

## **White Salmon Planning Commission Meeting**

### **A G E N D A**

**December 22, 2021 – 5:30 PM Via Zoom Teleconference**

**Meeting ID: 852 8422 6555    Passcode: 280661**

**Call in Numbers:**

**669 900 6833    253 215 8782    346 248 7799**

**929 205 6099    301 715 8592    312 626 6799**



**We ask that the audience call in instead of videoing in or turn off your camera, so video does not show during the meeting to prevent disruption. Thank you.**

#### **Call to Order/Roll Call**

#### **Discussion Items**

- 1.**      Short-term Rental Zoning - Drafting to align short-term rental ordinance with WSMC Title 17-Zoning.

#### **Adjournment**

**File Attachments for Item:**

1. Short-term Rental Zoning - Drafting to align short-term rental ordinance with WSMC Title 17-Zoning.

# STAFF REPORT



<b>Meeting Date:</b>	<b>December 22, 2021</b>	<b>Meeting Title:</b>	<b>Planning Department</b>
<b>Submitting Department:</b>	<b>Planning Department</b>	<b>Presenter:</b>	<b>Brendan Conboy, Land Use Planner</b>
<b>Agenda Item:</b>	<b>Short-Term Rental (STR) Moratorium – Draft Text Amendments to WSMC Title 17</b>	<b>Public Comment:</b>	<b>No</b>

## **Purpose and Policy Considerations**

The White Salmon Municipal Code (WSMC) administers short-term rental through Title 5 – Business Licenses, Taxes and Regulations in [Chapter 5.02 – Short-Term Rental](#). These regulations were adopted by the City Council on December 4, 2019, by Ord. No. 2019-12-1052.

On July 21, 2021, the White Salmon City Council adopted [Ord. No. 2021-07-1083](#), a Temporary Short-Term Rental (STR) Moratorium for a period of time not to exceed six months, unless extended for good cause pursuant to [RCW 35.63.200](#).

The Council held a public hearing on September 1, 2021, and voted unanimously to keep the ordinance in effect, finding that the impacts of STR across the community require additional regulation by the City and directed staff to prepare such regulations ([Staff Report](#), [Video](#), [Minutes](#)). In the days following the adoption of the ordinance the City issued a [statement](#) published across various media, including the City of White Salmon website, clarifying aspects of the moratorium to the public.

## **Meeting Record**

Staff conducted a total of five meetings with the Planning Commission consisting of four workshops and one public hearing prior to the Planning Commission's recommendation to forward the draft text amendments to the Council for consideration on November 18, 2021:

Planning Commission Workshop August 25, 2021: [Staff Report](#), [Video](#), [Minutes](#)

Planning Commission Workshop September 22, 2021: [Staff Report](#), [Video](#), [Minutes](#)

Planning Commission Public Hearing October 27, 2021: [Staff Report](#), [Video](#)

Planning Commission Workshop November 10, 2021: [Staff Report](#), [Video](#)

Planning Commission Workshop November 18, 2021: [Video](#)

The City Council received the Planning Commission's recommended draft regulations and held a public hearing on December 1, 2021: [Staff Report](#), [Video](#).

The City Council continued the hearing and held Special City Council meeting for a work session on December 8, 2021: [Video](#).

Staff has brought additional draft redline amendments to sync the proposed changes to WSMC Chapter 5.02 Short-Term Rentals with Title 17 - Zoning to make the regulations consistent. Staff will then bring both documents before the City Council for a final public hearing(s) prior to adoption of the proposed redlines which is expected in mid-January.

## Chapter 5.02 Short-Term Rentals

### Sections:

#### 5.02.005 Findings, intent and purpose.

- A. In the adoption of these regulations, the city finds that the rental of dwelling units and lodging units for less than thirty days is an important contributor to the comprehensive plan's tourism goal. The city also finds that these short-term rentals are part of an emerging market that has the potential to be incompatible with surrounding residential uses.
- B. The regulations below are intended to create a registration of short-term rentals that will:
1. Determine the impact to the local economy;
  2. Reduce administrative burdens for residents of White Salmon to partake in the local tourist economy. and barriers to entry;
  3. Ensure market fairness and taxation;
  4. Protect guests; and
  5. Avoid unchecked- Mitigate neighborhood disruptions and preserve the character of White Salmon's residential neighborhoods.
- C. This chapter provides an administrative framework for registering the annual operation of a short-term rental. A short-term rental permit is a limited permission to use property for short-term rental purposes. A permit may be modified or revoked if the standards of this chapter are not met.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.010 Definitions.

As used in this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. "Contact person." The owner or, if designated on the application for a permit, the local management representative authorized to act for the owner.
- B. "Dwelling unit." One or more rooms occupied, permitted and designed or intended for occupancy as separate living quarters, and containing four or more of the following:
1. Refrigeration;
  2. Cooking facility (including cooking stove, hot plate, range hood, microwave, or similar appliance) or wiring or venting to support same;
  3. Dishwashing machine;
  4. Sink intended for meal preparation (not including a wet bar);
  5. Garbage disposal;
  6. Toilet; and for

7. Shower or bathtub.

C. "Daytime" Between the hours of 7:00 am to 10:00 pm

~~D. "Downtown commercial zone" refers to land zoned commercial in the downtown commercial core centered on Jewett Avenue between Northwest Garfield Avenue and Dock Grade Road.~~

E. "Hosted homeshare" The short-term rental of a portion of a dwelling or an attached or detached separate accessory dwelling unit (ADU) on the property of the licensee's primary address, where the licensee is generally present during rental periods.

F. "Local area." All areas in the Washington counties of ~~Clark~~, Klickitat and Skamania and the Oregon counties ~~of Hood River, and Wasco, Wasco and Multnomah.~~

~~G.D. "Lodging unit." Permitted ~~b~~bedrooms or permitted sleeping facilities not meeting the criteria of a dwelling unit set forth in paragraph B, above, but which have access to the facilities of a dwelling unit.~~

H. "Overnight." Between the hours of 10:00pm to 7:00 am the following day.

~~I.E. "Owner." The natural person or legal entity that owns and holds legal and/or equitable title to the property.~~

J. "Owner occupancy." Owner occupancy is demonstrated through meeting the residency requirements of Section ~~XX~~.

~~K.F. "Remuneration." Compensation, money, rent or other bargained for consideration given in return for use, rent, or occupancy of a short-term rental.~~

~~L.G. "Short-term rental." A dwelling unit or lodging unit for which an owner receives or seeks remuneration for use or occupancy for a period of less than thirty consecutive days per rental period. Businesses with current transient accommodation licenses (e.g. hotels, motels and bed and breakfasts) under RCW Ch. 70.62 are specifically exempted from this Chapter 5.02.~~

~~M.H. "Short-term rental permit" or "permit." The regulatory permit required by WSMC 5.02.15 and described in this chapter.~~

N. "Vacation home rental". The short-term rental of an entire primary dwelling unit. This does not include accessory dwelling units (ADUs).

Add Queue definition.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

## 5.02.015 Short-term rental

~~permit required.~~

A. Permit Required. No owner or manager of property within the White Salmon city limits may advertise, offer, operate, rent, receive remuneration for, or otherwise make available or allow any other person to make available for occupancy a short-term rental without a short-term rental permit. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

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### 5.02.020 Application and fee.

A. Application Required. An application for a short-term rental permit shall be completed and submitted to the city on a form provided by the city. The application shall be signed by the owner or owner's agent ~~contact person~~ and contain the following information:

1. Owner Information. Owner's name, permanent residence address, telephone number, owner's mailing address, and the short-term rental address and landline telephone number, if available.

