

White Salmon Planning Commission Meeting

A G E N D A

October 14, 2020 – 5:30 PM

Viz Zoom Teleconference

Meeting ID: 821 5895 9350 Passcode: 699195



Call in Numbers:

669-900-6833

929-205-6099

301-715-8592

346-248-7799

253-215-8782

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

Public Comment

Public comment will not be taken during the teleconference. Public comment submitted by email to Erika Castro-Guzman at erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, October 14 will be read during the planning commission meeting and forwarded to all planning commission members. Please include in the subject line "Public Comment – October 14 Planning Commission Meeting." Please indicate in your comments whether you live in or outside of the city limits of White Salmon.

Discussion Items

Short-term Rental Policy Discussion - Continued from September 23, 2020

Adjournment

File Attachments for Item:

Short-term Rental Policy Discussion - Continued from September 23, 2020



AGENDA MEMO

Needs Legal Review: No
Planning Commission
Meeting Date: October 14, 2020
Agenda Item: Short-Term Rental Policy Discussion - Continued

Action Required

Provide guidance to staff and consultants on broad guidance to be used towards the development of goals and policies regarding short-term rentals.

Motion

No motion necessary.

Explanation of Issue

This is a continuation of the discussion that was begun on September 23, 2020.

Staff is asking the Planning Commission to hold a discussion regarding short-term rentals to provide broad guidance to be used towards the development of goals and policies regarding short-term rentals.

Below are some bullet points to help start the discussion.

- Should short-term rentals be allowed
- How are short-term rentals classified, i.e. "residential" or "commercial"
- Where should short-term rentals be allowed; what zones should short-term rentals be allowed; if classified "residential" are short-term rentals allowed in commercial zones or possibly with a conditional use permit or if classified "commercial" are short-term rentals allowed in residential zones or possibly with a conditional use permit
- Should there be a limit on the number of short-term rentals

Attachments include:

- Hood River Ordinance
- Leavenworth Ordinance
- Manzanita Ordinance
- Bend Ordinance
- Walla Walla Ordinance

Chapter 5.10

SHORT-TERM RENTAL OPERATING LICENSE

Sections:

5.10.010	Title.
5.10.020	Purpose and scope.
5.07.030	Definitions.
5.10.040	Annual short – Term rental operating license required.
5.10.050	Application and fee.
5.10.060	Term of annual license and transferability.
5.10.070	Operating license and license renewal.
5.10.080	Criteria for approval of an operating license and operating license renewal.
5.10.090	Additional operational requirements.
5.10.100	Violations.
5.10.110	Penalties.
5.10.120	Appeals of short-term rental operating license determinations.
5.10.130	Discontinuance of short-term rental occupancy.
5.10.140	Remedies not exclusive.

Legislative History: Ord. 2028 (2016)

5.10.010 Title.

The provisions of this chapter are intended to authorize and regulate the short-term rental of residential dwelling units on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter [5.10](#) entitled "Short – Term Rental Operating License," and those sections and subsections set forth below.

5.10.020 Purpose and scope.

A. This ordinance provides reasonable and necessary regulations for the licensing of short-term rental of residential dwelling units in order to:

1. Ensure the safety, welfare and convenience of renters, owners and neighboring property owners throughout Hood River.
2. Balance the legitimate livability concerns with the rights of property owners to use their property as they choose.

3. Recognize the need to limit short-term rental options within the neighborhoods to ensure compatibility, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
4. Help maintain the City's needed housing supply for residential use.
5. Protect the character of the City's neighborhoods by limiting the number and concentration of full-time short-term rentals in residential zones. In the adoption of these regulations, the City finds that the transient rental of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings listed for transient occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

- B. A short-term rental license is a permission to operate a short-term rental in accordance with this chapter. An operating license may be terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a short-term rental.
- C. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- D. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.07.030 Definitions.

- A. Applicant(s) means an owner(s) of a dwelling unit who applies to the City for a short-term rental operating license.
- B. Authorized agent is a property management company or other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- C. City Manager means the City Manager or his or her designee.
- D. Hosted homeshare means the transient rental of a portion of a dwelling while the homeowner is present. For the purposes of this Title, "present" means the homeowner is staying in the dwelling overnight.
- E. Licensee means the owner(s) of a dwelling unit who holds a short-term rental operating license.
- F. Non-transient rental means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.
- G. Owner(s) means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited

partnership, limited liability partnership or similar entity, all persons who own an interest in that business entity may be considered an owner.

H. Short-term rental means a Hosted Homeshare or Vacation Home Rental.

I. Short-term rental operating license means the regulatory license required by HRMC [5.10.030](#) and described in this chapter. It will be referenced as an “operating license.”

J. Transfer means the addition or substitution of owners not included on the original license application, whether or not there is consideration. If multiple owners exist on a license, individual owners may be removed from the license without constituting a transfer.

K. Transient rental means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

L. Vacation home rental means the transient rental of an entire dwelling unit.

M. Daytime means between the hours of 7:00 am to 10:00 pm

N. Overnight means between the hours of 10:00 pm to 7:00 am the following day

5.10.040 Annual short – Term rental operating license required.

No owner of property within the Hood River City limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental operating license. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

5.10.050 Application and fee.

A. *Application Required.* Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The applicant or authorized agent shall certify the following information to be true and correct:

1. *Owner/Applicant Information.* Applicant’s name, permanent residence address, telephone number, and the short-term rental address and telephone number.
2. *Proof of Residential Use* (for conforming short-term rentals within the R-1, R-2 or R-3 zones only). The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:
 - A copy of the voter registration.
 - A copy of an Oregon Driver’s License or Identification Card.

- A copy of federal income tax return from last tax year (page 1 only financial data should be redacted).

3. *Representative Information.* The applicant shall provide the name, telephone number, address and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in HRMC [5.10.080](#). For the purposes of this requirement, local means the representative's address is within a 30 minute travel time of the subject property.

4. *Parking.* 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.

5. *Occupancy.* Occupancy limits and number of bedrooms.

6. *Good Neighbor Guidelines.* Acknowledgment of receipt and review of a copy of the City's good neighbor guidelines. In addition, evidence that the City's good neighbor guidelines has been effectively relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

7. *Listing Number.* If they advertise, the listing numbers or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, account number, URL, etc.).

8. A completed checklist for fire safety as required by HRMC [5.10.080\(C\)\(2\)](#).

9. Proof of garbage service as required by HRMC [5.10.080\(C\)\(3\)](#).

10. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.

B. *Incomplete Application.* If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, 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.

C. *License Fee.* The fee for application for a short-term rental operating license or license renewal shall be as established by resolution of the City Council.

5.10.060 Term of annual license and transferability.

A. *Term.* A short-term rental operating license shall be renewable annually on or before January 15th, the license may be renewed annually for up to four years by the licensee or authorized agent provided all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall timely notify the City in writing of the change.

B. *Transferability.* The operating license shall be issued in the name of the licensee(s) and is not transferable.

5.10.070 Operating license and license renewal.

A. *License Must Be Obtained.*

1. An operating license shall be obtained and renewed as required in this section. The permission to operate a short-term rental in the City of Hood River shall be revoked for failure to obtain or renew a license to operate as provided in this chapter.
2. The maximum number of nights per year which a short-term rental may be operated shall be in accordance with HRMC [17.04.115](#) 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; however, the number of nights allowed is the maximum number for all short-term rental use of the subject property. The maximum number of nights shall be indicated on the license and shall not be exceeded.

Short-term rentals in C-1 and C-2 zones:	365 nights /year
Conforming short-term rentals in R-1, R-2 and R-3 zones:	90 nights /year
Existing non-conforming short-term rentals in R-1, R-2 and R-3 zones:	See HRMC 5.10.070.A.3

3. *Existing Nonconforming Short-term Rentals within the R-1, R-2 and R-3 zones.* For the purposes of this section, an existing non-conforming short-term rental is one which meets all of the standards and criteria in HRMC 17.04.115.D. The extent of the non-conformity shall be limited to the maximum number of nights of transient rental which previously occurred in any one calendar year, 2013 through October 13th, 2016. The applicant has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

B. *Application and Renewal Application Process.*

1. *Existing Short-term Rentals.* Existing short-term rentals may continue to operate until such time as the City has approved or denied the application. If approved, the license may be renewed annually thereafter in accordance with subsection C, below. If denied, operation of the short-term rental must cease within 30 days. Failure to submit an application as required by this section shall result in the loss of all non-conforming use status.
2. *New Short-term Rentals.* A license shall be obtained before beginning operations. A completed operating license application and fee may be submitted and issued at any time. The license may be renewed annually thereafter in accordance with subsection C, below.

