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6 BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
7 EASTERN WASHINGTON REGION

8 COMMUNITY LODGING OPERATORS OF
9 CHELAN COUNTY, a Washington limited
liability company, et al.,

10 Petitioners,

11 v.

12 CHELAN COUNTY, WASHINGTON, a
13 Washington municipal corporation,

14 Respondent.

Case No. _____

PETITION FOR REVIEW

15 **I. PETITIONER**

16 1.1 The Petitioners in this action are Community Lodging Operators of Chelan County
17 (f/k/a Fairness in Grandfathering), a Washington limited liability company, with an address of
18 1570 W. Armory Way, Suite 101, Seattle, WA 98199, telephone number is 206-849-0546, and
19 email address is tim.sale@gmail.com, and the individuals as follows:

20

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PETITION FOR REVIEW - 1

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PETITION FOR REVIEW - 2

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PETITION FOR REVIEW - 3

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Riverside Properties	9752 East Leavenworth Rd., Leavenworth WA 98826	arivivir@gmail.com	
The Boulder House LLC	8078 Bayne Rd., Leavenworth, WA, 98826	the-boulder-house@googlegroups.com	

(the “Petitioners”).

1.2 Petitioners are represented by Donald E. Marcy, Nicole De Leon, and Cairncross & Hempelmann, P.S. The address of Petitioners’ attorneys is 524 Second Avenue, Suite 500, Seattle, WA 98104-2323; Telephone: (206) 587-0700; Facsimile: (206) 587-2308; electronic mail addresses are dmarcy@cairncross.com and ndeleon@cairncross.com.

II. THE CHALLENGED ACTION

2.1 Petitioners challenge Chelan County’s (“Respondent” or “County”) adoption of Resolution No. 2021-95, as amended by Resolution No. 2021-114 and Resolution No. 2021-120 (collectively, the “STR Resolution”), which amended the Chelan County Code by adopting regulations governing short term rentals (“STRs”). A copy of all identified Resolutions is attached.

2.2 The STR Resolution was adopted on July 27, 2021 and notice of adoption was published on or about July 31, 2021.

III. DETAILED STATEMENT OF THE ISSUES

3.1 Did the County violate the requirements of RCW 36.70A.020(5) to “promote the retention and expansion of existing businesses” when the County implemented a regulatory framework that promotes the elimination of existing STR operations and when it failed to meaningfully account for the adverse economic impacts of the STR Resolution on existing STRs?

1 3.2 Did the County violate the requirements of RCW 36.70A.020(6) stating “[t]he
2 property rights of landowners shall be protected from arbitrary and capricious discriminatory
3 actions” when the County adopted a regulatory framework that illegally divested existing STRs of
4 the property right to continue use as a legal nonconforming STR?

5 3.3 Did the County violate the requirements of RCW 36.70A.020(9) to “enhance
6 recreational opportunities” when the County implemented a regulatory framework that eliminates
7 a significant number of existing STRs and thereby reduces the number of lodging options for
8 recreators and their opportunity to enjoy recreational activities?

9 3.4 Did the County violate the requirements of RCW 36.70A.020(11) to “[e]ncourage
10 the involvement of citizens in the planning process and ensure coordination between communities
11 and jurisdictions to reconcile conflicts” when the County repeatedly favored the special interests
12 of certain constituents while wholly disregarding and dismissing the concerns of others?

13 3.5 Did the County violate the requirements of RCW 36.70A.035(2)(a) to provide an
14 opportunity for review and comment on changes when the County proposed and adopted material
15 and significant changes to the STR Resolution regarding the timing for compliance of existing
16 STRs after the final public hearing and close of the written comment period?

17 3.6 Did the County violate the requirements of RCW 36.70A.040(3) to “adopt
18 development regulations that are consistent with and implement the comprehensive plan” when
19 the County adopted development regulations that are inconsistent with numerous goals and
20 policies of the Chelan County Comprehensive Plan, including, but not limited to, goals and policies
21 that instruct the County to promote and encourage uses related to tourism and recreation, and to
22 consider the economic development impact in land use planning (e.g., Goals LU 12 and PR 1, and
23 Policies LU 6.4, RE 4.1, ED 2, ED 6.2, ED 6.4, as well as others)?

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IV. STANDING

Petitioners have participation standing, pursuant to RCW 36.70A.280(2)(b). The Petitioner Community Lodging of Chelan County submitted written and oral comments to the County during the public hearing and written comment process under its former name "Fairness in Grandfathering." The individuals named as Petitioners also submitted written and oral comments to the County during the public hearing and written comment process.

Petitioners also have standing as owners of real property within Chelan County who will experience significant harm as a result of the STR Resolution, pursuant to RCW 36.70A.280(2)(d).

V. ESTIMATED TIME REQUIRED FOR HEARING ON THE MERITS

The Petitioners estimate that the hearing in this matter will last approximately 4 hours.

VI. RELIEF SOUGHT

Petitioners request that the Board rule the STR Resolution to be noncompliant with the GMA and remand the challenged action to the jurisdiction to take the necessary legislative actions for it to be compliant with the GMA.

Petitioners further request that the Board determine that the continued validity of the STR Resolution would substantially interfere with the fulfillment of the goals of the GMA and issue an order of invalidity as to the STR Resolution.

The Petitioners have read the Petition for Review and believes the contents to be true.