2. Proof of Residency (for conforming short-term rentals within the RL, R-1, R-2 or R-3 zones). Proof of residency of a dwelling unit shall be established through owner occupancy of the primary residence. The applicant shall provide the following items as evidence that the dwelling is the primary residence of the owner:

a) A copy of a voter registration associated with a local address; and

b) A copy of a current Washington Driver's License or Identification Card showing local address; and

c) A copy of federal income tax return from the most recent tax year (page 1 only, financial data should be redacted) showing local address.

~~32.~~ Contact Person Information. If the owner ~~does not permanently reside in the local area or~~ is not always available when ~~the a vacation home or hosted homeshare~~ property is being rented, the owner shall provide the name, telephone number and email of a contact person from the local area to represent the owner regarding the use of the property and/or complaints related to the short-term rental as set forth in WSMC 5.02.040~~(C)~~.

~~43.~~ Tax Information. A statement of intent to collect and remit all taxes associated with the short-term rental.

~~54.~~ Inspection Access. A statement allowing the city reasonable access to the property for the purpose of reviewing the proposal for the health and safety requirements set forth in WSMC 5.02.040(D).

~~65.~~ Right to Publish Contact Information. A statement allowing the city to make owner and contact person phone numbers publicly available at City Hall when requested through a public records request.

~~76.~~ Neighborhood Notice. A statement of intent to notify neighbors as required by WSMC 5.02.040(A).

~~87.~~ Good Neighbor Guidelines. A statement of intent to provide the city-provided Good Neighbor Guidelines to guests of the short-term rental.

~~98.~~ Parking Diagram. ~~A statement of intent to provide guests of the short-term rental with a diagram of parking spaces that are available to or intended for use by the short-term rental. Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted and provided to guests staying in the short-term rental unit.~~

~~109.~~ Liability Insurance. A statement of intent to provide liability insurance coverage as required by WSMC 5.02.040.G.

~~11.~~ Fire Safety. A completed checklist for fire safety as required by WSMC 5.10.XX

~~12.~~ Garbage Service. Proof of garbage service as required by WSMC 5.10.XX

~~13.~~ Occupancy. Occupancy limits and number of bedrooms shall be consistent with Sec. 5.02.XX

~~1410.~~ Such other information as the city administrator or designee deems reasonably necessary to administer this chapter.

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B. Application Fee. Applications under this section shall be accompanied by a nonrefundable fee payable to the city in an amount established and periodically adjusted by city council resolution.

C. Incomplete Application. If a permit application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, by electronic mail, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.

D. Discretionary Fees. At the discretion of the city administrator or designee, the application fee may include the actual costs for labor, overhead, and expenses for outside consultant reviews and/or special inspections.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.025 Term of annual permit.

A. Term. A short-term rental permit shall be issued for a period not to exceed one year, with its effective date running from the date the permit is issued to December 31/January 31 and may be renewed annually by the owner or contact person provided all applicable standards of this chapter are met for a maximum of 8 consecutive years (7 consecutive permit renewals) whereupon the applicant may reapply for a permit which may be renewable for an additional 8 consecutive years, or join the existing queue up to one year prior to the expiration of the permit term or when one becomes available per WSMC 5.02.030.(F).

B. Transferability. The operating license shall be issued in the name of the licensee(s) and is not transferable to a new property owner or occupant without submission of a new short term rental application.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.030 Permitting and renewal procedures.

A short-term rental permit shall be obtained and/or renewed as required in this section. This permit is in addition to the city business license required under WSMC Ch. 5.04., and the supplemental zoning regulations under WSMC Ch. 17.57. The ability to operate a short-term rental in the city of White Salmon shall be discontinued in the event the owner fails to obtain or renew a permit to operate as provided in this chapter.

A. Application and Renewal Process. A person engaging in operation of a short-term rental who has not yet obtained a permit, or who is required to renew an existing operating permit, shall do so as follows:

1. Time for Application.

a. New Permits. For new short-term rental permits, it is the responsibility of the owner or ~~contact person~~ owner's agent to apply for and receive a permit prior to operation of a short-term rental. Short-term rental permits shall be processed as a conditional use permit. Applications for conditional uses shall be processed as a Type I-B decision by the administrator for simple applications or as a Type II decision where in the administrator's discretion additional public input or planning commission review is necessary or appropriate according to procedures set forth in Title 19.

b. Existing Short-term rentals. A completed permit renewal application and renewal fee is due for all existing short-term rentals annually by December 31.

2. Notice. Prior to the December 31 annual due date, the city shall send notice of the need for a permit or expiration of a permit to the owner of any property for which an application is due as follows:

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**Commented [P8]:** Grammar workshop

**Commented [P9]:** Grace window for application to determine availability of STR permits: 6 mos? Advance warning.

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**Commented [KW11R10]:** Add: A transfer to a wholly-owned entity such as a limited liability company will not require a new application but the property owner shall provide evidence of the transfer and the new UBI number within 30 days of the transfer.

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- a. For the first permit required for any short-term rental in the city, it is the owner's obligation and responsibility to apply for a permit.
- b. For permit renewal, notice will be sent to the mailing and email addresses of the owner and contact person as provided to the city on the application.

B. Exemption for existing 'Legacy' homeshares and vacation homes within the RL, R1, R2, and R3 zones. For the purposes of this section, an existing 'Legacy' homeshare or vacation home is one which meets all of the standards and criteria in WSMC 17.57.XX. The extent of the nonconformity and exemption shall be limited to compliance with the standards that were in effect in WSMC Ch 5.02 prior to the adoption of Ordinance 2022-XX on XX/XX/2022 and shall remain exempt from new regulations for a maximum of ten (10) consecutive years from initial permit issuance following this ordinance. The applicant has the burden of proving by a preponderance of credible evidence that all the elements of a nonconforming hosted homeshare or vacation home rental were extant prior to the adoption of Ordinance 2022-XX on XX/XX/2022. Applicants shall be subject to the fees in place for yearly permit renewal.

**Commented [P13]:** Zoning's definition of 'existing Legacy uses' such as had a permit and license already, was paying taxes to city, etc.

**Commented [P14]:** Can we establish number of owner occupied vs out of state.

C. Exemption for existing 'Legacy' short-term Rentals within the downtown commercial zone. For the purposes of this section, an existing 'Legacy' short-term rental is one which meets all of the standards and criteria in WSMC 17.57.XX. The extent of the nonconformity and exemption shall be limited to compliance with the standards that were in effect in WSMC Ch 5.02 prior to the adoption of Ordinance 2022-XX on XX/XX/2022 and shall remain exempt from new regulations provided the use is vested. The applicant has the burden of proving by a preponderance of credible evidence that all the elements of a nonconforming short-term rental in the commercial zone were extant and vested under RCW 19.27.095 prior to the adoption of Ordinance 2022-XX on XX/XX/2022.

D. Quantity of permits by location and owner.

1. Maximum number of permits per owner.

- a) A maximum of one hosted homeshare or vacation home rental permit shall be issued per owner occupied property in the in the RL, R1, R2, and R3 zones.
- b) There is no limit on the number of short-term rental permits an individual or entity may obtain in the Commercial zones.

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2. Cap on permits outside Comercial zone. The city limits the amount of overall hosted homeshare and vacation home rental permits issued annually in the RL, R1, R2, R3, and MHHD zones to 10% of housing units and shall be adjusted by the administrator based upon the most recent housing data reported by the City to the Washington Office of Financial Management annually prior to issuance of new permits.

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3. Ratio of hosted homeshare to vacation home rental permits. The percentage of permits that are issued by the type of use within the maximum allowed cap on permits shall be as follows,

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<u>Hosted homeshare</u>	<u>70%</u>
<u>Vacation home</u>	<u>30%</u>

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3. Commercial zone. There is no cap on the number of short-term rental permits in the commercial zone. No more than 30% of residential units within any building in the commercial zoning district may be used as short-term rentals. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units.