C. *Renewal Standards.*

1. Operating licenses may be renewed by the licensee annually for up to four years after the year of issuance.
 2. The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a short-term rental.
- D. A decision on an operating license application or renewal may be appealed as provided in HRMC [5.10.120](#).

5.10.080 Criteria for approval of an operating license and operating license renewal.

- A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.
- B. To receive approval, an applicant must demonstrate that all approval criteria listed below has been satisfied:
1. *Zoning*. The property is in compliance with requirements of HRMC Title [17](#) (Zoning).
 2. *Contact Information*. The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. Response must be within 30 minutes. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. In the case of Hosted Homeshares, the contact person shall be the permanent resident who will be hosting the transient accommodations.
 3. *Notice to Neighbors*. For Vacation Home Rentals, the licensee or authorized agent shall either: (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250-foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small placard or sign as specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.
- The purpose of this notice is so that adjacent 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 license period, the new information must be mailed or distributed again, or changed on the placard or sign.
- C. *Health and Safety*.

1. *Responsibility.* It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
2. *Fire and Emergency Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City shall be required prior to issuance of a license and may be required for each renewal at the City Manager's discretion.
3. *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.

D. *Mandatory Postings.* The short-term rental license issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

1. A number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Hood River, with the date of expiration;
2. The name of the licensee or representative and a telephone number where the licensee or representative may be contacted;
3. The number of approved parking spaces;
4. The maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the operating license;
6. Day of week of trash pickup;
7. The property address; and
8. The City of Hood River official logo.

E. The licensee shall be in compliance with the Hotel Tax Code pursuant to HRMC Chapter [5.09](#), and subject to the Tax Administrator's authority under that chapter.

F. *Parking.*

1. 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. Parking areas shall not be located in the front yard. 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.

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.

5.10.090 Additional operational requirements.

A. *Advertising and License Number.* The licensee or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.

B. *Complaints.*

1. *Response to Complaints.* The licensee or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

2. *Record of Response.* The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. If kept, this record can then be made available for City inspection upon request to investigate a complaint.

C. *Inspection.* Upon application for an operating license all short-term rentals shall be subject to inspection by the City for compliance with this section.

1. The City Manager may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms (as defined by the International Building Code) stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during the City's normal business hours, and with reasonable notice.

2. The City Manager may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during the City's normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with HRMC Title [1](#).

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a Short-term Rental during periods of transient rental:

1. *Events.* Examples of events include, but are not limited to, company retreats, weddings, rehearsal dinners, etc.

2. Unattended barking dogs.

3. Activities that exceed noise limitations set by HRMC Title [8.09](#).

E. 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).

F. *Administrative Rules.* The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Recorder and be posted on the City website.

5.10.100 Violations.

In addition to complaints related to nuisance and noise and other violations of the HRMC, the following conduct also constitutes a violation of this chapter and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process.
- B. Representing a dwelling as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter.
- D. Failure to comply with the substantive standards of HRMC [5.10.080](#) and HRMC [5.10.090](#).

5.10.110 Penalties.

- A. In addition to the fines and revocation procedures described below, any person or owner who uses, or allows the use of, or advertises, property in violation of this chapter is subject to the enforcement authority of HRMC Title [1](#).
- B. Each twenty-four hour period in which a dwelling is used, or advertised, in violation of this chapter or any other chapter of the HRMC shall be considered an occurrence for calculation of the following fines:
 - 1. The first occurrence of one or more violation(s) will incur a warning or other fine amount otherwise specified in HRMC, whichever is greater.
 - 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a \$250 fine or other fine amount otherwise specified in HRMC, whichever is greater.
 - 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period is subject to a \$500 fine or other fine amount otherwise specified in HRMC, whichever is greater.
- C. *Revocation.* The following actions are grounds for immediate revocation of an operating license:

1. Failure to renew an operating license as set forth in HRMC [5.10.070](#) while continuing to operate a short-term rental.
2. The occurrence of three or more violations within a 12-month period resulting in fines pursuant to 5.10.110.B3.
3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.
4. Such other violations of this chapter of sufficient severity in the reasonable judgment of the City Manager, so as to provide reasonable grounds for immediate revocation of the operating license.

D. *Notice of Decision/Appeal/Stay.* If the operating license is revoked as provided in this section, the City Manager shall send written notice of revocation to the licensee stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The licensee may appeal the City Manager's decision to revoke the operating license under the procedures set forth in HRMC [5.10.120](#). Upon receipt of an appeal, the City Manager shall stay the revocation decision until the appeal has been finally determined by the Hearing Officer.

5.10.120 Appeals of short-term rental operating license determinations.

- A. *Filing Requirements – Notice.* The licensee or authorized agent may appeal a short-term rental operating license decision to deny or revoke an operating license under HRMC [5.10.100](#).
- B. *Authority to Decide Appeal.* The Hearings Officer shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.
- C. *Time for Filing.* An appellant is required to file a written notice of appeal including the basis for the appeal within 14 calendar days of the license determination 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, which shall be jurisdictional.
- E. *Procedures.* The City Manager may establish administrative procedures to implement the appeal procedures provided in this section, including any required forms. The Council may adopt procedures for hearings not in conflict with this section, including but not limited to time limits on oral testimony and limitations on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the City Manager shall schedule a hearing on the appeal before the Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The Hearings Officer may direct the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later meeting.

G. *Standard of Review and Decision.* The Hearings Officer shall determine whether the City's decision was based on a preponderance of the evidence. A decision of the Hearings Officer shall be based on the evidence received, in writing and signed by the chair, no later than 30 days after the close of the hearing. The Hearings Officer may determine not to suspend or revoke the license, or to revoke or suspend the license. If the Hearings Officer upholds the decision to revoke the operating license, the Hearings Officer shall order the licensee to discontinue use as a short-term rental. If the Hearings Officer reverses the decision to revoke the operating license, the operating license shall be continued.

H. *Finality.* The Hearings Officer's decision shall be final on the date of mailing the decision to the appellant. The Hearings Officer's decision is the final decision of the City and is appealable only by writ of review to Circuit Court.

5.10.130 Discontinuance of short-term rental occupancy.

A. *After Revocation.* After a short-term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a subsequent license is granted, and the licensee whose license has been revoked shall not be eligible to reapply for a short-term rental license for short-term rental occupancy of the same property for a period of two years.

B. *After Expiration.* If a short-term rental operating license expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that property.

5.10.140 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, the Development Code, or other public nuisance.

The Hood River Municipal Code is current through Ordinance 2054, passed February 10, 2020.

Disclaimer: The City Recorder's Office has the official version of the Hood River Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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[City Website: cityofhoodriver.gov](http://cityofhoodriver.gov)

[Code Publishing Company](#)

City of Leavenworth

18.52.120 Conditional use permit – Bed and breakfast.

In granting a conditional use permit for a bed and breakfast in addition to the criteria in LMC [18.52.050](#) and [18.52.060](#) where applicable, the hearing examiner shall impose the following minimum conditions to allow a bed and breakfast as a conditional use:

A. The bed and breakfast facility shall be the principal residence of the property owner. A property owner must live on-site throughout the visitor's stay.

B. Detached units with rooms are allowed. Accessory dwelling units may be allowed to be a part of the bed and breakfast.

C. A bed and breakfast may only be offered in a space intended for human habitation. For example, a property owner may not rent a space in an accessory structure that is a storage shed or garage.

D. The maximum number of occupants permitted to stay overnight shall be two people for each bedroom, excluding children under the age of six.

E. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes. New, converted, or annexed bed and breakfast facilities shall be inspected by the city of Leavenworth prior to operations. Thereafter with renewal of annual permits, inspections shall be conducted by the property owner via the "Annual Building, Fire and Life Safety Occupancy Permit Application" provided by the city with the annual permit renewal process. All bed and breakfasts shall receive an annual permit from January 1st to December 31st, under limited administrative review, documenting conformance with city code and agreement to conform to all permits, licenses and permits. The International Fire, Residential, and Building Codes shall be applied at the time of permit for use.

F. Bed and breakfasts shall be residential in appearance.

G. Bed and breakfast facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes. Bed and breakfasts shall obtain a city business license and separate annual permits provided by the city. In any advertisement of the bed and breakfast, the property owner must include the business license number issued by the city.

H. A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, providing guests with information related to emergency exit routes, 24 hours a day seven days a week contact information, required guest rules and regulations, including for litter control, quiet hours, parking and proposed methods to enforce occupancy limitations and other requirements. In addition to providing the plan to the city of Leavenworth, contact information shall be provided to the adjacent properties, District 3 fire chief, and Chelan County sheriff. A legible sign shall be placed adjacent to the front door (outside), 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 contact person. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by city or state regulations, whichever is more stringent. The management plan may be modified with amendment to the conditional use permit.

I. One nonilluminated sign, not to exceed four square feet, on the exterior of the bed and breakfast shall be permitted subject to the review process appropriate to the zoning district.

J. The property owner must clearly advertise the bed and breakfast as property owner occupied. This applies even in cases in which the bed and breakfast takes place in an accessory dwelling unit.

K. Driveways accessing a bed and breakfast which are more than 100 feet in length shall have an improved width of at least 12 feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.

L. One off-street patron/visitor parking space, not located within a required yard area, shall be provided for each room rented. All parking must be accommodated on site.

M. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping, or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.

N. An affidavit certifying that the property owner will comply with all of the provisions of the bed and breakfast regulations, conditional use permit, business license conditions for operating a bed and breakfast, and all relevant laws shall be required.

O. Violation of the conditions of approval, as determined by the city, shall result in revocation of the bed and breakfast and a potential monetary penalty of \$2,000 enforced in accordance with Chapter [21.13](#) LMC. Re-establishment shall be allowed administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.

P. Within the annual permits provided by the city, the property owner shall report to the city the following minimum information:

1. The address of the bed and breakfast; and the contact name(s) of the property owner.
2. The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.
3. The property owner shall both have legal responsibility for the collection of all applicable taxes and remittance of the collected tax.
4. The property owner must provide its clients or potential clients the following disclosure:

On January 24, 2017, the Leavenworth City Council adopted the new Bed and Breakfast Ordinance reiterating its existing prohibition on the **rental** of entire dwellings as **vacation rentals**. The new Bed and Breakfast Ordinance also legalized the short-term **rental** of a portion of a person's home when the property owner lives on-site throughout the visitor's stay and when the property owner obtains appropriate permits, including a business license. The property owner is also required to collect and remit necessary taxes.

Q. The city of Leavenworth hereby adopts a fire and life safety self-inspection program for bed and breakfast facilities operating within the city limits of Leavenworth. After the initial inspections with permitting, the property owner from that time forward, shall conduct a self-inspection of their property

annually and submit a self-inspection form to the city no later than 30 days after receipt from the city. The inspection is to be conducted by the property owner, or their designee.

R. A standard letter from the city will be mailed to the property owner requiring the self-inspection. A partial list of fire and building inspection review elements will be included with the inspection form. The city supplied self-inspection form shall be completed and signed by the property owner and returned to the city. A copy of the certificate of occupancy or change of use permit application must accompany the self-inspection form together with the applicable application fee as established by resolution of the city of Leavenworth.

S. In the event a property owner fails to timely file the self-inspection form with the city of Leavenworth, the city may order an on-site inspection by the city building and/or fire official or designee and the property owner shall be billed the applicable fee for said on-site inspection. Random inspections may be conducted by the city at the city's discretion. Within a three-year cycle, all properties shall be inspected by the city. The inspection fee shall be established by resolution of the city council.

T. Any person, partnership, association, firm or corporation who violates or fails to comply with this chapter is guilty of a civil infraction and is subject to the civil penalties and remedies and corrective actions as set forth in Chapter [21.13](#) LMC. [Ord. 1542 § 1 (Att. A), 2017; Ord. 1467 § 1 (Att. A), 2014; Ord. 1431 § 1 (Att. A), 2012; Ord. 1421 § 1 (Att. A), 2012; Ord. 1373 § 1 (Exh. A), 2010; Ord. 762 § 1, 1985; Ord. 754 § 8, 1984.]

ORDINANCE NO. 10-02

AN ORDINANCE AMENDING SECTION 6.030 OF ORDINANCE 95-4 RELATING TO SHORT TERM RENTALS

WHEREAS, Ordinance 95-4 defines short term rentals as an outright allowed use in residential zones; and

WHEREAS, the City of Manzanita wishes to establish rules and regulations relating to short term rentals within the City to ensure the safety and convenience of renters, owners and neighboring property owners; and

WHEREAS, Ordinance 95-4 must be amended to delete references to licensing procedures and standards that are not land use related; now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.030 (3) of Ordinance 95-4 is hereby amended to read as follows:

“Section 6.030 General Provisions Regarding Accessory Use. An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

3. Short Term Rental. A short term rental operated according to the following standards and procedures:

- a) A cap shall be placed on short term rentals in the R-2, R-3 and the SR-R zones. This cap shall be 17.5% of the dwelling units within these zones. This percentage cap is based on the ratio of registered short term rentals to the total number of dwelling units in the R-2 and R-3 zones as of January 5, 1994, the date this cap was initially established for the R-2 and R-3 zones. [Amended by Ord. 06-03, passed 9/18/06]
- b) Any property owner who proposes to operate a short term rental shall make application to the City upon suitable forms furnished by the City. The application shall be signed by all persons shown as owners of the property by the most recent Tillamook County Assessor’s tax records. A property owner shall have only one short term rental permit. Where a property owner held more than one permit prior to January 5, 1994, those permits shall remain valid until sale or conveyance of the property. Where a property owner within the SR-R zone held a permit prior to September 18, 2006, that permit shall remain valid until sale or conveyance of the property, and that property shall not be included in the calculation of the percentage cap on short term rentals under subsection (a) of this section until such time as the permit is no longer valid.

~~The short term rental permit is issued to the owner and does not transfer with the sale or conveyance of the property. At the time of initial application, the dwelling unit shall be subject to inspection by the Building Official or his designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the State of Oregon Residential Specialty Code. Smoke detectors are required and must be operable.~~ [Amended by Ord. 06-03, passed 9/18/06]

- e) ~~— An approved visible house number is required.~~
- d) ~~— There shall be provisions for regular garbage removal. Garbage containers shall be secured and placed behind the dwelling.~~
- e) ~~— Off street parking for a minimum of 2 vehicles and a maximum of 4 shall be provided. All vehicles must be parked off the street and on the property of the dwelling being used as a short term rental. For the purposes of this Section, a vehicle includes but is not limited to cars, trucks, RV's, boats and their trailers and motorcycles. Guests of a short term rental shall complete a registration form for each vehicle which will be parked at the rental site. Registration forms shall be completed according to the instruction contained on the form. Location and design of parking spaces shall comply with all applicable City Ordinances.~~
- f) ~~— The property owner shall designate a representative who permanently resides within the 368 telephone prefix area. The owner may be the designated representative where the owner resides in the 368 telephone area. Where the owner does not reside in the 368 area, the owner shall designate a resident in the 368 telephone prefix area as his representative. The representative shall serve as a contact person if there are questions regarding the operation of the short term rental. The owner is responsible for the operation of the short term rental and ensuring that it complies with all applicable City Ordinances and regulations. The name, address, and telephone number of the representative shall be clearly posted in the dwelling and also registered with the City.~~
- gc) Owners and guests of short term rentals shall obey all applicable Ordinances and regulations of the City. Any individual found in violation of a City Ordinance shall be subject to the enforcement and penalty provisions contained in the applicable Ordinance. Any property owner who operates a short term rental dwelling in violation of the conditions of this Section shall be subject to the Abatement and Penalty provisions of Section 11.040.

