

486 (A) Failure to renew a short-term rental land use permit pursuant to CCC 11.88.280 short-term
 487 rental regulations and Title 14 is grounds for immediate revocation of the permit.

488 (B) Failure to meet the criteria of CCC 11.88.280 Short-Term Rental Regulations is grounds for
 489 immediate revocation of the short-term rental land use permit.

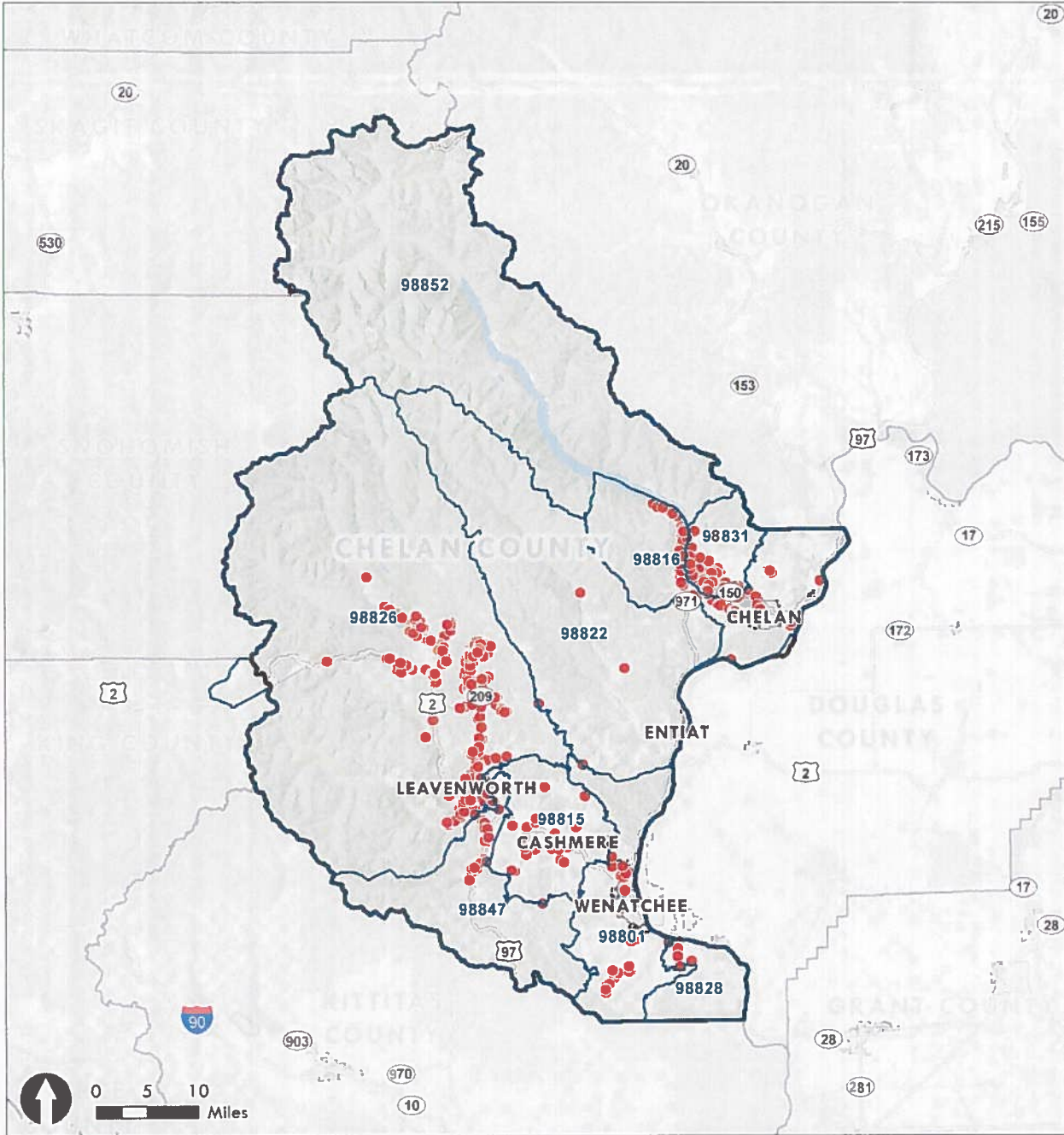
490 (C) The discovery of material misstatements or providing of false information in the short-term
 491 rental land use permit application or renewal process is grounds for immediate revocation of the
 492 permit.