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Units in building	Max number of short-term rentals
Up to 5 units	1
6 to 8 units	2
9 to 11 units	3
12 to 14 units	4
15 to 18 units	5
19 to 21 units	6
22 to 25 units	7

E. Queue. In the event the maximum number of permits is issued by the city within any given year, the Administrator or their designee shall accept and tentatively approve conforming hosted homeshare and vacation home rentals on a first come first serve basis with the condition that a license will not be issued until such time that a permit becomes available. The queue list shall be administered and updated as needed to monitor the cap on permits and ratio of homeshares to vacation homes by the Planning Director or their designee and be made available on the City of White Salmon website.

F. Permit Expiration. For renewals, upon expiration of a thirty-day late period commencing January 31<sup>st</sup> of each year at the end of each calendar year, the ability to operate shall be conclusively presumed to be discontinued and the city will commence revocation of the permit pursuant to the procedures in WSMC 5.02.045. Failure to exercise the permit will result in nonrenewal.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.035 Criteria for approval and renewal of a permit.

A. Zoning Compliance. The property is in compliance with requirements of WSMC Ch. 17.57 Short-term rental (Zoning).

B. Health and Safety.

1. Every short-term rental permit shall be subject to inspection by the building official or designee at the city's discretion. The purpose of the inspection is to determine conformance with the Short-Term Rental Fire Safety Checklist (fire extinguishers, smoke alarms, carbon monoxide detectors, posted evacuation plans, etc.). It is the owner's responsibility to assure that deficiencies identified in the checklist are addressed and that the short-term rental is and remains in substantial compliance with all applicable fire, building, and safety codes and other relevant laws, whether identified on the short-term rental fire safety checklist or not.

2. Solid Waste Collection – minimum service requirements. During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.

C. A. New Permit. Upon receipt of a complete application for a new short-term rental permit and payment of all required fees and after completing all required operational requirements of section 5.02.040, below, the city administrator ~~or designee~~ or designee will issue a short-term rental permit.

D. B. Permit Renewal. Upon receipt of a complete application for renewal of a short-term rental permit and payment of all required fees, the city will review the application and available information to determine compliance with the operational requirements of WSMC 5.02.040. If not met, the city administrator ~~or~~

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Commented [KW20R19]: Not sure what is intended here by "failure to exercise the permit". Does that mean "failure to complete the application process" or something else?

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designee or designee will not renew the permit and the property shall not be used as a short-term rental. Alternatively, the city administrator may issue the permit subject to reasonable special operational standards.

**E.C.** Owner's Role. The owner has the burden of proof to demonstrate compliance with each operational requirement and special standard placed on the short-term rental permit. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.

**FD.** Appeals. A decision on a permit application or renewal may be appealed as provided in WSMC 5.02.055.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

### 5.02.040 Operational requirements.

**A.** Maximum number of nights. The maximum number of nights per year which a permitted short-term rental may be operated shall be in accordance with WSMC Ch 17.57.XX and as specified below. The license shall specify whether the short-term rental will be operated as a hosted homeshare or a vacation home rental. The maximum number of nights shall be indicated on the license and shall not be exceeded.

<u>Short-term rentals in Commercial zones:</u>	<u>365 nights /year</u>
<u>Conforming hosted homeshare rentals in the RL, R1, R2, and R3 zone:</u>	<u>365 nights /year</u>
<u>Conforming vacation home rentals in RL, R-1, R-2 and R-3 zones:</u>	<u>150 nights /year</u>
<u>Existing non-conforming 'Legacy' short-term rentals in commercial zones:</u>	<u>See WSMC 5.02.030.B</u>
<u>Existing non-conforming 'Legacy' short-term rentals in RL,R-1, R-2 and R-3 zones:</u>	<u>See WSMC 5.02.030.C</u>

#### **B.** Parking.

1. A minimum of one (1) improved off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. A photo of all parking spaces including the interior of the garage, if applicable, shall be submitted to show parking availability. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

2. A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

**C.** Occupancy. The maximum overnight occupancy for the dwelling shall be limited to two persons per bedroom (as defined by the International Building Code) and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum overnight occupancy of six persons). The maximum daytime occupancy shall be limited to the overnight occupancy plus six additional persons (e.g., a two-bedroom dwelling is permitted a maximum daytime occupancy of twelve).

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D. Specific Prohibitions. The following activities are prohibited on the premises of a short-term rental during periods of short-term rental by a guest:

1. Unattended barking dogs.

2. Activities that exceed noise limitations set by WSMC Ch 8.05. during the hours of "overnight" stay as defined in WSMC 5.02.10

EA. Notice to Neighbors. The owner or contact person shall provide a mailing or otherwise distribute by hand prior to the initial permit, ~~a flier to all property owners of record and/or occupants of properties adjacent to and abutting the property boundaries of a radius of 150 feet~~ permitted as a short-term rental. The notice shall include the permit number and the telephone number of the owner and contact person. The purpose of this notice is so that neighboring property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the permit period, the new information must be mailed or distributed again.

EB. Public Availability. In addition, the city will make a registry publicly accessible within which any person can obtain the owner and contact person's name and telephone number. If the permanent contact information changes during the permit period, the new information must be provided to the city.

EC. Response to Complaints. The ~~owner or contact person~~ contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

1. Owner Responsibility. Reasonable initial inquiries or complaints related to the expectations set in the Good Neighbor Guidelines may first be made to the owner or contact person. However, it is not intended that the owner or contact person act as a peace officer or code enforcement officer of the city or put themselves in an at-risk situation. In such cases, the owner or contact person should contact the city to discuss resolution of the complaint.
2. Complaint Log. The owner or contact person should maintain a record of complaints and the actions taken in response to the complaint, if relevant, in a manner reasonable to document the interaction. If kept, this record can then be made available for city inspection upon request.
3. City Authority. If there is a failure to respond or a clearly inadequate response by the owner or contact person, a complaint may be submitted to the city on a form provided by the city, and the city will respond or investigate as needed. The city will first seek voluntary compliance or resolution, but if the city finds substantial evidence supports further action given the complaint(s), the city will follow the warning and revocation procedures set forth in WSMC 5.02.045.
4. Records. On request and in compliance with the public records law, the city shall provide the owner and/or contact person with the information in the complaint.
5. Grounds for Warning. ~~Repeated~~ Failure of the owner or representative to timely and reasonably respond to a complaint(s) relayed by neighbors or city staff is considered grounds for a warning and potential revocation under WSMC 5.02.045. ~~Repeated~~ Noise complaints regarding tenants may be grounds for a warning to the owner, if, in the reasonable judgment of the city administrator, the circumstances indicate the owner should be held responsible. Initiating a nuisance enforcement action under WSMC Ch. 8.70 may be grounds for a warning in the appropriate circumstances.
6. Administrative Rules. The city administrator may establish administrative rules to interpret, clarify, carry out, and enforce the provisions of this chapter. A copy of such administrative rules shall be on file and made available at City Hall.

~~D. Health and Safety. Every short term rental permit shall be subject to inspection by the building official or designee at the city's discretion. The purpose of the inspection is to determine conformance with the Short-Term Rental Fire Safety Checklist (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.). It is~~

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~~the owner's responsibility to assure that deficiencies identified in the checklist are addressed and that the short-term rental is and remains in substantial compliance with all applicable fire, building, and safety codes and other relevant laws, whether identified on the short-term rental fire safety checklist or not.~~

**DE.** Taxation. The owner shall fully comply with all applicable city and state tax reporting and payment requirements, especially lodging taxes due to the city under WSMC 3.50 and retail sales and use taxes due under WSMC 3.04.