DATED this 29th day of September, 2021.

CAIRNCROSS & HEMPELMANN, P.S.



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RESOLUTION 2021-95

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PETITION FOR REVIEW - 7

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RESOLUTION NO. 2021- 95

Re: Adoption of amendments to Chelan County Codes, Title 11 Zoning and Title 14 Development Permit Procedures and Administration and Definitions, and Title 16 Enforcement and Violations with associated fees in Chapter 3.24 Community Development Department

WHEREAS, short term rentals have potential negative impacts to residential areas including but not limited to nuisance impacts and excess demands upon law enforcement, and other negative impacts on the peaceful enjoyment of neighborhoods and public health, safety, and welfare, and

WHEREAS, the proliferation of short term rentals also has a potential negative impact on the economy of the county, exacerbating the scarcity of affordable housing for permanent residents as well as excess demands on public services and facilities, and

WHEREAS, the County has adopted a Comprehensive Plan with land use, housing, and rural element goals and policies intended provide appropriate placement of vacation rentals to avoid impacting neighborhood character, allow sustainable economic opportunity while limiting localized sprawl, support natural resource-based economic activities including small scale recreation and tourist uses, traditional rural lifestyles, outdoor recreation, wildlife habitats, and open space, and

WHEREAS, the County adopted vacation rental regulations for Manson Urban Growth Area in 2013, and

WHEREAS, the County lacks adequate countywide regulations to implement its Comprehensive Plan goals and policies and address public health, safety, and welfare, and

WHEREAS, the County enlisted the Planning Commission to develop a draft code at public meetings and hearings in 2020, and

WHEREAS, the County provided a 60-day notice of intent to adopt regulations with the Washington Department of Commerce in 2020, and

WHEREAS, the County issued a determination of non-significance in June 2020 and a revised determination of non-significance in December 2020 and July 2021, and

WHEREAS, the County formed a Task Force with representatives of county residents and short-term rental owners in 2021 to identify options to address short-term rental regulations starting with regulations developed in December 2020, and

WHEREAS, the County Board of Commissioners held meetings and duly advertised hearings in 2020 and 2021, invited public testimony for or against the proposal, and reviewed the testimony and written record, and

WHEREAS, the Board of Chelan County Commissioners found that:

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 June 11, 2020 and reaffirmed in a revised DNS on December 20, 2020 and July 22, 2021. The Land Divisions Ordinance Chapter 12.22, Plat Vacations and Plat Alterations, have been contemplated.
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. 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. The short-term rental regulations are necessary for consistency with the goals and policies of the Chelan County Comprehensive Plan.
7. RCW 36.70A.140 requires Chelan County to provide for early and continuous public participation in the development and amendment of the Development Regulations.
8. Chelan County developed a project website, offered comment periods, and duly noticed hearings.
9. The Chelan County Planning Commission held workshops on April 22, May 13, May 27 and June 3, 2020 on the proposed amendments.
10. Notice of the public 60 day review and comment period, and public hearing date was published in the Wenatchee World on June 6, 2020 for amendments.

11. On May 14, 2020, 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.
12. On June 27, 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, rendering a Decision on July 9, 2020.
13. 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.
14. The Chelan County Board of County Commissioners held study sessions on July 27 and August 4, 2020.
15. The Chelan County Board of County Commissioners remanded the draft code to the Planning Commission on August 24, 2020.
16. Notice of the public 60 day review and comment period, and public hearing date was published in the Wenatchee World on August 27, 2020 for amendments.
17. On September 9, 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, rendering a Decision on October 15, 2020.
18. On November 24, 2020, Chelan County provided an additional updated 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.
19. On December 22, 2020, the Chelan County Board of Commissioners conducted an advertised public hearing. The Board of Commissioners entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
20. On December 29, 2020, the Chelan County Board of Commissioners deliberated the merits of the proposal continued the hearing for at least 90 days while a Task Force was appointed and assigned to review the drafts of the code and make a recommendation focused on seven areas of the drafts.
21. On May 11, 2021, the Chelan County Board of Commissioners received the Task Force report and accepted it.
22. On June 29, 2021, the Chelan County Board of Commissioners conducted an advertised public hearing. The Board of Commissioners entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal on July 13 and July 27, 2021.
23. Any Finding of Fact that is more correctly a Conclusion is incorporated herein as such by this reference.

CONCLUSIONS:

1. Chelan County adoption of amendments to the Chelan County Codes, Title 11 Zoning and Title 14 Development Permit Procedures and Administration and Definitions and Title 16 Enforcement and Violations together with associated fees in Chapter 3.24 Community Development Department will fulfill the requirements of RCW 36.70A.040 to adopt development regulations consistent with and implementing the Chelan County Comprehensive Plan.
2. Public participation and notification requirements contained in RCW 36.70A.140 were met. Legal notification of the public hearings was published in the official county newspaper, and the draft documents were available at the Chelan County Department of Community Development.
3. Reviewing agencies were given an opportunity to comment on the proposed amendments.
4. Chelan County has considered written and oral comments and submittals from the public, other public agencies, and tribes in the preparations and review of the proposed amendments to the Chelan County Development Regulation.
5. The adoption of these code amendments to the Chelan County Development Regulations are in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.
6. The proposed amendments have been processed to comply with the requirements of RCW 43.21C, the State Environmental Policy Act.
7. Any Conclusion that is more correctly a Finding of Fact is incorporated herein as such by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chelan County Commissioners hereby adopts the attached (Attachments "A") revised Development Regulations Text Amendments to the Chelan County Codes Title 11 Zoning and Title 14 Development Permit Procedures and Administration and Definitions and Title 16 Enforcement and Violations together with associated fees in Chapter 3.24 Community Development Department.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in force from and after September 27, 2021.