~~In addition to the penalties specified in Section 11.030, the City may determine that an appropriate penalty is the revocation of the short term rental permit. The City Council shall hold a hearing on a proposed revocation of a short term rental permit. At the conclusion of the hearing, based on the evidence presented, the Council may: Take no action on the request for the revocation of the permit; attach conditions to the existing permit; or revoke the permit. Should a permit be revoked, the owner may reapply for a new permit 1 year after the date of revocation. [Section 6.030(3)(a) (g) created by Ord. 94-3, passed April 20, 1994].~~

PASSED FIRST READING by the Council this 7th day of April, 2010.

PASSED SECOND READING by the Council this 5th day of May, 2010.

APPROVED by the Mayor this 5th day of May, 2010.

Garry R. Bullard, Mayor

ATTEST:

Jerald P. Taylor, City Manager/Recorder

ORDINANCE NO. 10-03
(As amended by Ord. No. 16-05 12/7/16)

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
RELATING TO SHORT TERM RENTALS**

WHEREAS, Ordinance 95-4 defines short term rentals as an outright allowed use in residential zones; and

WHEREAS, the City of Manzanita wishes to establish rules and regulations relating to short term rentals within the City to ensure the safety and convenience of renters, owners and neighboring property owners; now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory, and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.

b) The following words and phrases, as used herein, shall have the following meanings:

Dwelling Unit. Means one or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing four (4) or more of the following:

- refrigeration
- cooking facility (including cooking stove, hot plate, range hood, microwave, or similar appliance) or wiring or venting to support same
- dishwashing machine
- sink intended for meal preparation (not including a wet bar)
- garbage disposal
- toilet
- shower or bathtub

Local Contact Person. The owner, a rental agency, security agency or other agent of the owner authorized to act for the owner.

Owner. The person who owns the dwelling unit used as or proposed to be used as a short term rental.

Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Rent. The full consideration charged, whether or not received by the operator, for the occupancy of the short term rental valued in money or in goods, labor, credits, property, or other consideration valued in money, without any deduction. Except as otherwise provided in this ordinance, Rent includes all fees, charges and assessments (including but not limited to processing fees, cleaning fees or fees for maid service and pet fees) charged, assessed or

allocated by the operator for the occupancy of the short term rental, the payment for which is not optional and not refundable. Rent does not include:

1. Any taxes, fees, or assessments levied by any other governmental entity.
2. The sale of any goods or services which are separate and independent from occupancy.

Short Term Rental. A dwelling unit that is rented to any person on a day to day basis or for a period of less than thirty (30) consecutive nights.

Short Term Rental License. A permit to operate a short term rental in accordance with this and all City Ordinances. The licensing year is August 1st to July 31st of the following year and the fee of which is not subject to proration.

Section 2. License required. A property owner shall obtain and maintain a license as provided in this Ordinance for any qualified dwelling unit that is to be used as a short term rental. A license shall be obtained prior to using a dwelling unit as a short term rental or advertising in any manner the availability of the dwelling unit for short term rental. A Short Term Rental License shall be surrendered immediately to the City upon sale of the property or cessation of use as a short term rental at the address named on the license.

a. **Short Term Rental License.** The short term rental license shall state the address of the short term rental, the name and phone number of the local contact person(s), the maximum allowable number of overnight occupants, the license number, the expiration date of the license, and any other information required by the City of Manzanita. The license shall be prominently displayed in the rental so as to be seen and readily noticed by any and all occupants. Such license also will serve as the Manzanita Certificate of Authority required by the Manzanita Transient Lodging Tax Ordinance No. 16-03.

It is a Class A Civil Infraction as provided in Ordinance No. 15-01 to rent or make a dwelling unit available for rent as a short term rental without obtaining the license required by this section or to rent the property on a short term basis without the current license posted conspicuously in the rental property as required above.

b. **Advertising.** All advertising soliciting business for a short term rental shall include the license number issued by the City of Manzanita to the rental owner. All advertisement appearing through any medium including any print, electronic, or audio media, including, but not limited to, advertisements appearing in newspapers, magazines, newsletters, flyers, internet sites, bulletin boards, or any other advertising medium, regardless of origin, distribution method, or distribution location of such medium soliciting reservations or rental availability shall include the short term rental license number. Such identification shall appear as "MCA #" (Manzanita Certificate of Authority) followed by the City-issued license number in a readable size and font, and be placed in such location that it is readily noticed as a part of the advertisement.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to place advertising soliciting business by any means for the short term rental property without having the short term rental license number included.

Section 3. Short Term Rental License Requirements.

a. Eligibility to apply for license. A property owner who holds title or a recorded land sale contract to a property with a dwelling unit which has passed a final building inspection may apply for a short term rental license. Applications will be processed in the order received by the City.

b. Application. An application for a short term rental license shall be completed and submitted to the City by the owner of the dwelling unit on forms provided by the City. The application shall identify and be signed by all persons shown as owners or having any beneficial ownership in any form of ownership of the dwelling unit on the most recent Tillamook County Assessor's tax records or recorded title. Any additional cost incurred by the City in obtaining verification of such information shall be added to the cost of the license. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. The fee shall include the cost of the initial health and safety inspection and one follow-up inspection. Additional inspections, including pre-purchase inspections, are available for an additional fee. A short term rental applicant must have the initial inspection completed and all deficiencies corrected within six months of the application submittal date. Failure to complete the inspection process within six months of the application submittal date shall result in the expiration of the application.

c. Limitations on application. Effective June 4, 2010, a person holding a short term rental license or an interest in a property for which a short term rental license has been issued shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a short term rental license covering any other property within Manzanita. A short term rental license may be issued only for a single dwelling unit on a single property or for a single dwelling unit within a duplex on a single property.

The short term rental license is issued to the owner and does not transfer with the sale or conveyance of the property. All short term rental license holders must report to the City any change of ownership of their short term rental, in whatever form, before the conveyance deed is recorded. The transfer of the property from (1) a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust or (2) the transfer of ownership pursuant to a will or bequest upon the death of the owner is not deemed not to be a transfer of ownership for purposes of this Ordinance.

d. Initial inspection. At the time of initial application, the dwelling unit shall be inspected by the City Building Official or designee. The purpose of this inspection will be to determine the conformance of the dwelling unit with the State of Oregon Residential Specialty Code regulations related to potential safety issues, and with all other standards required by the City. Applicants must correct any identified deficiencies and a final safety inspection must be passed before a short term rental license is issued.

e. License issuance. Except as provided in Section 3(f) below, the owner shall be issued a license for a short term rental upon completion of all required forms, inspection approval of the dwelling unit by the Building Official or designee, and payment of the annual license fee as determined by resolution of the City Council.

f. Waiting list in certain areas. If the dwelling unit is located within the area subject to the cap placed on the number of short term rentals by Section 6.030(3)(a) of Ordinance 95-4 and no licenses are available, the owner who is otherwise eligible to receive a license will be placed on a waiting list. The City shall notify the applicant, in writing, of the status of the pending license. If at any time the applicant chooses to withdraw their application from consideration, the applicant must do so in writing.

As a license within the capped area becomes available, it will be offered to the owner whose approved application has been on the list for the longest time. Within one week of notification, the license fee and all documentation required must be submitted to the City. Failure to submit the license fee and required documentation to the City will result in the license being offered to the next applicant on the waiting list.

g. Hardship license. The City Council at its discretion may approve a special hardship license where it is determined that a medical condition, death of a spouse or other extraordinary financial burden is likely to jeopardize the owner's ability to maintain ownership of the designated property. The Council may attach a time limit with a hardship license, and this license shall be revoked upon the sale or conveyance of the property.

h. Utilization of License Required. Holders of short term rental licenses issued after June 4, 2010, including those issued to owners on the waiting list described in Section 3(f) above as of June 4, 2010, who report no rental income for a period of nine (9) months from the initial license issuance date shall be considered as having abandoned the license, and the license shall be automatically revoked. This requirement shall apply to subsequent nine (9) month periods.

i. License Limitation on Listed Property. A property owner who holds title or a recorded land sale contract to a property which is a currently licensed short term rental who lists said property for sale, shall limit the extent of future reservations/bookings to no more than forty-five (45) days from the date the reservation was made. Any and all outstanding reservations/bookings, beyond and including the date of the recording of the deed of sale of that property, shall be cancelled.