**EF.** Mandatory Interior Postings. Important information related to the permitting and use of the short-term rental shall be displayed in a prominent location within the interior of the dwelling, either adjacent to the front door or in a highly visible rental binder. The information shall include:

1. The short-term rental permit;
2. Any special standards placed on the short-term rental permit;
3. The property address;
4. The name of the owner and contact person and a telephone number where the owner and contact person may be contacted;
5. The parking diagram of the parking spaces available for use by the short-term rental. The parking diagram may include on-street parking areas, but on-street parking is not for the exclusive use of any home or short-term rental; and
6. The city-provided Good Neighbor Guidelines. Additionally, the city encourages all owners to incorporate the Good Neighbor Guidelines into the rental contract.

7. All other requirements of state and fire code etc.

**GE.** Liability Insurance. The owner shall maintain liability insurance which expressly covers the property's use as a short-term rental.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.045 Revocation procedure.

A. In addition to the penalties described in WSMC 5.02.050, the following provisions apply to violations of this chapter:

1. Failure to renew a permit as set forth in WSMC 5.02.030 is grounds for revocation of the short-term rental permit.
2. Failure to timely pay lodging or sales taxes required by WSMC 5.02.040.E or to otherwise meet the operational requirements of WSMC 5.02.040 is grounds for revocation of the permit.
3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for revocation of the permit.
4. Such other violations of this chapter of sufficient severity in the reasonable judgement of the city administrator, so as to provide reasonable grounds for revocation of the permit.
5. Other violations of this chapter, including but not limited to city-initiated investigation/sustaining of complaints, shall be processed as follows:
  - a. For the first and second violations within the period of the permit issuance ~~a twelve-month period~~, the sanction shall be a warning notice.

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- b. If the same offense continues to occur or a third similar offense occurs at any time during ~~a twelve-month period~~the period of the permit issuance, the city may either issue a third warning, update the permit to include reasonable special operational standards, or revoke the permit.

- B. Notice of Decision/Appeal/Stay. If the short-term rental permit is updated or revoked as provided in this section, the city administrator or designee shall send written notice to the owner stating the basis for the decision. The notice shall provide a date that a short-term rental permit is to be revoked and shall be no earlier than thirty calendar days from the date of the notice. Provided, however, stays booked prior to the notice of permit revocation may be honored by the owner or manager unless the revocation was due in part to life, health or safety violations that pose a risk to the renters. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The owner may appeal the city administrator's decision under the procedures set forth in WSMC 5.02.055. Upon receipt of an appeal, the city administrator or designee shall stay the update or revocation decision until the appeal has been finally determined by the city council.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.050 Violations—Penalties.

- A. In addition to the revocation procedures of WSMC 5.02.045, any person or owner who uses, or allows the use of, property in violation of this chapter is guilty of a class 1 civil infraction under RCW 7.80.120(1)(a) and is subject to fine or two hundred fifty dollars per violation. Each day a dwelling is used in violation of this chapter shall be considered a separate violation. Furthermore, the use is subject to abatement as a nuisance under WSMC Ch. 8.07.
- B. The following conduct also constitutes a violation of this chapter subject to punishment as Class 1 Civil Infraction:
1. Renting or representing a dwelling unit or lodging unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid permit issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating permit, or exceeding rental days per WSMC XXXX;
  2. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter; and
  3. Failure to comply with the operational requirements of WSMC 5.02.040.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### 5.02.055 Appeals.

- A. Appellant—Standing. Only the owner or contact person shall have standing to appeal a decision by the city to deny, revoke or attach special operational standards to a short-term rental permit.
- B. Authority to Decide Appeal. The city council shall be responsible for determining an appeal of a decision brought under WSMC 5.02.055.A.
- C. Time for Filing. An appellant is required to file a written notice of appeal including the basis for the appeal within fourteen calendar days of the permit ~~determination.etermination being appealed.~~ This requirement is jurisdictional and late filings shall not be allowed.
- D. Fee for Appeal. The city council may establish by resolution a fee for filing an appeal, and payment of the required fee shall be jurisdictional.

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- E. Hearing. After receiving written notice of appeal, the city administrator or designee shall schedule a hearing on the appeal before the city council. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The council may direct staff to draft findings of fact and interpretations of code or law to be considered at a later council meeting.
  - F. Standard of review and decision. The council shall determine whether the city's decision was based on a preponderance of the evidence. A decision of the council shall be based on the evidence received, in writing and signed by the mayor, and issued no later than thirty calendar days after the close of the hearing.
  - G. Finality. The council's decision shall be final on the date of mailing the decision to the appellant. The council's decision is the final decision of the city and is appealable only under the Land Use Petition Act (LUPA), RCW Ch. 36.70C.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### **5.02.060 Discontinuance of short-term rental occupancy.**

- A. After Revocation. After a short-term rental permit has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a new permit is issued, and the owner of the property to which the permit applied and whose permit has been revoked shall not be eligible to reapply for a short-term rental permit for short-term rental on the same property for a period of twelve months from the date of revocation.
- B. After Expiration. If a short-term rental permit expires, the dwelling unit may not be used or occupied as a short-term rental. The owner of the property to which the permit applied and whose permit has expired shall be required to apply for and obtain a short-term rental permit before the property may be lawfully used or occupied as a short-term rental.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

#### **5.02.065 Remedies not exclusive.**

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the city to address any violation of this code.

(Ord. No. 2019-12-1052, § 1, 12-4-2019)

## Chapter 17.08 DEFINITIONS<sup>1</sup>

### Sections:

#### **17.08.010 Interpretation of language.**

For the purpose of this title, certain terms are defined in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "person" may be taken for persons, associations, firms, co-partnerships or corporations; the word "structure" includes building; the word "occupied" includes premises designated or intended to be occupied; the word "used" includes designated or intended to be used; and the word "shall" is always mandatory and not merely directive.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.015 Abut and abutting.**

"Abut and abutting", unless otherwise specified in this chapter for specific purposes, means an area of land or a building that is directly adjacent to or has a common boundary with the land or building at issue.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.020 Accessory dwelling unit.**

"Accessory dwelling unit" (ADU) means a habitable living unit added to, created within, or detached from the principal single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.030 Accessory use or structure.**

"Accessory use or structure" means a use or structure which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the principal use of a building.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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<sup>1</sup>Editor's note(s)—Ord. No. 2021-05-1079, §§ 1, 1(Exh. A), adopted May 19, 2021, repealed the former Ch. 17.08, §§ 17.08.010—17.08.540, and enacted a new Ch. 17.08 as set out herein. The former Ch. 17.08 pertained to similar subject matter and derived from Ord. No. 2012-11-905, adopted Nov. 26, 2012.

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**17.08.040 Adult boarding homes.**

"Adult boarding homes" means any home or other institution which is licensed to operate and provide board and domiciliary care to seven or more persons, not related by blood or marriage to the operator, as defined in RCW Chapter 18.20.020.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.050 Alley.**

"Alley" means a public right-of-way not over thirty feet wide which affords, generally, a secondary means of access to abutting lots, not intended for general use.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.060 Apartment house.**

"Apartment house" means a building or portion thereof used or intended to be used as a residential unit for long-term rent or lease of thirty days or more with three or more families or householders living independently of each other.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.070 Basement.**

"Basement" means a portion of a building included between a floor, with its level four feet or more below the level from which the height of the building is measured and the ceiling next above such floor; provided, that the floor of said basement is located an average of four feet below finish grade at the building face with no portion of the basement being more than eight feet above finish grade. A basement is not to be considered a story for purposes of height determination.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.080 Bed and breakfast.**

"Bed and breakfast" means an establishment in a residential district that contains up to five guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen consecutive days per month.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.090 Billboard.**

"Billboard" means an outdoor advertising sign, being any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and the occupation of the user, or the nature of the business conducted on such premises or the products primarily sold or manufactured thereon.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)



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**17.08.100 Building.**

"Building" means any structure, permanent, mobile, demountable or movable, built or used for the support, shelter or enclosure of any persons, animals, goods, equipment, or chattels and property of any kind.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.110 Building line.**