493 (D) Such other violations of Titles 11, 14, and 16 of sufficient severity in the reasonable judgment
494 of the Administrator,²⁰ so as to provide reasonable grounds for immediate revocation of the land
495 use permit.

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

²⁰ 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.

498 **Attachment A: Countywide Zip Code Map**



LEGEND

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

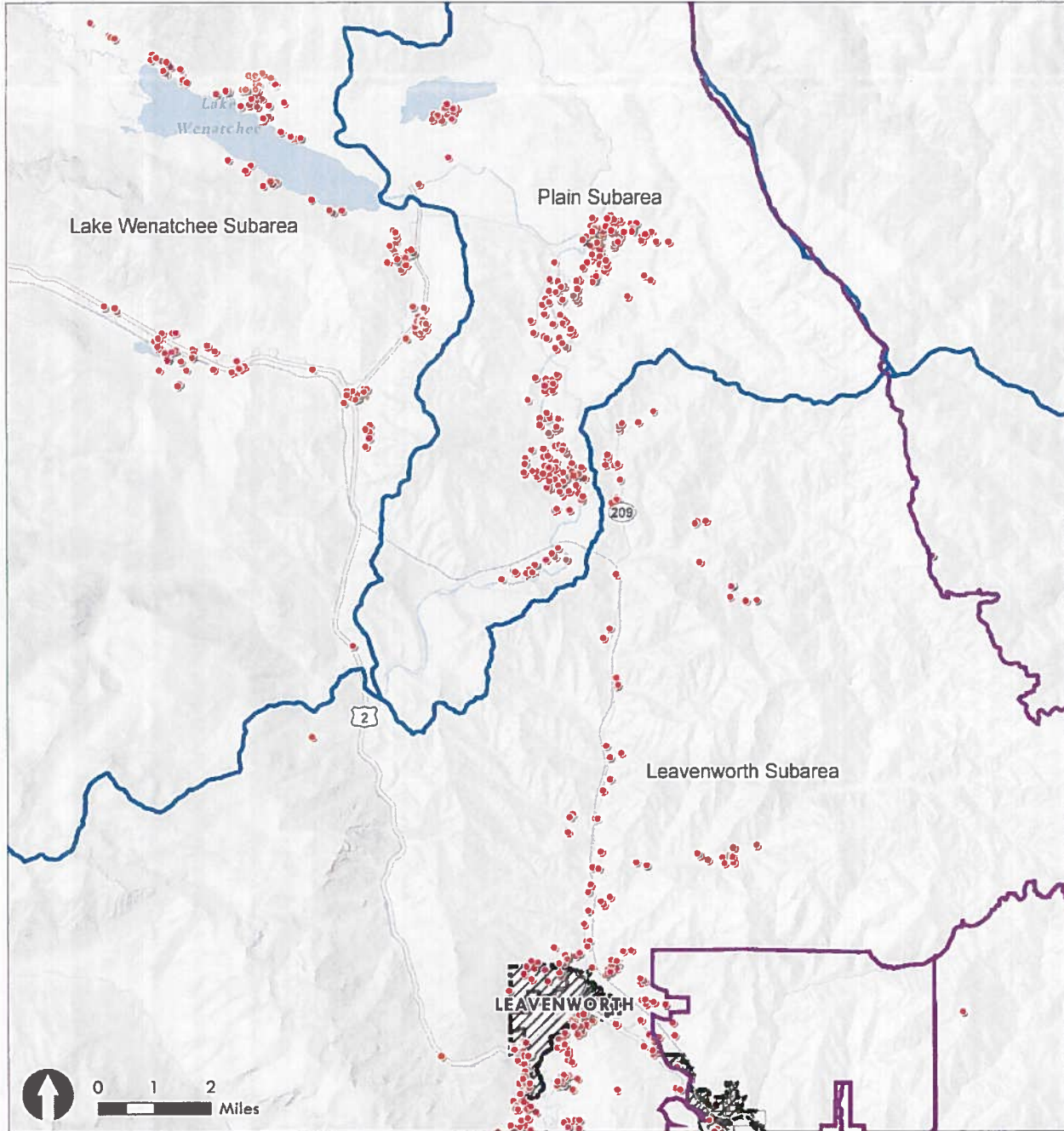


Source: AirDNA, 2020.
 Data notes: This data tracks individual short-term rental property level from AirBNB and HomeAway. The location data on individual properties is within 500 meters of accuracy. It shows only properties that are assumed to be in unincorporated areas and are listed as an entire home/apartment.

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

501

Attachment B: Leavenworth-Lake Wenatchee Subareas



502

LEGEND

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



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

503

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

ATTACHMENT C: STR TASK FORCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STR Task Force

The Chelan County Planning Commission proposes to the Chelan County Board of Commissioners the forming of a voluntary Task Force in 24-36 months from the date of passage of the Chapter 11.88.280 Short Term Regulations. The purpose of the Task Force is to review the effects of the new regulations, and to determine if any refinement or clarification (of the code) needs to be made in order to address the performance and any issues that may have arisen during this 24-36 month period. Also, to assure that all aspects of the mission statement of May 20, 2020 issued by the Chelan County Board of Commissioners has been adequately addressed.