Section 4. Standards. A short term rental shall be operated to meet the following standards:

a. House Number. A house number visible from the street must be provided and maintained.

b. Identification Sign. In addition to the signs permitted by Section 4.070 of Ordinance 95-4 the owner or rental agency may provide and maintain a sign attached to the outside of the dwelling unit which identifies the dwelling unit as a short term rental, and lists a telephone number for the applicable rental agency, if any, or other local contact person as required under Section 4(d). Such signage shall be visible from the street and shall be no smaller than 72 square inches nor larger than 90 square inches. Such sign shall include the City short term rental license number for the dwelling unit as described in Section 2(b) of this Ordinance.

c. Parking. All short term rental properties must provide off_street parking spaces for a minimum of 2 vehicles. Such spaces shall not be blocked and shall be available to people using the short term rental. Location and design of parking spaces shall comply with all applicable City ordinances.

d. Local Contact Person. The owner shall post as required in Section 2(a) and keep on file with the City the name and telephone number of a local contact person(s) who shall be responsible for responding to questions or concerns regarding the operation of the short term rental. This information must be kept current. Any change in local contact person must be reported to the City at least 14 days prior to the date the change takes effect. A new Short Term Rental Local Contact Person Registration form must be completed and submitted to the City, and the re-issued City license must be posted as required in Section 2(a) before the property may be again rented.

The local contact person must be available to accept and immediately respond to telephone calls on a 24 hour basis at all times that the short term rental is rented and occupied. At all other times, the local contact person shall respond within 24 hours. The local contact person must have a key to the rental unit and be able to respond physically within thirty (30) minutes to address issues at the dwelling unit or must have arranged for another person to perform the same duties within the same timeframe. The name and phone number of this alternative contact person must be kept on file with the City and be listed as a secondary local contact person on the Short Term Rental License Certificate. The requirement for identifying a local contact person applies to each person or entity making arrangements for renting a given short term rental.

e. Garbage Removal. During periods of rental, the owner shall provide covered and properly secured garbage containers and provide for sideyard garbage removal. An exception to the sideyard garbage removal requirement may be allowed if the garbage container is stored in a closed area and moved to and from the curbside collection point on the same day as garbage is collected. Garbage shall be removed a minimum of one (1) time per week, unless the short term rental is not being rented. Information providing directions to community recycling facilities shall also be provided in the dwelling unit.

f. Emergency information. The owner shall provide in the dwelling unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies. The minimum information and equipment to be provided in the short term rental shall be as determined by resolution of the City Council.

g. Payment of Transient Lodging Tax. Proper reporting and payment of transient lodging taxes due to the City under Transient Lodging Tax Ordinance 16-03 shall be made by the last day of the month following the preceding calendar quarter (or by the last day of the month following the preceding month if mandated by the Tax Administrator). Late tax reports and/or payments are subject to a minimum fine, plus interest and penalties as set out in Transient Lodging Tax Ordinance 16-03, even if there was zero rent to report. Failure to submit timely reports and make timely payment of short term rental taxes due may result in revocation of the owner's short term rental license. This provision applies to all persons responsible for transient lodging tax reporting and payment for a given short term rental.

h. Occupancy Capacity. The maximum allowable overnight occupancy for each short term rental dwelling unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source and an emergency egress or rescue opening.

The maximum allowable overnight occupancy of a short term rental shall be determined at the time a short term rental license is issued or renewed. That capacity shall not be increased by construction of any addition to the structure covered by the license or by construction of any other structure located on the property.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section.

Section 5. License Renewals and Reinspections

a. Renewal Fee. All short term rental licenses shall be renewed annually for the period of August 1 of the current year to July 31 of the following year provided all requirements in this Ordinance and Transient Lodging Tax Ordinance No.16-03 continue to be met. If the owner is out of compliance

with the provisions of this Ordinance or any other City Ordinance, the City will not renew the license, and the property shall no longer be used as a short term rental. Failure to pay the required license renewal fee, determined by resolution of the City Council, by the annual August 1 due date shall result in the assessment of a \$25 late fee. Failure to pay the required license renewal fee within thirty (30) days of the annual August 1 due date shall be considered abandonment of the short term rental license and the license shall be subject to revocation by the City Council.

b. Periodic Reinspection. Every short term rental license shall be subject to reinspection of the dwelling unit by the City Building Official or designee at the City's discretion, but no less than every five (5) years. The purpose of this inspection will be to determine the conformance of the dwelling unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues, and with all other standards required by the City. The City shall notify the owner of required reinspections at least six (6) months prior to the renewal date of the short term rental license. The owner shall pay a fee as determined by resolution of the City Council and arrange for a reinspection by the City Building Official or designee and must correct any identified deficiencies. Failure to arrange for the reinspection and complete correction of all identified deficiencies by the annual August 1 renewal due date for the short term rental license shall be considered abandonment of the short term rental license and the license shall be subject to revocation by the City Council.

Alternatively, an owner may comply with this requirement of periodic reinspection by utilizing a building inspector currently certified by the State of Oregon as an Oregon Residential Specialty Code inspector or other provider approved in advance by the City. The City reserves the right to modify such reinspection requirements and procedures.

c. The owner of a short term rental shall be required to schedule and pass a new health and safety inspection when there has been a fire, flood or other event that has caused substantial damage to the structure or when there has been an addition or substantial modification to the structure holding the dwelling unit.

d. The City may perform random health and safety inspections of a short term rental dwelling unit (1) upon receipt of safety related complaints or (2) to verify that the required emergency information and current short term rental license listing accurate contact information are posted in short term rentals as required in this Ordinance.

Section 6. Violations and Penalties.

a. Each day in which a property is used in violation of any part of this Ordinance shall be considered a separate violation.

b. Revocation of license. In addition to the penalties specified in this Ordinance, the City may determine that an appropriate penalty is the revocation of the short term rental license. The City Council shall hold a hearing on a proposed revocation of a short term rental license. At the conclusion of the hearing, based on the evidence presented, the Council may: Take no action on the request for the revocation of the license; attach conditions to the existing license; or revoke the license. Should a license be revoked, the owner may reapply for a new license one (1) year after the date of revocation. Revocation of a short term rental license shall not constitute a waiver of short term rental fees and taxes due at the time of revocation.

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

ORDINANCE NO. 10-03

PASSED FIRST READING by the Council this 7th day of April, 2010.

PASSED SECOND READING by the Council this 5th day of May, 2010.

APPROVED by the Mayor this 5th day of May, 2010.

ORDINANCE NO. 16-05

PASSED FIRST READING by the Council this 9th day of November, 2016.

PASSED SECOND READING by the Council this 7th day of December, 2016.

APPROVED by the Mayor this 7th day of December, 2016.

3.6.500 Short-Term Rentals.

The purpose of this section is to protect the character of the City's residential neighborhoods by limiting and regulating short-term rental of dwelling units.

The following provisions apply to all short-term rentals (STRs) after April 15, 2015.

A. **Applicability.** No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental occupancy unless issued a short-term rental (STR) permit or exempted under this chapter. A permit is required for each dwelling unit even if located on the same legal lot. The standards of this section shall supersede the standards elsewhere in the Development Code, unless otherwise stated.

B. **Application Submittal Requirements.** The following information shall be submitted to the City along with a form approved by the City in order to apply for a STR permit.

1. The name, address, email address and telephone number of the owner of the short-term rental for which the permit is to be issued, and the same for the authorized representative if different than the owner. An application may be submitted by an owner with the buyer as the applicant and upon written request, the approval will be granted to both the owner and the buyer.
2. A floor plan identifying the number of bedrooms proposed for use.
3. A diagram and/or photograph of the premises showing and indicating the number, location and dimensions of designated on-site and abutting on-street parking spaces that meet the minimum required number of parking spaces and maneuvering per BDC 3.3.300.
4. Acknowledgment by signature that the owner and authorized representative have read all the regulations relating to the operation of a short-term rental under BC Chapter 7.16.
5. Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.
6. Consent to inspection to ensure compliance with this section.