"Building line" means a line parallel with the property line located on the inside border of the required yard.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.120 Bulk plant.**

"Bulk plant" means an establishment where flammable liquids are received by tank vessel, pipelines, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.130 Clinic.**

"Clinic" means a building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for outpatients only.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.140 Commercial recreation.**

"Commercial recreation" means the provision of recreation-related products or services by private enterprise for a fee.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.150 Comprehensive plan.**

"Comprehensive plan" means a generalized coordinated land use policy statement of the city that is adopted by the city.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.160 Condominium unit.**

"Condominium unit" means one of a group of housing units where each homeowner owns their individual unit space, and all dwellings typically share ownership of areas of common use. Individual units normally do but are not required to share common walls. A condominium project limits the individual ownership to that of the units rather than dividing the ownership of a parcel of land by subdivision or short subdivision. All or most of the land in the project is owned in common by all the homeowners. The maintenance responsibility for common land

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and amenities is managed by an association established by the declaration or bylaws and supported by dues paid by owners of the individual units. Each owner pays taxes on their individual condominium unit and is free to sell at will. The exterior walls and roof of units are typically insured by the condominium association, while all interior walls and items are typically insured by the individual owner. Zoning regulations, standards, and criteria are applicable to condominium development. In addition to required compliance with RCW Chapter 64.34, Condominium Act, and all other state and federal regulations, a condominium project must comply with all land use and environmental review. Maximum dwelling unit densities, all standards applicable to specified housing and structure types, and all site and street standards are applied to proposed condominium projects through the site plan review process and approval of a binding site plan is required prior to development of any condominium project regardless of the need or lack of need to subdivide the land.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.170 Council.**

"Council" means the city council.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.180 Day care center.**

"Day care center" is a duly licensed day care provider which accommodates more than five children and less than thirteen children in the provider's home.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.190 Density provisions.**

"Density provisions" mean requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area through standards which include yards, height, bulk, lot area, lot coverage, and occupancy limitations.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.200 Director of planning.**

"Director of planning" means the person designated by the city council, who is charged with the responsibility of administering the zoning ordinance in terms of the comprehensive plan and in accordance with the decisions of the planning commission, the board of adjustment and the city council.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.210 District or zone.**

"District" or "zone" means a section or district of the city within which standards governing the use of the buildings and premises are uniform.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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**17.08.220 Duplex.**

"Duplex" means a two-family structure with a common roof.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.230 Dwelling.**

"Dwelling" means a building or portion thereof providing complete housekeeping facilities for one family.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.240 Dwelling group.**

"Dwelling group" means and shall consist of three or more detached dwelling structures located on the same lot.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.250 Dwelling unit.**

"Dwelling unit" means one or more rooms in a building designed for occupancy by one family for living and sleeping purposes and having not more than one kitchen.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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**17.08.260 Exception.**

"Exception" means a use permitted only after review of an application therefor by the board of adjustment, rather than administrative officials.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.270 Family.**

"Family" means a person living alone, or two or more persons customarily living together as a single household or housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, board or lodging house.

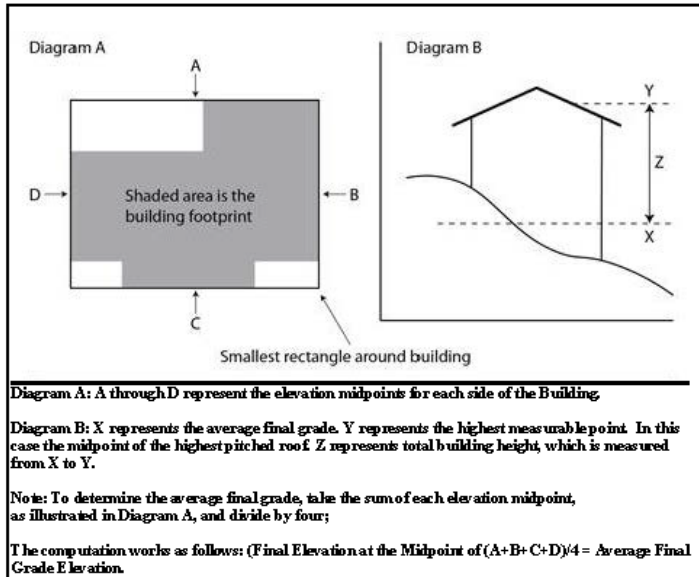
(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.280 Height of building.**

A. "Height of building" means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable ridge of a pitched or hipped roof. The reference datum shall be calculated as follows:

1. Determine the smallest rectangle as illustrated in Diagram A that encompasses all four corners of the proposed building pad (includes covered decks and covered porches) at final grade.

2. Determine the relative elevation at all four corners of the rectangle as illustrated in Diagram B below.
  3. Determine the reference datum elevation using the diagram instructions below.
  4. Flat roofs and roofs greater than 6-12 pitch angle will be measured from the highest point.
- B. The height of a stepped or terraced building is the maximum height of any segment of the building.



(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### 17.08.290 Home occupation.

"Home occupation" means an operation of a personal business within a dwelling or accessory buildings by a member or members of a family residing therein. A home occupation is not a client-patronage office or the principal place of call for the business operation.

- A. Only persons residing on the premises may be engaged in the home occupation.
- B. There shall be no outside displays of merchandise.
- C. The home occupation shall not affect the outside appearance as a residence. Business shall be conducted in such a manner as to give no outward appearance nor manifest any characteristic of a business that would infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.
- D. Business signs shall be permitted as per Sign Ordinance, Chapter 15.12 of this code.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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#### **17.08.295 Hosted Homeshare.**

"Hosted homeshare" The short-term rental of a portion of a dwelling or an attached or detached separate accessory dwelling unit (ADU) on the property of the licensee's primary address, where the licensee is generally present during rental periods.

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#### **17.08.300 Hotel.**

"Hotel" means a commercial property on one or more adjacent parcels designed and intended to provide overnight lodging to transient guests for a fee. A hotel generally consists of a lobby, rented units that are entered from the inside of the building, has a minimum of seven rental units, on-site staff, and a transient lodging license as issued and administered by the Washington State Department of Health. A hotel is not a short-term rental.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.310 Junkyard.**

"Junkyard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house-wrecking yards, used-lumber yards, and yards for the use of salvaged house-wrecking and structural steel materials and equipment.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.320 Lot.**

"Lot" means a parcel of land, under one ownership, used or capable of being used under the regulations of this title, including both the building site and all required yards and other open spaces.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.330 Lot coverage.**

"Lot coverage" means that portion of a lot that is occupied by the principal building and its accessory building(s), expressed as a percentage of the total lot area. It shall include all projections except eaves.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.340 Lot depth.**

"Lot depth" means the horizontal distance between the front and rear lot lines.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.350 Lot width.**

"Lot width" means the distance between side lot lines, measured at the front yard building line; in case of irregular-shaped lots, the lot shall be measured at a point midway between the front and rear lot lines.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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#### **17.08.360 Major thoroughfares.**

"Major thoroughfares" means primary and secondary arterials and state highways, as shown on the comprehensive plan.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.370 Manufacture.**

"Manufacture" means the converting of raw, unfinished materials or products, or any or either of them, into an article or articles or substance of a different character, or for use for a different character, or for use as a different purpose.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.380 Manufactured home.**

"Manufactured home" means a single-family dwelling built in accordance with the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code; and complying with the standards as designated on the data plate (HUD and L&I certification requirements) and with all the provisions of the in effect at the time of its construction. A manufacture home also

- Includes plumbing, electrical systems and HVAC;
- Has exterior siding similar in appearance to that used in recently constructed single-family dwellings;
- Has a roof constructed of composition, wood shake or shingle coated metal or similar material;
- Is built on a permanent chassis; and
- Can be transported in one or more section.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.390 Mobile home.**