Considering the complexity of the issue at hand, it is felt such a review and possible recommendations would and could be beneficial for the county and its citizens. It is expressly not the purpose of the Task Force to rewrite the document (code), but merely to review its performance and suggest fine tuning points if any are felt necessary.

The Task Force would be composed of:

1. 3 - Owners of Short-Term Rental units
2. 3 - Individual home homeowners (non-STR owner)
3. 2 - Planning Commission Members
4. 1 - Community Development staff designee as Chairperson

Thank-you for your consideration.

Respectfully,

Chelan County Planning Commission

DRAFT

506 **ATTACHMENT D: UPDATED SHORT-TERM RENTAL INFORMATION**

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

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

- 510 ▪ Leavenworth (higher)
- 511 ▪ Manson (no change)
- 512 ▪ Peshastin (no change)

513 **Table D-1. Shares of Short-Term Rentals by Zip Code: Whole Home Short-Term Rentals**

Zip Code Community Name	Zip Code	Total Dwellings 2019	Total Unincorporated Dwellings 2019	January 2020 Active short- term rentals	% short-term rentals - Unincorporated
Leavenworth	98826	6,099	4,811	749	15.6%
Manson	98831	2,519	2,519	281	11.2%
Chelan	98816	5,333	2,492	97	3.9%
Peshastin	98847	956	956	53	5.5%
Wenatchee	98801	17,989	3,607	30	0.8%
Cashmere	98815	2,977	1,785	28	1.6%
Malaga	98828	908	908	5	0.6%
Entiat	98822	1,138	551	4	0.7%
Various	Various	836	836	0	0.0%
Total		38,672	18,466	1,247*	6.8%