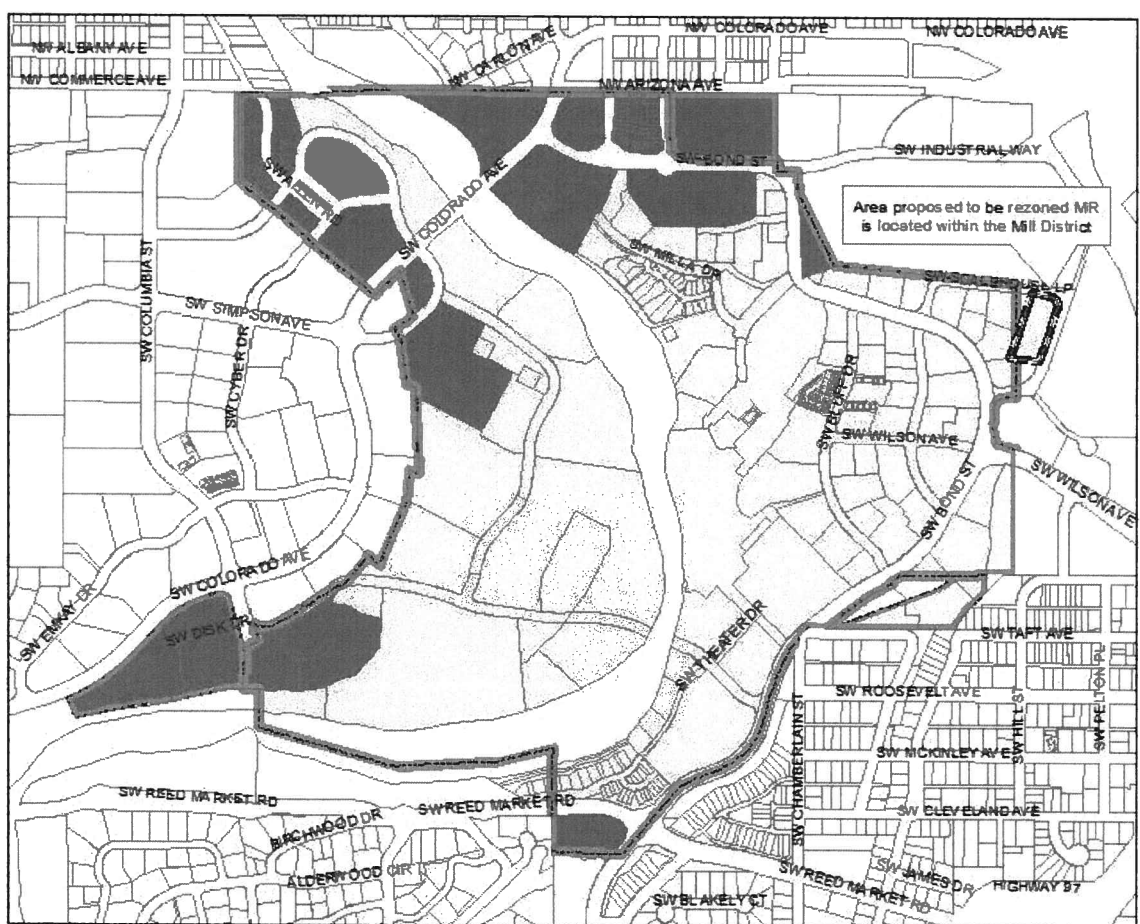
C. **Review Type.** Short-term rentals are permitted subject to the following permit processes, provided all other requirements of this section are met:

1. Other than as provided in subsection (C)(2) of this section, short-term rentals within Commercial Zoning Districts (CL, CG, CC, CB, CN), the Mixed Employment Zone (ME), the Mixed-Use Urban Zone (MU), the Mixed-Use Neighborhood Zone (MN), and the Mixed-Use Riverfront Zone (MR) within the Old Mill District boundary (noted as Type I in Figure 3.6.500.C) are:

- a. Processed as a Type I application.
 - b. Exempt from the concentration limits in subsection (E) of this section.
2. Short-term rentals within Mount Bachelor Village, Deschutes Landing subdivision, and Courtyards at Broken Top Lots 1 through 8 and Lots 21 through 32, are:
 - a. Exempt from obtaining a STR permit (an annual STR operating license will still be required).
 - b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.
3. Infrequent short-term rentals that are available for rent fewer than 30 days total per calendar year are:
 - a. Processed as a Type I application.
 - b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.
 - c. Limited to no more than four rental periods per calendar year.
4. Other than as provided in subsections (C)(2) and (3) of this section, in residential zones (SR2-1/2, RL, RS, RM, RM-10, RH) and in the MR Zone outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C), STRs are permitted subject to a Type II permit process provided all requirements of this section are met.
5. Owner-occupied short-term rentals are:
 - a. Processed as a Type I application.
 - b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.
 - c. Limited to renting up to two rooms to overnight guests for a period fewer than 30 consecutive days. The owner must occupy the dwelling unit during the overnight rental period. Only part of the dwelling unit is used for rental purposes. The room(s) for rent cannot include rooms within a detached or attached accessory dwelling unit or accessory structure where there is no internal access to the dwelling unit.
 - d. Not permitted to have a kitchen or a wet bar in the room for rent.
 - e. Subject to all other standards within this section for short-term rentals unless otherwise specified.
6. Modification of an approval for a short-term rental shall be:

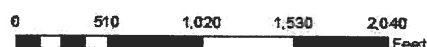
- Figure 3.6.500.C**

Mixed Riverfront Zone and Old Mill District



Legend

- Area Proposed for Zoning Amendment
MR Zone Outside Mill District - Type II
MR Zone Within Mill District - Type I



Map of Proposed Amendment to Figure 3.6.500.C
Prepared Sept. 17, 2015 by R. Ruppel, City of Bend
Planning Division, Community Development Dept.

D. Short-Term Rental Development Designation Process. The purpose of this subsection is to provide a process to allow properties to be designated as short-term rental developments that, once approved, would allow dwelling units within the designated STR development to be used as short-term rentals without being subject to the concentration limits in subsection (E) of this section.

1. Designation Process. The City may approve by a Type III process designation of a property or group of adjacent properties as a short-term rental development. The Planning Commission shall be the decision-making body for a STR development designation application.

a. Submittal Requirements. An application for a short-term rental development designation must include:

i. An application, on a City form. All owners of all property within the area proposed for short-term rental development designation must sign either the application or a consent to submit the application.

ii. A map showing the area to be included in the short-term rental development, and properties within one-quarter mile. All existing and approved short-term rentals within the one-quarter-mile area shall be shown on the map.

iii. An application fee in an amount established by Council resolution.

iv. A narrative explaining how all applicable criteria are met.

b. Designation Criteria.

i. The property must be in an RS, RM or MR Zone and be an entire subdivision or subdivision phase, including a minimum of one acre.

ii. The short-term rental development must be compatible with the surrounding neighborhood.

iii. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval.

c. Review Process. Short-term rentals within STR development shall be:

i. Processed as a Type I application to ensure adequate parking is provided and occupancy limits are established.

- ii. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.

E. **Concentration Limits.** There must be at least 250 feet of separation between properties zoned RL, RS, RM, RH, and MR outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C) measured radially from the property boundary of the subject property as determined by the City of Bend Development Services Director or designee, which have a valid Type II short-term rental application or permit.

F. **Limits on Permit Transfer.** Notwithstanding BDC 4.1.1330, any short-term rental application submitted after April 15, 2015, is specific to the owner of the dwelling unit or owner-authorized buyer for which the permit is issued. This means that the short-term rental permit shall not run with the land, but shall terminate and be void with no further proceedings on sale or transfer of the real property which was rented pursuant to the short-term rental permit.