BE IT FURTHER RESOLVED that this decision is hereby signed into authentication on the following date,

Dated this 27th day of July, 2021.

BOARD OF CHELAN COUNTY COMMISSIONERS


BOB BUGERT, CHAIRMAN

ATTEST: CARLYE BAITY


KEVIN OVERBAY, COMMISSIONER


Clerk of the Board


TIFFANY GERING, COMMISSIONER



RESOLUTION 2021-114

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PETITION FOR REVIEW - 8

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RESOLUTION 2021- 114

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED this 7th day of September 2021.

BOARD OF CHELAN COUNTY COMMISSIONERS

ATTEST:



Carlye Baity
CARLYE BAITY, Clerk of the Board

Bob Bugert
BOB BUGERT, CHAIRMAN

Kevin Overbay
KEVIN OVERBAY, COMMISSIONER

Tiffany Gering
TIFFANY GERING, COMMISSIONER

Short-Term Rental Standards

CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

11.88.290 Short-Term Rental Regulations

(2) TYPE, NUMBER, AND LOCATION

(E) Existing Short-Term Rentals:

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

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

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

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

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

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

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

(4) LAND USE PERMITS

(D) Application Acceptance and Evaluation.

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

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

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

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

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

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

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

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

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

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

RESOLUTION 2021-120

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PETITION FOR REVIEW - 9

CAIRNCROSS & HEMPELMANN, P.S.
ATTORNEYS AT LAW
524 Second Avenue, Suite 500
Seattle, Washington 98104-2323
office 206 587 0700 fax 206 587 2308

RESOLUTION 2021- 120

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

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

WHEREAS, the adopted Exhibit Attachment A, includes subsection 11.88.290(4)(A)(i) which references the requirement for all short term rentals to have permitting required on, or after September 27, 2021 and references where exceptions are provided within the code section; and,

WHEREAS, the official record of multiple code drafting discussions by Board of Commissioners, intended that 11.88.290(4)(A)(i) provided exceptions would be allowed in the short-term rental code as contained in 11.88.290(4)(D)(i) and stated as “below” that reference where the exceptions are actually contained; and,

WHEREAS, the code adopted in the Exhibit Attachment A of Resolution 2021-95 reflected an error by instead inadvertently containing a reference to subsection (3)(D)(i), which is actually “above” that point, and provides for no exceptions to permitting requirements and is instead about garbage disposal standards; and,

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

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

BE IT RESOLVED that Section 11.88.290(4)(A)(i) shall read as corrected in Exhibit: “Attachment A”:

(A) Land Use Permit Required.

(i) On, or after September 27, 2021, and except as provided in subsection (4)(D)(i) below, 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 as a short-term rental without a valid short-term rental administrative land use permit issued by the Director or a Conditional Use Permit approved by the Hearing Examiner pursuant to this Chapter 11.88, and Chapter 14.10. All dwelling units on a single parcel shall

be reviewed concurrently in the same application, and the dwelling to be used as a short-term rental shall be clearly identified.

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

RESOLVED this 21 day of September 2021.

BOARD OF CHELAN COUNTY COMMISSIONERS

ATTEST:



Carlye Baitt
CARLYE BAITT, Clerk of the Board

Bob Bugert
BOB BUGERT, CHAIRMAN

Kevin Overbay
KEVIN OVERBAY, COMMISSIONER

Tiffany Gering
TIFFANY GERING, COMMISSIONER

Short-Term Rental Standards

CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

11.88.290 Short-Term Rental Regulations

(4) LAND USE PERMITS

(A) Land Use Permit Required.

(i) On, or after September 27, 2021, and except as provided in subsection ~~(34)~~(D)(i) below, 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 as a short-term rental without a valid short-term rental administrative land use permit issued by the Director or a Conditional Use Permit approved by the Hearing Examiner pursuant to this Chapter 11.88, and Chapter 14.10. All dwelling units on a single parcel shall be reviewed concurrently in the same application, and the dwelling to be used as a short-term rental shall be clearly identified.

1 RESOLUTION ATTACHMENT A
2 FINAL ADOPTED SHORT TERM RENTAL CODE
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PETITION FOR REVIEW - 10

CAIRNCROSS & HEMPELMANN, P.S.
ATTORNEYS AT LAW
524 Second Avenue, Suite 500
Seattle, Washington 98104-2323
office 206 587 0700 fax 206 587 2308

Exhibit: "**ATTACHMENT A**" (version with only-code changes, for code publishing use-with scrivener error corrections shown from BOCC action on September 7, 2021, and BOCC fee correction action September 14, 2021, and additional scrivener error on September 21, 2021)

CHAPTER 11.04 DISTRICT USE CHART

11.04.020 District Use Chart

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

(2) The following acronyms and notes 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

P(3) For short-term rentals newly permitted and first established after September 27, 2021 the minimum lot size requirement to establish a short-term rental is as provided in 11.88.290(2)(D).