"Mobile home" means a structure, constructed before June 15, 1976, that is transportable in one or more sections that are eight feet or more in width and thirty-two or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and bearing the "Mobile Home" insignia of the Washington State Department of Labor and Industries, commonly referred to as a single wide.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.400 Mobile home park.**

"Mobile home park" means any property used for the accommodation of inhabited manufactured or mobile homes, which are rented or held out for a period of no less than thirty days for rent to others for the primary purpose of production of income.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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**17.08.410 Modular home.**

"Modular home" means housing units that are built off-site in accordance with applicable building codes and bearing the appropriate insignia indicating such compliance, and shipped by truck or other conveyance to the building site, where the home is assembled on a permanent foundation.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.420 Motel.**

"Motel" means a commercial property with a single or multiple buildings on one or more adjacent parcels designed and intended to provide overnight lodging to transient guests for a fee. A motel shall consist of on-call staff located on the same premises. Rented units are entered from the outside of the building; the facility has a minimum of five rental units and a transient lodging license as issued and administered by the Washington State Department of Health. A motel is not a short-term rental.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.430 Multiple-family residence.**

"Multiple-family residence" means a building arranged to be occupied by more than two families.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.440 Net area—Net development area.**

"Net area" or "net development area," means the total usable area, exclusive of space dedicated to such things as streets, easements and uses out of character with the principal uses. The net area is used to compute density equivalents where applicable in this title.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.450 Nonconforming building or structure.**

"Nonconforming building or structure" means a building, structure or portion thereof that was legally in existence, either constructed or altered at the time of passage of the ordinance or amendments thereto, which does not conform with this title or amendments thereto.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.460 Nonconforming use.**

"Nonconforming use" means a use or an activity involving a building or land occupied or in existence at the effective date of the ordinance codified in this title, or at the time of any amendments thereto, which does not conform to the standards of the zoning district in which it is located.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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**17.08.470 Nursing home.**

"Nursing home" means any home, place or institution which operates or maintains facilities providing care for convalescent or chronically ill persons or both for a period longer than twenty-four consecutive hours for three or more persons, not related by blood or marriage to the operator, who by reason of illness or infirmity are unable to properly care for themselves.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.480 Off-street parking space.**

"Off-street parking space" means a permanently surfaced area not situated within a public right-of-way for the parking of a motor vehicle.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.490 Place of public assembly.**

"Place of public assembly" means auditoriums, spectator sporting venues, arcades, public plazas, courtrooms, large lecture halls, outdoor stadiums, museums, accessory conference rooms, food courts, or public rooftop terraces; similar uses may be allowed at the discretion of the city council.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.500 Principal uses permitted outright.**

"Principal uses permitted outright" means uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional exception, or variance; provided, that such use is in accordance with requirements of a particular district and general conditions stated elsewhere in this title.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.510 Prohibited uses.**

"Prohibited uses" means any use which is not specifically enumerated or interpreted as allowable in that district.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.520 Service station.**

"Service station" means a retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products and automobile accessories, and for the washing, lubrication and minor repair of automotive vehicles.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)



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**17.08.530 Short-term rental.**

"Short-term rental" means a residential lodging use, that is not a hotel or motel or bed and breakfast in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by the residence owner or operator for a fee for fewer than thirty consecutive nights.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.540 Story.**

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above, then the space between such floor and the ceiling next above it.

"First story" means any floor not over four and one-half feet above average pre-development (natural) ground level at the front line of the building.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.550 Story, half.**

"Half-story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.560 Street.**

"Street" means a public way which affords a primary means of access to property.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.570 Tiny house.**

"Tiny house" and "tiny house with wheels" means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code and constructed in accordance with WAC 51-51-60104 and does not have an interior habitable area greater than four hundred square feet excluding sleeping lofts.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.580 Tourist facilities.**

"Tourist facilities" means, as used in the chapter, amenities for tourists or visitors. Tourist facilities do not include lodging.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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#### **17.08.590 Townhouse.**

"Townhouse" means a single-family dwelling unit constructed as one of two or more attached units separated by property lines at common walls with open space on at least two sides.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.600 Townhouse building.**

"Townhouse building" means a structure which is comprised of two or more townhouses.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.610 Use.**

"Use" means an activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.615 Vacation home rental.**

"Vacation home rental". The short-term rental of an entire primary dwelling unit. This does not include accessory dwelling units (ADUs).

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#### **17.08.620 Variance.**

"Variance" means a modification of the regulations of this title, when authorized by the board of adjustment after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.630 Vicinity.**

"Vicinity" means the area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke, or similar influences.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

#### **17.08.640 Yards.**

"Yards" means land, unoccupied or unobstructed from the ground upward, except for such encroachments as may be permitted by this title, surrounding a building site.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

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**17.08.650 Yard, front.**

"Front yard" means an open space, other than the court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.660 Yard, rear.**

"Rear yard" means an open space on the same line with the building, between the rear line of the building (exclusive of steps, porches and accessory buildings other than garages or workshops addressed in underlying zone) and the rear line of the lot.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.670 Yard, side.**

"Side yard" means an open space on the same lot with the building, between the side wall line of the building and the side wall line of the lot.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.680 Zone.**

"Zone" means a specific area or district designated on the official interim zoning map. Such area is subject to all the regulations applicable to the zone contained in this title.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.690 Zoning.**

"Zoning" means the regulation of the use of lands, or the manner of construction related thereto, in the interest of achieving public benefit, protecting public welfare, maintaining compatibility between uses, while providing for orderly growth and development, that supports a comprehensive plan for development. Public lands are zoned as such on the city zoning map. Use of public land for public and quasi-public land uses and buildings providing for proprietary-type services shall be required to comply with applicable provisions of the zoning ordinance. Users of public land for governmental activities are encouraged to understand applicable land use regulations and to cooperate under these regulations in order to secure harmonious development.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.700 Zoning lot.**

"Zoning lot" means a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width. A "zoning lot" need not necessarily coincide with the "record lot," which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county.

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(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

**17.08.710 Zone transition lot.**

"Zone transition lot" means a parcel of land abutting a district boundary where the district boundary is not a street.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

## Chapter 17.40 CONDITIONAL USES IN RESIDENTIAL DISTRICTS

### 17.40.010 Uses authorized when.

The uses set out in this chapter may be authorized by the planning commission as conditional uses in residential districts, as indicated. Such uses, although not permitted outright, shall not be deemed nonconforming if existing on September 19, 1973.

(Ord. No. 2012-11-905, 11-26-2012)

### 17.40.020 Residential conditional uses designated.

Conditional uses for all residential districts include:

- A. Parks and playgrounds;
- B. Churches and other religious or charitable organizations;
- C. Public and governmental buildings and uses;
- D. Fire and police stations;
- E. Libraries;
- F. Adult boarding homes, nursing homes;
- G. Bed and breakfasts, as defined;
- ~~H. The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than two roomers in the dwelling unit;~~
- ~~H. The accessory use of a primary residence as a hosted homeshare or vacation home rental per the requirements of WSMC Chapter 5.02 and WSMC Chapter 17.59.~~
- J. Schools, day care and assisted living facilities;
- K. Home businesses that cannot comply with the standards applied to a home occupation allowed in residential zones may request a conditional use permit seeking conditional permit to operate a home business at a larger or more extensive scale than allowed as a home occupation. A home business will need to address all conditional use permit criteria in a manner that demonstrates how operation of a home based business at the alternate scale will maintain compatibility with surrounding permitted uses and retain the residential nature of the site from which it is operated.
- L. Accessory dwellings as allowed for in base zones and subject to all applicable standards in Chapter 17.64.
- M. Residential PUD in RL - Low density residential zone subject to all applicable PUD standards in Chapter 17.75.
- N. Cottage infill development in R-2 or R-3 residential zones subject to all applicable cottage infill standards in Chapter 17.73.
- I. Other conditional uses as authorized by the city council that are customarily incidental to permitted and conditional uses allowed in residential district.