Sale or transfer means any change of ownership during the lifetime of the permit holder, whether or not there is consideration, or after the death of the permit holder, except a change in ownership where title is held in survivorship with a spouse or domestic partner, or a transfer on the owner's death to a trust which benefits only a spouse, child(ren) or domestic partner for the lifetime of the spouse, child(ren) or domestic partner. The survivor may not sell or transfer title, except that title may transfer among the survivors. A sale or transfer also does not mean (1) the transfer of ownership from the owner(s) of the real property to or between the members of a limited liability company or partnership when the transfer involves the same owners, or (2) the transfer to a trustee, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, if at least one owner is living at the time of transfer so long as that owner retains at least a 25 percent interest in the entity. The permit or nonconforming right shall terminate if the original owner ceases to own at least 25 percent interest in the entity. If the owner is a corporation, the shareholders of the corporation shall be considered the owners for purposes of this section.

G. **Occupancy.** 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. For owner-occupied short-term rentals, the occupancy shall be two persons per rented bedroom, in addition to the long-term residents of the dwelling.

H. **Parking.** The following parking standards are required, in accordance with BDC Chapter 3.3:

1. The parking requirement for STRs is one space per bedroom. In the case of an owner-occupied STR, the parking requirement is either one space per bedroom or two spaces for the owners occupying the dwelling unit plus one space per approved STR bedroom, whichever is less.

2. Each on-site parking space is required to be a minimum of 20 feet deep by nine feet wide. Parking spaces may be in a garage or in an otherwise approved parking space on the property, such as a driveway, provided the parking dimension for the spaces are met. New parking spaces are

required to be paved and cannot be gravel. The entirety of the parking space must be accommodated on-site such that the space does not cross over the property line. Tandem parking is allowed.

3. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage must be submitted to show the garage is available for parking. The garage must continually be available for guest parking as long as the STR permit is valid.

4. Where on-street parking abutting the site is allowed, up to 50 percent of the required parking may be met with approved on-street parking spaces in accordance with BDC 3.3.300(B).

I. Prohibited Use. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used in conjunction with the short-term rental.

J. Short-Term Rental Operating License. In addition to obtaining a STR permit under this section, persons operating short-term rentals must obtain a short-term rental operating license under BC Chapter 7.16.

1. For existing permits submitted prior to the effective date of this code, and permits obtained prior to September 1, 2015, and uses that now require a permit under this chapter, an operating license must be obtained by September 1, 2015.

K. Abandonment of Use.

1. Notwithstanding BDC Chapter 5.2, Nonconforming Uses and Developments, if the short-term rental ceases for a period of more than 12 months, the short-term rental permit shall be void with no further proceedings.

a. For existing permits submitted prior to the effective date of this code, the period of use shall be measured from the 12 months prior to the due date for the operating license (September 1, 2015). For permits obtained after September 1, 2014, and before September 1, 2015, and uses that now require a permit under this chapter, the 12-month duration shall be measured from one year beginning September 1, 2015. The period of use shall then be measured annually thereafter.

2. Failure to maintain the STR operating annual license as provided in that chapter shall be considered abandonment of use.

3. Temporary Hardship Exemption.

a. A temporary hardship exemption from this section may be granted by the Development Services Director or designee. The following hardships, including a submission of proof, may be

acceptable to the City:

- i. Medical condition of the owner, spouse, domestic partner or immediate family member that jeopardizes the ability of the owner to operate the short-term rental;
- ii. Death of a spouse, domestic partner or immediate family member that jeopardizes the ability of the owner to operate the short-term rental; or
- iii. Structural integrity of the short-term rental that deems it uninhabitable for tenants and is not self-imposed.

b. A time limit may be set by the Development Services Director or designee, but shall not exceed six months. A one-time extension may be approved upon request if one of the conditions of subsection (K)(3)(a) of this section still applies.

L. Expiration of Approval and Initiation of Use. Notwithstanding BDC 4.1.1310 and 4.1.1315, Expiration of Approval and Initiation of Use, if the short-term rental does not initiate the use by renting the short-term rental at least one night within the first 12 months of obtaining a short-term rental permit, the short-term rental permit shall be void with no further proceedings.

1. For existing permits submitted prior to the effective date of this code, and permit applications submitted after April 15, 2015, and prior to September 1, 2015, the 12-month initiation of use period shall begin September 1, 2015. For all permits submitted after that date, the initiation of use period begins upon final land use permit approval.

M. Prior Existing Use.

1. Existing Type I Permits. Any short-term rental approved and legally permitted under the former 2006 BDC 3.6.200(L) may continue as a legal nonconforming use provided:

- a. That the use is not abandoned under subsection (K) of this section; and
- b. That the owner obtains and renews the annual license as required by this section and BC Chapter 7.16. The owner of the dwelling has the burden of establishing a valid prior approval when applying for a short-term rental license or license renewal.

2. Legal Nonconforming Uses. Any short-term rental that began operating prior to August 2006, when the initial short-term rental regulations were adopted, and has been lawfully and continually conducted since that time, may continue as a legal nonconforming use provided:

- a. That the use is not abandoned under subsection (K) of this section; and

b. The owner obtains and renews the annual license required under this chapter and BC Chapter 7.16. The owner of the dwelling has the burden of establishing a prior legal use when applying for a short-term rental license or license renewal.

3. Short-Term Room Rentals. Any short-term room rental that began operating prior to the effective date of the ordinance codified in this section (April 15, 2015), and submitted documentation to the City that only a single room in a dwelling was rented, may continue as a legal nonconforming use provided:

a. That the use is not abandoned under subsection (K) of this section; and

b. That the owner obtains and renews the annual license as required by this section and BC Chapter 7.16. The owner of the dwelling has the burden of establishing a prior legal use when applying for a short-term rental license or license renewal.

N. Inspection. Any short-term rental applications submitted after April 15, 2015, shall be subject to inspection prior to commencement of the use by the City for compliance with this section.

1. The Development Services Director or designee may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during normal business hours, and with reasonable notice.

2. The Development Services Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with BDC Chapter 1.3, Enforcement. [Ord. NS-2314, 2018; Ord. NS-2303, 2018; Ord. NS-2297, 2017; Ord. NS-2258, 2015; Ord. NS-2251, 2015; Ord. NS-2240, 2015]

The Bend Code is current through Ordinance NS-2374, passed June 3, 2020.

Disclaimer: The city recorder's office has the official version of the Bend Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

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Chapter 20.139 SHORT-TERM RENTALS

Sections:

- 20.139.010 Purpose.
- 20.139.020 Definitions.
- 20.139.030 General requirements.
- 20.139.040 Application requirements.
- 20.139.050 Development standards.
- 20.139.060 Term of annual permit and license.
- 20.139.070 Violation and repeat offenses.
- 20.139.080 Denial of application for a short-term rental.
- 20.139.090 Appeal.
- 20.139.100 Elimination of type 2 short-term rentals.

20.139.010 Purpose.

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts. This chapter also establishes a short-term rental permit and license.

B. The provisions of this chapter are necessary to provide adequate housing opportunities to low and moderate income persons and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short-term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities. Maintenance of the city's existing residential neighborhoods is essential to its continued social and economic strength. It is the intent of this chapter to protect housing availability and to minimize the impact of short-term rentals on adjacent residences, and to minimize the impact of the commercial character of short-term rentals. (Ord. 2017-33 § 5, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.020 Definitions.

The definitions set forth in this section shall apply to short-term rental properties. Definitions contained in Chapter 20.06 also apply.

A. "Authorized agent" is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

B. "Event" means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.

C. "Local contact" means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short-term rental.

D. "Owner" means the person that owns and holds legal and/or equitable title to the property.

E. "Principal residence" means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.

F. "Short-term rental" means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.

G. "Short-term rental type 1" means short-term rental at a dwelling that is the owner's principal residence and where either (1) rooms are rented and the owner is personally present at the dwelling during the rental period, or (2) the entire dwelling is rented for no more than ninety total days in a calendar year. Portions of calendar days shall be counted as full days. The room(s) for rent may be located within a detached or attached accessory dwelling unit.

H. "Short-term rental type 2" means short-term rental at a dwelling that is not the owner's principal residence. (Ord. 2017-33 § 6, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.030 General requirements.

A. No owner or property within the Walla Walla city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental permit and license. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

B. Only type 1 short-term rentals are allowed within Walla Walla city limits, and no other short-term rentals are permitted. (Ord. 2017-33 § 7, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.040 Application requirements.