A — Accessory use

A(1) — Accessory use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards

CUP — Conditional use permit—Subject to development standards in Chapter 11.93 and/or within this chapter

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

District Use Chart

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

CHAPTER 11.22 PESHASTIN URBAN GROWTH AREA

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

18 is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the
19 requirements associated with that use and all other applicable provisions.

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

22 (3) The following acronyms apply to the following use chart:

Uses:

PRM = Permitted use

ACC = Accessory use

CUP = Conditional use—Subject to development standards in Chapter 11.93 and/or within this chapter

Where a cell is empty, the use is prohibited in that zone. All of these assume compliance with any and all development standards.

23

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

24

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

25

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

26

² Indoor facility only.

27

³ Per CCC 11.88.170 (4) In any district that permits single-family residences, the renting of rooms to not more than two
28 boarders, roomers, or lodgers is permitted as an accessory use.

28

29 CHAPTER 11.23 MANSON URBAN GROWTH AREA

30 11.23.030 DISTRICT USE CHART.

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

UR1 Urban Residential-1

UR2 Urban Residential-2

¹ 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

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

Table 9.1 – District Use Chart

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

P¹ = Permitted with Standards

11.23.040 STANDARDS.

~~(3) Vacation Short-Term Rentals. Subject to 11.88.290 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~~

² Through the Task Force process, the report indicated “Lodge permitted by CUP only in commercial zones.” However the focus of the Short-Term Rental code is to address these as commercial uses in residential zones primarily, and the proposal was not vetted with the Planning Commission.

~~(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.~~

~~I-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

CHAPTER 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

11.88.290 Short-Term Rental Regulations

(1) PURPOSE

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

(B) 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, within the unincorporated portions of Chelan County, except short-term rental properties within the Stehekin valley area portion of Chelan County. This chapter also establishes a short-term rental land use permit.

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

(C) 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 nuisance impact of short-term rentals on adjacent residences and by minimizing the detrimental impact of excessive short-term rentals on the affordable housing supply.

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

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

- (ii) Housing Element goals and policies including, but not limited to, appropriate placement of vacation rentals to avoid impacting neighborhood character³ and housing stock, accessibility to affordable housing for all residents, providing for a variety of residential housing types and densities, and supporting regulatory changes that promote affordable housing options in all locations in the county,
- (iii) Rural Element goals and policies including, but not limited to, maintaining natural environment features that support natural resource-based economic activities including small scale recreation and tourist uses, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

(2) TYPE, NUMBER, AND LOCATION

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

- (i) Tier 1: Owner-occupied short-term rentals where either (a) rooms are rented and the owner is personally present at the dwelling during the rental period, or (b) the short-term rental is located within the same parcel as the owner's principal residence and the owner is personally present at the dwelling during the rental period, or (c) the entire dwelling is rented no more than fifteen (15) total days in a calendar year provided that an on-site qualified person is there during the owner's absence. Portions of calendar days shall be counted as full days.
- (ii) Tier 2: Short-term rentals at a dwelling that is not owner occupied or Tier 3 short-term rental.
- (iii) Tier 3: Short-term rentals may be either non-owner occupied, or owner occupied, and exceed occupancy limits applicable to Tier 1 and Tier 2 units as identified in CCC 11.88.290(3). No short-term rental may operate as a Tier 3 short-term rental without meeting all Tier 3 provisions as applicable to their property under the requirements found within this chapter.
- (iv) Existing non-conforming short-term rentals must comply with the provisions of Subsection (3)(B) below.

(B) Tiered Permits and Numbers Allowed.

- (i) Tier 1: New Short-term rentals are allowed where permitted per Subsection (C).
- (ii) Tier 2 and Tier 3:
- (a) New Tier 2 and 3 short-term rentals cannot be located where short term rentals make up more than the maximum share of the total housing stock in residential zoning districts listed in the table below. This is the maximum share of short-term rentals in residential zones within zip codes, zip code subareas, or within urban growth areas where the use is expressly allowed. Leavenworth subareas are identified based on the boundaries in (b). If the share equals or exceeds this level,

³ Relates to Policy H 2.4 that is directly relevant to this proposed code.

no new short-term rentals are allowed until the total number falls below this maximum limit.