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## **Chapter 17.48 C GENERAL COMMERCIAL DISTRICTS<sup>1</sup>**

### **17.48.010 Purpose—Use restrictions generally.**

In the C district, it is intended that structures, premises and facilities would provide a major shopping and business center serving an urban and/or agricultural area of sufficient population to support the facilities provided.  
(Ord. No. 2012-12-910, 12-19-2012)

### **17.48.020 Principal uses permitted outright.**

Principal use listed as uses permitted outright in the C district are intended to be retail and service oriented uses focused on sales of goods and services to end users. Permitted uses include:

- A. Retail - Retail stores and shops providing goods and services, including hardware, dry goods, apparel, home appliances, jewelry, photographic studio, furniture and boat sales; gift shop;
- B. Service and Professional Space - Cafe, tavern, theater (including outdoor), radio and television, bank, business or professional office;
- C. Repair and Sales - Automobile, truck and machinery dealer (new and used), garage, and automobile, truck and other passenger vehicle repair reconditioning, painting, upholstering, motor rebuilding, body and fender work; refrigerated locker rental, shoe repair, bakery, supermarket, tailoring;
- D. Preparation and Sales - Formulating and preparing for sale such products as bakery goods, candy, cosmetics, dairy products, drugs, food and beverage products; including brewer, distillery, or winery in conjunction with a pub eatery or tasting room;
- E. Hospitality - Hotel, motel and tourist facilities; places of public assembly; commercial recreation [\(does not include short-term rental, see Section 17.48.030.D\)](#);
- F. Artisan Manufacture and Sales - Boatbuilding; instruments, dishware, candles, glassware; metal work and welding; other items assembled from various raw materials such as wood, bone, cellophane, canvas, cloth and glass; spinning or knitting of cotton, wool, flax or other fibrous materials; stone, marble and granite monument works;
- G. Other commercial uses determined to be similar to the above uses may be permitted, subject to approval of the planning commission.

(Ord. No. 2012-12-910, 12-19-2012)

### **17.48.030 Conditional uses.**

Uses which may be authorized subject to conditional use permit review by the planning commission [or where otherwise delegated to the Planning Administrator](#) in a C district are intended to provide for compatible

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-12-910, adopted Dec. 19, 2012, repealed Ch. 17.48, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Ch. 17.48 pertained to "C2 General Commercial Districts." See Ordinance List and Disposition Table for derivation.

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manufacturing, light industrial, residential, and storage uses especially in conjunction with retail use. Uses possible to permit conditionally include:

- A. Residential - Condominium, apartment, and other dwelling types including balconies, outside courts or patios and constructed or renovated to be included as an integral part of a commercial or retail structure with the following conditions:
  - 1. The dwelling units shall have a minimum living area of six hundred square feet and a maximum of one thousand five hundred square feet.
  - 2. Residential uses shall not be more than sixty percent of the total square footage of the structure(s).
  - 3. The design of commercial establishments which include dwellings shall be a matter subject to review and approval by the planning commission.
  - 4. If located on or along a commercial street front the building design shall be required to support and contribute to street front commerce; or

Stand alone dwellings incidental to and used in conjunction with the primary permitted use when found to be compatible with and clearly incidental to the primary use and surrounding uses, e.g., care taker cottage or housing for family or others principally engaged in the primary business. This provision is intended for application in conjunction with a business that is not located in an area characterized by typical commercial street frontage.

The planning commission specifically reserves the right to disapprove construction of dwellings in conjunction with commercial development on the basis of health, safety and welfare of potential occupants or if location of dwelling units displaces or is likely over time to displace the street front commercial presence of a retail structure.

- B. Light manufacturing, repair, and storage - Including equipment repair, and machine shop uses such as:
  - 1. Assembly, fabrication and distribution of metal products, electrical appliances, electronic instruments and devices;
  - 2. Research and development including testing sites for instruments and devices developed for proprietary use or sale;
  - 3. Repair, reconditioning, or rebuilding of fleet vehicles, farm equipment, heavy commercial equipment;
  - 4. Wholesale distribution of fuel or foodstuffs including: heating oil or natural gas, brewery, distillery, winery, cereal mill;
  - 5. Equipment storage of contractors' or loggers' equipment and truck storage yard, plant, repair, rental; storage of materials and parking of vehicles integral to the principal uses permitted outright; storage and parking; contained within an enclosed building or screened in a manner to avoid conflicts with surrounding permitted uses.
  - 6. Other storage conducted within an enclosed building or otherwise screened and shielded in a manner to achieve compatibility with surrounding uses.
- C. Small animal hospitals, veterinary facilities or offices.
- D. [Short term rental - hosted homeshares or vacation home rentals pursuant to the standards of WSMC Chapter 5.10 and WSMC Chapter 17.57](#)
- D. Any other uses judged by the planning commission to be no more detrimental to adjacent properties than, and of the same type and character as, the above-listed uses.

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In addition to conditions applied in response to conditional use permit criteria; design standards listed in the commercial zone will be applied and included as conditions of approval when necessary to achieve compatibility with existing and permitted uses in the area.

(Ord. No. 2012-12-910, 12-19-2012)

#### **17.48.040 Accessory uses.**

Accessory uses permitted outright in a C district are as follows:

- A. Uses and structures customarily incidental to principal uses permitted outright;
- B. Signs as permitted by the Sign Ordinance, Chapter 15.12 of this code;
- C. Commercial parking lots for private passenger vehicles only.

(Ord. No. 2012-12-910, 12-19-2012)

#### **17.48.060 Density provisions.**

Density provisions for the C district are as follows:

- A. Maximum building height: three stories, but not to exceed thirty-five feet;
- B. Minimum lot: none;
- C. Minimum front yard depth: none required;
- D. Minimum side yard, interior lot: none required;
- E. Minimum side yard, corner lot: none required;
- F. Minimum side yard, zone transition lot: same as requirement of adjoining more-restrictive district;
- G. Minimum rear yard: none; except when abutting an R district, twenty feet.

(Ord. No. 2012-12-910, 12-19-2012)

#### **17.48.070 Prohibited uses.**

- A. Industrial and manufacturing uses or services unless limited in nature and permitted in accordance with uses listed above.
- B. Warehouses and storage facilities unless limited in nature and permitted in accordance with uses listed above.
- C. Junk and salvage yards, automobile or truck wrecking yards.
- D. Open storage areas.
- E. Any business, service, repair, processing or storage not conducted wholly within an enclosed building, except for off-street parking, off-street loading, automobile service stations and limited outside seating for restaurants and cafes.
- F. Processes and equipment and goods processed or sold determined to be objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste, or not in compliance with the fire code.