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

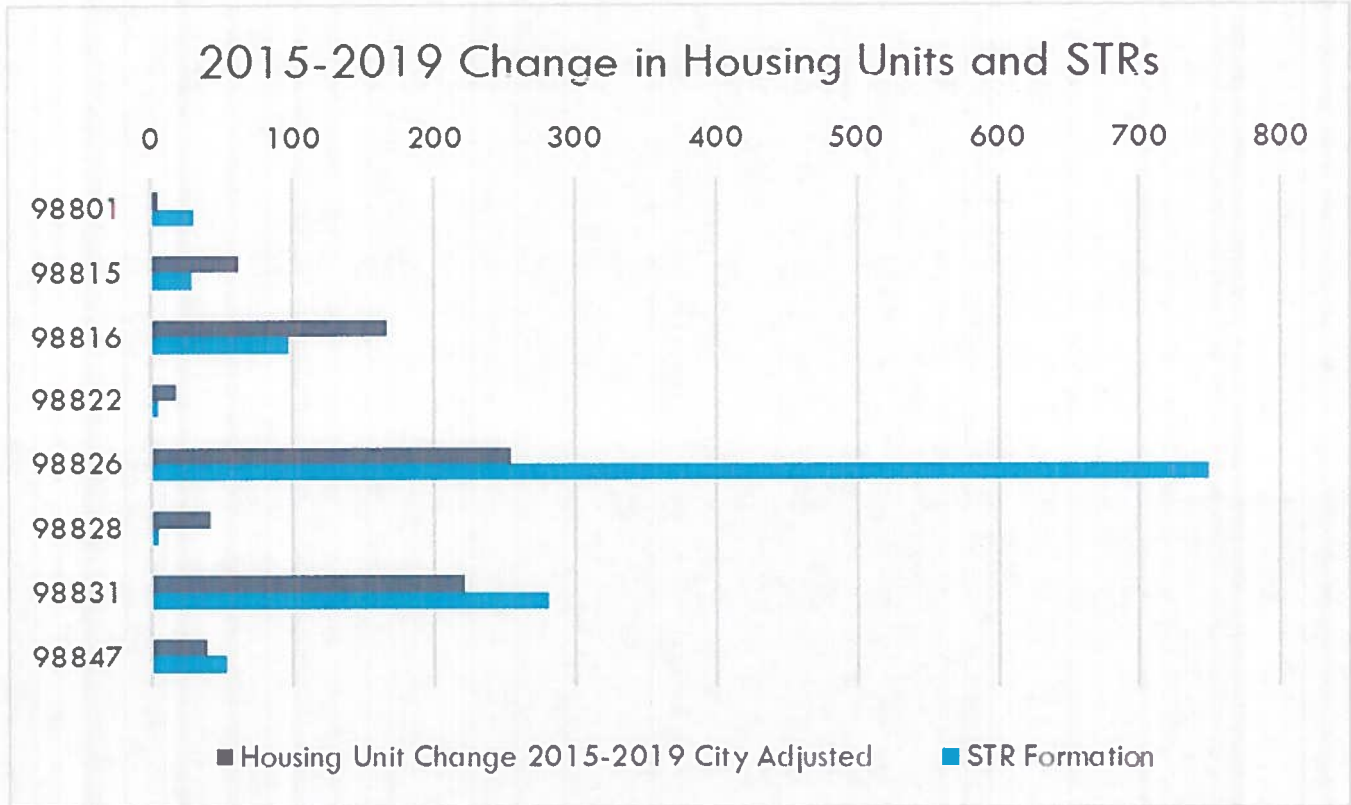
516 **Table D-2. Zip Codes with No Short-Term Rentals per AirDNA**

Zip Code Community Name	Zip Code	Total Dwellings 2019 (Unincorporated)
-------------------------	----------	--

Zip Code Community Name	Zip Code	Total Dwellings 2019 (Unincorporated)
Ardenvoir	98811	37
Chelan Falls	98817	158
Dryden	98821	212
Monitor	98836	227
Stehekin	98852	203
Total		836

- 517 Sources: Powered by AirDNA: <https://www.airdna.co>, 2020. State Office of Financial Management, 2019. BERK 2020.
- 518 Correct March 30, 2020 Situation Assessment Exhibit 12, page 13. Compare new housing units to short-
- 519 term rentals and correct for homes in city limits.
- 520 Results show a higher formation of short-term rentals compared to new housing stock in Zip Codes:
- 521 ▪ Leavenworth (previously identified)
- 522 ▪ Manson (new)
- 523 ▪ Peshastin (new)
- 524 In Wenatchee, small formation of both dwelling units and short-term rentals.
- 525 These results are in line with other information about short-term rentals as a share of total housing stock.

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



527

528

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