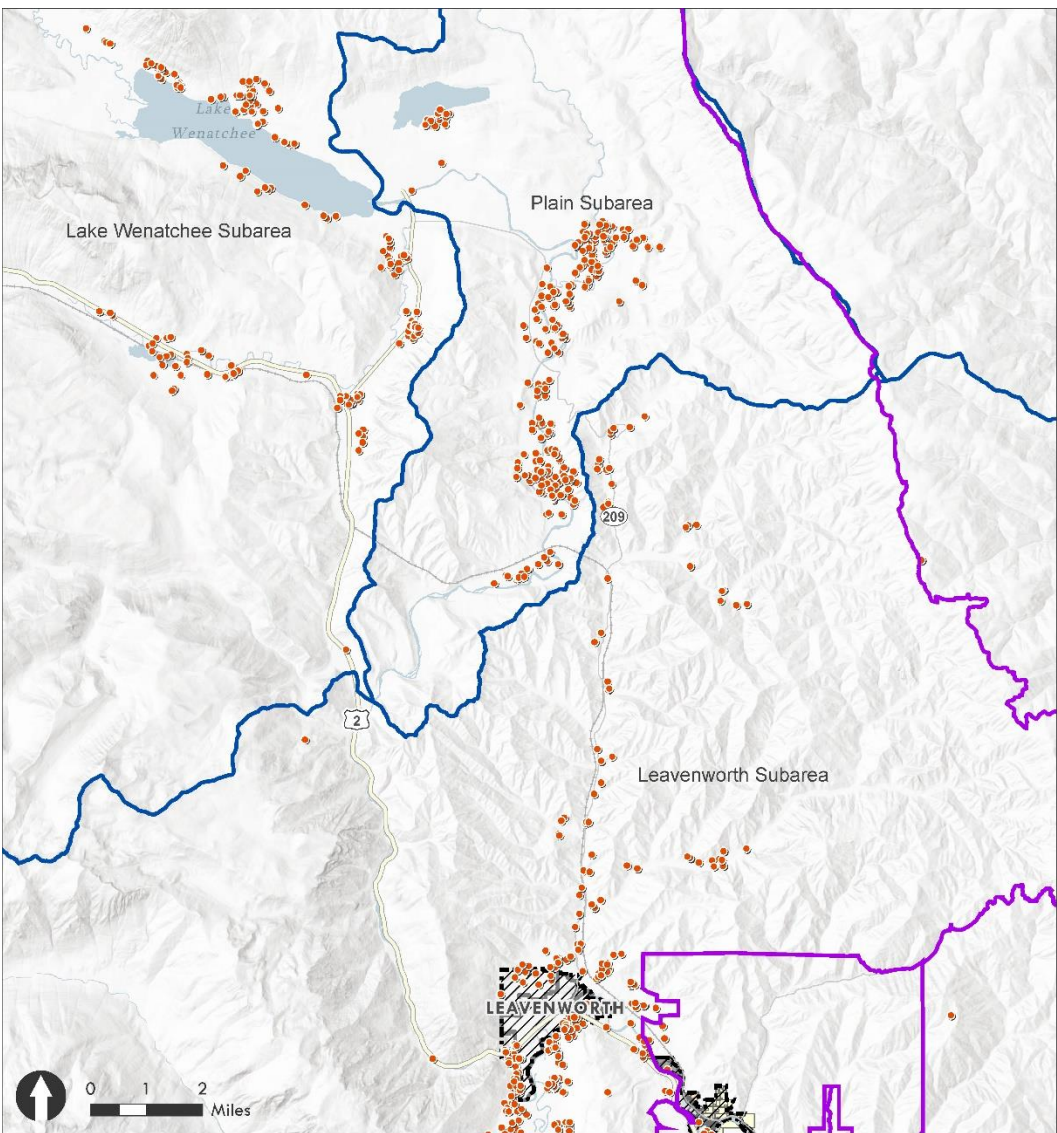
Maximum Share of Short-Term Rentals

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

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

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

Leavenworth Subareas Map – Portions of Zip Code 98826



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.

(c) To calculate the maximum share of short-term rentals in subsection (2)(B)(ii)(a), total dwelling units must be determined based on the latest annual count of total housing units by the State of Washington Office of Financial Management, or another state or county agency that tracks Chelan County housing inventory. Short-term rental percentages must be determined at the time the number of allowed short-term rentals is determined per Subsection (4) of this section.

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

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

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

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

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

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

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

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

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

(a) Upon the date of the adoption of this code on September 27, 2021 any existing short-term rentals within the exterior boundaries of any city's designated urban growth area (UGA) are required to have been in full legal compliance with any existing city codes adopted through prior Resolution by the county as they applied to a short-term rental uses within that UGA.

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

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

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

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

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

(D) Lot Size and Lot Location Standards

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

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

Zone	Tier 2	Tier 3
RR20	10	10
RR10	10	10
RR5	5	5
RR2.5	2.5	Not allowed
RRR	0.275	Not allowed
RW	0.275	Not allowed
RV	0.275	Not allowed

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

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

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

(E) Existing Short-Term Rentals:

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

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

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

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

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

(e) Liability insurance shall be obtained consistent with RCW 64.37.050 as of the effective date of this ordinance (September 27, 2021) per Subsection (3)(N); and

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

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

255 11.88.290 and apply for and have received an initial short-term rental
 256 administrative land use permit and any ~~all~~ required conditional use permits under
 257 subsection (4) by December 31, 2022, or by failing to do so shall waive all claim
 258 to having existing non-conforming status.

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

261 (a) Except as provided in (2)(E)(iii) and (iv) below, an existing short-term rental
 262 operating as of September 27, 2021 is considered non-conforming when one or
 263 more of the following conditions is met:

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

266 (2) a zone does not expressly allow new short-term rental units per
 267 11.88.290(2)(C) and CCC Sections 11.04.020, 11.22.030, 11.23.030, or

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

270 (4) the short-term rental does not comply with the operating standards of
 271 11.88.290(3).

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

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

284 (c) If the non-conforming short-term rental cannot comply with criteria, grace
 285 period, and timelines in Subsection (2)(E)(i) above, it must cease operating no later
 286 than one year from the effective date of this Ordinance (September 27, 2021)
 287 and any issued county permit to operate as a short-term rental immediately
 288 becomes null and void, subject to appeal under Title 16 and Chapter 14.12

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

292 (e) Any short-term rental property that has an unresolved written notice of
 293 violation for short-term rental use, received on or before August 25, 2020, or that
 294 operated as a short-term rental contrary to the August 25, 2020 Chelan County
 295 short-term rental moratorium Resolution 2020-86, or subsequent rental moratorium

resolutions 2020-104 and 2021-20, or upon permit application is found to have an existing zoning, land use, or building permit violation, shall not be considered a legally non-conforming use as follows;

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

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

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

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

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

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

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

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

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

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

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

342 (A) Primary or Accessory Residence.