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(Supp. No. 23)

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### **17.48.075 Development and design standards.**

- A. Property development standards—All new development shall conform to Chapter 17.81, Site and Building Plan Review, and to any and all architectural and design standards which may be adopted by the city.
- B. Roof standards/surfacing:
  - 1. Finished roof material shall meet Class "C" roof standards. Dark and non-reflective roofing material shall be used for all visible roof surfaces.
- C. Roof standards/mechanical equipment and venting:
  - 1. All mechanical equipment located on roof surfaces such as, but not limited to, air conditioners, heat pumps, fans, ventilator shafts, duct work, or related devices or support work, shall be screened from view when possible and visible equipment shall be of a matte and/or non-reflective finish, unless reviewed and determined by the planning commission to be compatible with or a positive addition to the design and character of the commercial area. This restriction shall not apply to radio/television antennas or dishes (see Chapter 17.78).
  - 2. All exposed metal flashing, roof jacks and plumbing vents shall be matte finishes/non-reflective.
- D. Drainage—All storm water concentrated by the structure and related impervious surfaces must be handled on site. Concentration of roof drainage shall not be shed by drip or overflow at points that cross pedestrian walkways or paths. A plan of the roof and surface drainage shall insure that pedestrian walkways and paths remain free from concentrated water shedding. Such plans shall be included in the proposed site drainage plan required for site and building plan review in Chapter 17.81.
- E. Exterior walls/siding—Acceptable siding shall be of lap, plank, shingle, board and batten style. Siding with brushed, sanded or rough sawn texture may be permitted, if approved by the planning commission. Siding shall be finished in natural or earth-tone colors. Other colors or styles may be permitted if approved by the planning commission. All other composition materials shall be carefully reviewed for visual compatibility by the planning commission.
- F. Exterior walls/masonry—Masonry walls or walls with masonry veneer may be native or cultured stone or standard-sized brick of natural or earth-tone colors. Ceramic tile, manufactured concrete block or slabs may be permitted, but shall be subject to review by the planning commission to insure use of earth-tone colors, matte finish, and compatible relationship to native materials.
- G. Exterior walls/metal—Metal walls, panels, partitions, facing or surfacing of any type is subject to review by the planning commission and must be found to be compatibly designed and intentionally applied rather than relied on solely as a less expensive option. Window panel fillers, exterior metal doors, door casings and windows shall be allowed.
- H. Windows and doors—All window and door frames shall be dark or earth-tone in color. Doors may be painted graphic colors as a part of the ten percent graphic color and signing limitation.
- I. Garbage and refuse areas—Building plans shall include provisions for the storage of garbage containers. Garbage containers shall be fully enclosed and covered. Disposal and storage of hazardous or toxic substances in garbage or refuse receptacles is strictly prohibited. On-site hazardous waste treatment and storage facilities shall conform to State Siting Criteria, RCW 70.105.210.
- J. Orientation of entry and display space—Entry and window display area shall be oriented toward the city street. Parking may and will often be provided behind and/or under the rear or side portion of a new commercial structure. In this case additional entry may be oriented toward the parking area but such

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additional entry area will be in addition to rather than in place of window display and entry area addressing the street and sidewalk.

- K. Utilities—All electrical, telephone, and other utilities shall be brought underground into the site and to the buildings.
- L. Loading—All loading must be on-site and no on-street loading is permitted. All truck loading aprons and other loading areas shall be paved with concrete or asphalt, be well-drained and of strength adequate for the truck traffic expected.
- M. Parking—All vehicles must be parked on the site unless otherwise provided for in accordance with [Chapter] 17.72. No on-street parking is permitted. Minimum parking stall width should be eight feet, six inches and length nineteen feet. All parking areas shall be paved with concrete or asphalt and shall conform to all regulations hereinafter in effect.
- N. Outside storage—All storage and refuse shall be visually screened by landscaping barriers, walls or coverings and be included in plans and specifications. Such barriers, walls or coverings shall not restrict access to emergency exits.
- O. Noxious effects:
  - 1. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible at the property line of the use concerned.
  - 2. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent properties.
  - 3. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard.

(Ord. No. 2012-12-910, 12-19-2012; Ord. No. 2016-10-995, § 1, 11-16-2016)

### **17.48.080 Off-street parking space.**

In the C district, minimum off-street parking shall be provided as specified in Chapter 17.72. Most notably Section 17.72.060 exempting some existing structures from being required to meet off street parking standards and limiting the instances in which expanded building areas are required to meet a parking standard. Allowances for parking to be located walking distance from a new structure and joint use of spaces per Section 17.72.070 may also be authorized when determined by the planning commission to provide appropriate flexibility in the application of parking requirements in the core downtown area. (Jewett commercial street front.)

(Ord. No. 2012-12-910, 12-19-2012)

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**17.57 Hosted homeshares and vacation home rentals.**

**17.57.010 Purpose.**

Dwelling units may be used as hosted homeshares or vacation home rentals in the Single-Family Large Lot Residential (RL), Single-Family Residential District (R-1), Two-Family Residential District (R-2), Multi-Family Residential District (R-3), Mobile/Manufactured Home Residential District (MHRP), and the Commercial Zone (C). Hosted homeshares and vacation home rentals are prohibited in the Riverfrontage District Zone (RD).

**17.57.020 License Required.**

- A. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental operating license pursuant to Chapter [5.02](#) of the White Salmon Municipal Code.

**17.57.030 Use Restrictions – All Zones.**

- A. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter.
- B. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
- C. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

**17.57.040 Additional Use Restrictions – Residential Zones (RL, R-1, R-2, R-3, and MHRP).**

- A. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner and is limited to the rental of one dwelling unit or room within a hosted homeshare per property. Proof of primary residence shall be provided in accordance with Chapter [5.02](#) of the White Salmon Municipal Code.
  - B. The accessory use of a primary residence as a hosted homeshare wherein the rental of an attached or detached accessory dwelling unit (ADU), or a room within the residence with the owner present within the primary residence while guests are present is limited to three-hundred and sixty-five days per calendar year.
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C. The accessory use of a primary residence as a vacation home rental (entire home) is limited to a total of one-hundred and fifty (150) days per calendar year.

D. A hosted homeshare or vacation home rental shall be issued for a period not to exceed one year, with its effective date running from the date the permit is issued to January 31 and may be renewed annually by the owner or contact person provided all applicable standards are met for a maximum of 8 consecutive years (7 consecutive permit renewals) whereupon the applicant may reapply for a permit pursuant to WSMC Chapter 5.10.

E. The number of hosted homeshare and vacation home rental permits available yearly shall be capped at ten (10) percent of existing housing stock pursuant to WSMC Chapter 5.10.

#### **17.57.050 Additional Use Restrictions – Commercial Zones (C)**

A. A hosted homeshare or vacation home rentals are permitted only when no more than 30% of residential units within a building in the commercial zoning district are for the purpose of short-term rental. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units.

**Commented [P1]:** Building vs property discussion. Language about minimum number of units versus standalone structures. By property instead of building. Or we can rely on design review in commercial zones.

B. With the exception of existing hosted homeshares and vacation rentals in the Commercial zones which meet the requirements of subsection E below, no hosted homeshare or vacation home rental shall be permitted to occupy a ground floor space with commercial street frontage.

#### **17.57.060 Prior Existing (Nonconforming) Use.**

For purposes of hosted homeshare and vacation home rentals, the nonconforming use provisions in WSMC Chapter [17.76](#) (Nonconforming Uses and Structures) shall apply except as specifically modified in this section.

A. Any hosted homeshare or vacation home rental lawfully established and actually in existence prior to the effective date of this 2022 ordinance may continue as a legal nonconforming use until 10 years (9 total consecutive permits) from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this WSMC Title [17](#).

B. A hosted homeshare or vacation home rental in the RL, R-1, R-2, and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time prior to the effective date of this 2022 ordinance all of the following occurred:

1. The home was actually used as a hosted homeshare or vacation home rental as defined in WSMC [17.08.530](#);
  2. The owner obtained from the City a Business License and paid Lodging Taxes; and
  3. The owner obtained a Short-Term Rental Permit pursuant to WSMC Chapter [5.02](#).
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C. The proponent of the nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

D. In addition to proving the elements of a nonconforming hosted homeshare or vacation home rental as described in subsection E2 of this section, to maintain that status, the owner shall apply for and obtain a Short Term Rental Operating License under WSMC Chapter [5.02](#) within 12 months of the effective date of Ordinance **XXXX**, which is January **■**, 2022, and maintain in good standing that License for the remaining duration of the amortization periods provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the remaining duration of the amortization periods shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with title to the property.