In addition to the general application requirements of the designated review level, applicants for a short-term rental permit and license must pay the fees stated herein and provide the following additional information as required on the forms provided by the city:

A. Verification that the required lodging taxes have been remitted to the Washington State Department of Revenue for an existing short-term rental. If applying for a new short-term rental, then verification of lodging taxes will be done at the annual renewal of the license.

B. The application fee for a short-term rental permit is one hundred fifty dollars. There shall also be an additional license fee.

C. The annual renewal fee for a short-term rental permit is one hundred fifty dollars. There shall also be an additional license fee.

D. Statement that required parking spaces are available on the subject property. A parking layout shall be shown on the submitted site plan of the subject property.

E. Acknowledgment of receipt and review of a copy of the good neighbor guidelines. In addition, evidence that the good neighbor guidelines have been effectively relayed to short-term rental tenants through the rental contract or posting online or providing in a conspicuous place in the dwelling unit, or other similar method. This will be verified at the inspection.

F. Provide information identifying all websites and other locations where availability of the short-term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short-term rental.)

G. Such other information the development services director or designee deems reasonably necessary to administer this chapter. (Ord. 2017-33 § 8, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.050 Development standards.

- A. In addition to the requirements of Chapter 20.127, one additional off-street parking space is required of **short-term rentals**. The parking spaces must be provided on the property being rented.
- B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to **short-term rentals**.
- C. Owner must have property insurance and liability coverage for the **short-term rental**.
- D. **Short-term rentals** are prohibited to be utilized as event space.
- E. If the unit is not an owner occupied **short-term rental**, then a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within twenty-five miles of the Walla Walla city limits.
- F. A **short-term rental** permit and license will not be issued if the owner is not current on lodging tax payments to the Washington State Department of Revenue for an existing **short-term rental**. If applying for a new **short-term rental** then verification of lodging taxes paid will be done at the annual renewal.
- G. Owner or authorized agent is responsible for providing in a conspicuous location within the **short-term rental** the good neighbor guidelines.
- H. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).
- I. Functioning fire extinguisher(s) shall be installed within the **short-term rental**. Number and location will be determined based on the size of the structure during the inspection process.
- J. If the **short-term rental** property has a pool then the pool must be fenced meeting the requirements of the IRC. (Ord. 2017-33 § 9, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.060 Term of annual permit and license.

A. **Short-term rental** permits and licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The permit and license must be renewed annually. Applicable standards of this chapter must be met and the following renewal requirements must also be met:

1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.
2. Owner or authorized agent is responsible for scheduling the annual inspection.

B. The **short-term rental** permit and license will be issued in the name of the owner. If the property is sold, and the new owner or authorized agent continues the property as a **short-term rental** then the new owner or authorized agent is required to obtain a **short-term rental** permit and license and comply with the regulations outlined in this chapter. (Ord. 2017-33 § 10, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.070 Violation and repeat offenses.

A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city as a **short-term rental** without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.

B. Failure of the owner or the authorized agent or local contact of a **short-term rental** to respond to a nuisance complaint to the Walla Walla police department arising out of the occupancy and use of the **short-term rental** by a tenant, or the tenant's visitors or guests, is a violation and will be fined as follows:

1. First call and violation received no charge;
2. Second call and violation received seven hundred fifty dollars;
3. Third call and violation received one thousand dollars; and
4. Fourth call and violation received permit and license revoked.

C. In addition to any other remedy provided by this chapter, a **short-term rental** permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the **short-term rental**, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.

D. A violation of Chapter 10.13, Stopping, Standing and Parking, as well as Title 8, Health and Safety.

E. Violation of this chapter shall be processed as outlined in Chapter 20.42.

1. The development services director shall determine whether a **short-term rental** permit and license should be suspended, modified, or revoked, and notify the applicant of that determination in writing.
2. The development services director's determination under subsection (E)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

F. Violation of this chapter is additionally declared to be a nuisance. (Ord. 2017-33 § 11, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.080 Denial of application for a short-term rental.

An application for a **short-term rental** shall be denied if the approving authority finds that either the application or record fail to establish compliance with the provisions of this chapter. When any application is denied, the approving authority shall state the specific reasons, and shall cite the specific provisions and sections of this code on which the denial is based. (Ord. 2017-23 § 1 (part), 2017).

20.139.090 Appeal.

Decisions regarding **short-term rentals** may be appealed to the appropriate appellate body as prescribed in Chapter 20.38, Closed Record Decisions and Appeals. (Ord. 2017-23 § 1 (part), 2017).

20.139.100 Elimination of type 2 short-term rentals.

A. **Short-term rental** type 2 is not a permitted use in the city of Walla Walla.

B. Only those type 2 **short-term rentals** that were lawfully established and existing as of November 9, 2017, will be allowed as nonconforming uses. Such uses may not be significantly changed, altered, extended, or enlarged and must cease as provided herein. A use shall not be considered lawfully established and existing unless the owner proves all of the following:

1. That a location was used for **short-term rental** use during 2017 prior to November 9th;
2. That the use was continuing as of November 9, 2017, and not merely intermittent or occasional;
3. That the owner registered the **short-term rental** use and obtained a business registration card from the city of Walla Walla in accordance with Chapter 20.142 before November 9, 2017; and
4. That all applicable taxes were fully and timely paid for all **short-term rental** use that occurred prior to November 9, 2017.

C. Type 2 **short-term rentals** established and existing as of November 9, 2017, must obtain a **short-term rental** permit and license, and must apply for such permit and license by no later than February 1, 2018. In addition to the information required by Chapter 20.14 and Section 20.139.040, the applicant must provide proof of a lawfully established and existing **short-term** type 2 **rental** use predating November 9, 2017, as provided in subsection B of this section and the scope and extent of such use. Failure to timely apply for a **short-term rental** permit and license or to provide proof of lawful use shall be conclusive evidence that such use was not lawfully established or existing as of November 9, 2017, and neither a permit nor a license shall be issued for such locations.

1. The development services director shall determine whether a type 2 **short-term rental** use was lawfully established and existing as of November 9, 2017, and notify the applicant of that determination in writing.
2. The development services director's determination under subsection (C)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

D. Type 2 **short-term rentals** must meet the requirements of Sections 20.139.040 and 20.139.050(B) through (J). Failure to satisfy such requirements shall be grounds for imposition of penalties and suspension, modification or revocation of permits and licenses as provided in Section 20.139.070. Revocation of a **short-term rental** permit or license for noncompliance shall terminate any right to continue type 2 **short-term rental** use; such use must immediately cease upon permit or license revocation, and type 2 **short-term rental** uses may not be reestablished at such locations.

E. Permits and licenses for **short-term rentals** must be timely renewed each year. Renewal applications must provide proof that type 2 **short-term rental** use continued throughout the preceding year. Type 2 **short-term rental** use must cease if such use has been discontinued or abandoned. Intent to discontinue and abandon a type 2 **short-term rental** use shall be presumed if a location was not rented at least a total of twenty-nine days during the preceding year. An owner may rebut such presumption by presenting proof that the failure to sufficiently rent a location was due to conditions over which the owner had no control. Discontinued and abandoned uses may not be reestablished, and no permit or license for a discontinued or abandoned type 2 **short-term rental** use shall be renewed.

1. The development services director shall determine whether a type 2 **short-term rental** use has been discontinued or abandoned, and notify the applicant of that determination in writing.
2. The development services director's determination under subsection (E)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

F. Type 2 **short-term rental** use must cease if a location is not rented for **short-term** use for six consecutive months or more. When a location is not rented for type 2 **short-term** use for six consecutive months or more, the use shall be deemed vacated even if the use has been unintentionally vacated.

1. The development services director shall determine whether a type 2 **short-term rental** use has been vacated, and notify the applicant of that determination in writing.
2. The development services director's determination under subsection (F)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

G. Taxes and fees for type 2 **short-term rental** uses must be timely and fully paid. Failure to timely and fully pay any applicable taxes or fees shall be deemed discontinuance of type 2 **short-term rental** use, and such use must immediately cease. Type 2 **short-term** rental uses may not be reestablished at such locations until delinquent taxes and fees are fully paid. (Ord. 2017-33 § 12, 2017).

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