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

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

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

354 (B) Occupancy.

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

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

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

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

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

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

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

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

369 (b) Daytime Occupancy.

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

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

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

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

(iii) Exceeding Daytime Occupancy limits.

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

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

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

(C) Parking.

(i) Provide residential parking, not located within a setback and not within any recorded access easement, consistent with the provisions of Chapter 11.90.⁴

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

(iii) Unlawful or unsafe parking by short-term rental tenants and guests, owner or operator joint liability if violation not abated. Qualified Persons or Owner or Operators of short-term rental properties notified of unlawful or unsafe complaints related to their short-term rental tenants, or their guests are responsible to promptly abate the parking complaints emanating from their property for non-compliance with (i) and (ii) above, or for parking on the property of a neighbor without express permission, or blocking the access to that

⁴ BOCC had requested some review of whether an existing shared driveway agreement should be reviewed in the application process. Staff researched this, and found it is not practical, and hard to confine. It may place county in place of enforcing civil matters via this code. Thus, a provision to review it was not included in this draft.

neighboring driveway, or preventing their unobstructed use of that neighboring property. If the owner fails to cause the parking complaint to be abated within 60 minutes of notification of the complaint, he is subject to the enforcement penalties jointly and severally with the renter, or guest creating the parking violation under this Chapter and Title 16.

(iv) Repeat violations. Two verified parking violations unabated within sixty minutes as provided in (3)(C)(iii) within six months on or adjacent to the same property may also be subject to additional penalties under Chapter 16.20, up to and including revocation of the short-term rental land use permits under 16.20.040.

(D) Garbage.

(i) Trash containers must be provided. Trash must be in proper containers on collection day. 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.

(i) 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).

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

(iii) Repeat violations. Two verified public disturbance noise violations unabated within sixty minutes as provided in (3)(E)(ii) within six months of on the same property may also be subject to additional penalties under Chapter 16.20, up to and including revocation of the short term rental land use permits under Section 16.20.040.

(F) Trespass.

(i) 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).

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

(iii) Repeat violations. Two verified trespass violations unabated within sixty minutes as provided in (3)(F)(ii) within six months of on or adjacent to the same property may also be subject to additional penalties under Chapter 16.20, up to and including revocation of the short term rental land use permits under 16.20.040.

(G) Signs.

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

(ii) Placement of the sign.

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

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

(iii) 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.

(iv) The Director may allow annual mailings to adjacent 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, or if for reason of improving security. The owner shall provide verification of mailings and a copy of the notice with the annual permit renewal.

(H) Consumer Safety.

(i) 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.

(i) Each owner or operator must include a fire protection plan within 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. The fire protection plan shall demonstrate consistency with a Ready Set Go program or equivalent; this includes, but is not limited to, restricting the use of fireworks, outdoor fires, open flame devices, portable fireplaces, fire pits, chimeneas, or BBQ devices. All permanently installed outdoor flame devices, as well as portable burning devices shall have the ability to be secured from use in accordance with CCC 7.52 Fire

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

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

(J) Qualified Person.

(i) The owner or operator must provide the name, telephone number, address, and email of a qualified person or their designee (which can be a person or company) who can be contacted concerning use of the property and/or complaints and can respond, personally or through a designee, to the property within sixty (60) 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 reliably be reached 24 hours per day, every day the property is rented.

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

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

(K) Property Management Plan.

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

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

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

(c) Designate a qualified person and provide contact information consistent with (3)(i) ; and

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

(e) All units must have an operable landline or Voice Over Internet Protocol (VOIP) telephone installed to aid in emergency response, and the dwelling recorded in "Rivercom" data base. The address and phone number of the property and the contact phone number for the qualified person shall be prominently displayed near the phone. If land line or VOIP is not available at the site, the Director may at his discretion allow the owner or operator of the short-term rental to use an alternative means of direct phone communication, as long as the communication device is fixed at the location and the phone number is not changed within the annual permitting period. This phone number shall be noted on the permit application and the property management plan which shall also include any special instructions and list any local emergency services calling numbers required for use of the communication device in an emergency.

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

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

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

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

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

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

(L) Annual Permit Number.

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

(M) Good Neighbor Guidelines.

(i) 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.

(N) Liability Insurance.

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

(O) Taxes.

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

(4) LAND USE PERMITS

(A) Land Use Permit Required.

(i) On, or after September 27, 2021, and except as provided in subsection (34)(D)(i) below, 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 as a short-term rental without a valid short-term rental administrative land use permit issued by the Director or a Conditional Use Permit approved by the Hearing Examiner pursuant to this Chapter 11.88, and Chapter 14.10. All dwelling units on a single parcel shall be reviewed concurrently in the same application, and the dwelling to be used as a short-term rental shall be clearly identified.

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

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

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

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

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

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

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

(b) Permit renewal applications received after December 31 will not be accepted, and the short term rental must immediately cease operations on January 1 of the following year. The owner and property loses any vesting to continue

operation as a legally conforming or non-conforming short term rental under this chapter. Expired short term rentals under this Subsection are then subject to the housing cap provisions of 11.88.290(2)(B) and must apply as a new short term rental if all other provisions of 11.88.290 allow, and consistent with the applicable district use chart.

(C) Permit Applications.

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

(D) Application Acceptance and Evaluation.

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

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

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

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

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

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

(v) New compliant short-term rentals. Beginning on December 1, 2021, new compliant Tier 1, Tier 2, and Tier 3 land use permit applicants may apply to obtain a new conforming short-term rental permit pursuant to the provisions and limitations of 11.88.290(2).

(a) New short-term rental applications are not allowed for 2021. Applications for 2022 new compliant short-term rentals in urban growth areas or zip codes below the cap based upon available data may apply for a short-term rental land use permit application starting December 1, 2021 and by no later than July 29, 2022, as provided herein. No new 2022 permit applications will be accepted after July 29, 2022. Permit applications, or reservations for application appointments, will be taken on a first come, first served basis at the Community Development office starting at 9:00 AM. After the 2022 permitting year, permit applications for subsequent years are only accepted on the published dates allowing permit submission. The number of permit applications accepted shall not exceed the number of short-term rentals allowed per the applicable housing cap within each zip code and Urban Growth Area as provided in Subsection (2)(B). Once the limit on the number of applications for Tier 2 and Tier 3 short-term rentals has been reached, the window of time for submission shall be closed for that year, provided that Tier 1 applications do not have a limit on the number of applications.

(b) The Director shall annually by March 15 determine the share of short-term rentals to the overall housing stock in each of the unincorporated zip codes and

urban growth areas, and accordingly schedule a permit application time window, to be held only once annually between June 1 and July 31, to allow new short-term rental applications for the following year in each zip code and urban growth area where the cap in Subsection (2)(B) is not exceeded.

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

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

(vi) All application fees are non-refundable.

(E) Term.

(i) A short-term rental land use permit must be issued for a period of one calendar 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.

(i) 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 and appeals must be consistent with Title 14.

(G) Nonuse.

(i) 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 and to retain eligibility for renewal in immediately subsequent years.

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

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

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

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

(iv) After the unit is approved and permitted 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.

(v) Owner Responsibility. It is the owner's responsibility to ensure 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.

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

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

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

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

775 registration information with the Department.⁵ The new owner shall provide signage and
776 notification consistent with (3)(G).

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

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

793 (J) Approval Criteria.

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

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

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

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

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

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

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

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

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

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

810 (5) ENFORCEMENT

811 (A) Within Chelan County jurisdiction, a short-term rental must not operate without an approved and valid

812 Short-Term Rental Permit. Evidence of operation includes, but is not limited to, advertising, online

813 calendars showing availability, guest testimony, online reviews, rental agreements, or receipts.

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

815 (6) MONITORING

816 The Director shall report to the Board of County Commissioners on the status of short-term rental

817 regulation implementation annually at the time the existing short-term baseline is reported per (4)(D). The

818 County may initiate a review or amendment pursuant to Chapter 14.13.

819 (A) The Director may utilize a commercial monitoring and/or response service to assist with

820 implementation of this chapter.

821 11.90.060 Required off-street parking.

822 (1) Parking space shall be provided as shown in Table 11.90-3 for the land uses listed. The number of

823 required parking spaces shall be rounded upward to the nearest whole number if the calculation results in

824 a fractional space requirement of one-half space or more.

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

826 be compact spaces and shall be marked "COMPACT ONLY."

Table 11.90-3

Land Use	Required Off-Street Parking
Residential	
Single-family, two-family, and manufactured home parks(*)	2 spaces per dwelling unit
Accessory dwelling unit, guest houses(*)	1 additional space
Multifamily (3 or more units)	1-1/2 spaces per dwelling unit
Bed and Breakfasts, Guest Inns, and Tier 1 and Tier 2, and Tier 3-overnight-lodging use-only, Short-Term Rentals	1 space per bedroom and 1 space for any onsite manager
Institutional or group homes: nursing home, correctional, retirement	1 space per 5 beds and 1 space per staff person
Medical Facilities	
Hospitals	1-1/2 spaces per bed
Medical or dental clinics and offices	1 space per 200 square feet
Public Assembly	
Auditoriums, gyms, clubs, lodges, any Tier short term rental event venue or exceeding daytime occupancy uses	1 space per 4 seats or 8 feet of bench
Churches, funeral homes	1 space per 4 seats or 8 feet of bench
Libraries, museums, galleries, municipal	1 space per 300 square feet
Schools	

Table 11.90-3

Land Use	Required Off-Street Parking
Pre-school, daycare, kindergarten	0.07 pickup/drop-off spaces per enrolled student and 1 space per staff person
Elementary schools	0.05 parking spaces and 0.07 pickup/drop-off spaces per enrolled student
Junior high schools	0.08 parking spaces and 0.06 pickup/drop-off spaces per enrolled student
High school, vocational schools, colleges	0.20 parking spaces and 0.03 pickup/drop-off spaces per enrolled student
Commercial and Public Recreation	
Archery, gun, swimming and tennis clubs or similar use	0.3 parking spaces for every attendee
Bowling alleys	5 spaces per lane
Golf courses	2 spaces per each 100 yards length plus 1 space per 200 square feet of club house
Hotels, motels, resorts, lodging facilities	1 space per guest room or suite and 1/2 space per employee
Outdoor amusement area	0.3 spaces for every attendee
Sports field	1 space per participant (est. 45 participants per ball field)
Stadiums, arenas, theaters, race tracks	1 space per 4 seats or 8 feet of bench
Swimming pools, skating rinks, dance halls	0.3 spaces for every attendee
Commercial	
Banks, personal and professional services	1 space per 300 square feet of floor area
Eating and drinking establishments	1 space per 100 square feet of floor area
Retail	1 space per 300 square feet of floor area
Retail handling bulky merchandise	1 space per 600 square feet of floor area
Service and repair shops	1 space per 600 square feet of floor area
Industrial	
Auto salvage yard	5 spaces plus 1 space per each 2 acres
Manufacturing, assembly, freight terminal, wholesale, packing, storage, warehouse	1 space per employee at peak shift and 1 space per 300 square feet office space
Transportation terminals	1 space per 100 square feet waiting area

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

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829 Chapter 11.93 Conditional Use Permits

830 11.93.450

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

833 Chapter 3.24 Community Development Department Fees

834 3.24.010 FEE SCHEDULE.

835 (a) Planning.

Application Type	Fee
Conditional use permit	\$1,520
Short-term rental Tier 1 and 2, 2021 provisional registration	\$125
Short-term rental Tier 3 2021 provisional registration	\$187.50
Short-term rental Tier 1, 2022 provisional, annual, or renewal permit	\$500
Short-term rental Tier 2, 2022 provisional, annual, or renewal permit	\$500
Short-term Tier 3 rental if CUP required (new Tier 3 first permit, includes CUP application)	\$2,270
Short-term rental (Tier 3 2022 provisional, annual and renewal, and includes annual CUP renewal, if no new CUP is required)	\$750
Short-term rentals of any type that did not properly register as provided per CCC 11.88.290(2)(E) or (4)(B).	Assessed double applicable fees
Required Short -term rental fire and life safety inspections, or re-inspections performed by Fire Marshal, or designee, or by Community Development (in addition to permit fees)	\$100
Application Type	Fee
Conditional use permit	\$1,520
Short-term rental Tier 1 and 2, 2021 provisional registration	\$125
Short-term rental Tier 3 2021 provisional registration	\$187.50
Short-term rental (Tier 1, first permit)	\$500
Short-term rental (Tier 2, inspection not required, provisional first permit)	\$500
Short-term rental (Tier 2, inspection required second provisional permit and first time new Tier 2 permits) [†]	\$900
Short-term rental if CUP required (new Tier 3 first permit, includes CUP application)	\$2,270
Short-term rental (Tier 1 annual and renewal)	\$500
Short-term rental (Tier 2 annual and renewal, no inspections)	\$500
Short-term rental (Tier 3 second provisional, annual and renewal, and includes annual CUP renewal, if no new CUP is required)	\$750

Application Type	Fee
Short-term rentals of any type that did not properly register per CCC 11.88.290(2)(E) or (4)(B).	Assessed double applicable fees
Short-term rental fire and life safety inspections by Fire Marshal, or designee	\$100

~~1. If an owner requests inspections with the first permit or inspections are waived by the Director, the fee shall be equivalent to the annual renewal.~~

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.

14.98.265 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 and food services, for paying guests. This definition excludes Short-Term Rentals.

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.

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 and food services for paying guests. This definition excludes Short-Term Rentals.

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, and any overnight accommodation that is rented nightly for fewer than thirty (30) consecutive nights or days and has an occupancy of greater than 16 persons, including children.

14.98.1110 Lodging unit.

"Lodging unit" means one self-contained unit designated by number, letter or some other method of identification.

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. Any space used as a short-term rental bedroom under this section shall have a door or window of egress to the outside that meets the International Residential Code standard for a bedroom, and must be equipped with a working smoke alarm within the room.

14.98.1691 (Short-Term Rental) Grace Period

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

14.98.1692 Short-Term Rental

“Short-Term Rental” means a commercial use utilizing 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 (30) consecutive nights or days, by intent or net effect of nights or days rented. They are commonly referred to as vacation rentals. They are a form of commercial tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. They are rented as a single lodging unit, do not provide food service, and retain the form and function of a dwelling unit. For the purpose of administration and enforcement of this title, the terms “overnight rental,” “nightly rental,” “daily rental,” and “vacation rental” are interchangeable with short-term rentals. Subleasing or subletting of units for short-term rental is prohibited.

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

14.98.1695 Owner Occupied

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

14.98.1696 Verified Violation

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

16.20. SHORT-TERM RENTAL ENFORCEMENT AND VIOLATIONS

16.20.010 Compliance

Short-term rental owners, operators, and properties must comply with the provisions of this code including but not limited to the 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. Unless specified otherwise in this chapter, all enforcement procedures in this title apply to short-term rental owners, operators, and properties.

(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.

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

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

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

938 **16.20.040 Revocation**

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

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

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

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

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

950 (D) Such other violations of Titles 11, 14, and 16 in the reasonable judgment of the
951 Administrator,⁶ so as to provide reasonable grounds for immediate revocation of the land use
952 permit.

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

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

960 (G) Revocation or denial of a permit is subject to the appeal provisions of Chapters 14 .12 and
961 16.12 CCC.

⁶ 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.