

## OKANOGAN COUNTY

### ORDINANCE 2018 - 6

*An Ordinance of the Okanogan Board of County Commissioners adopting amendments to Okanogan County Code Chapter 17A.270 Nightly Rentals.*

**WHEREAS:** Okanogan County Code (OCC) Chapter 17A.270 regulates Overnight Transient Accommodations (Nightly Rentals), and

**WHEREAS:** As adopted in July of 2016 OCC 17A.270 required an annual permit for the operation of a nightly rental and contained an amortization clause which required all legal pre-existing nightly rentals to come into compliance with OCC17A.270 or cease to exist by January 2021, and

**WHEREAS:** The Okanogan Board of County Commissioners (BOCC) determined the required annual permit should be called an annual license and such requirement be placed in OCC title 5 Business Licenses and Regulations, and

**WHEREAS:** The BOCC determined the amortization clause was unduly burdensome on the owners of legal pre-existing nightly rentals, and

**WHEREAS:** The BOCC directed planning department staff to prepare amendments to OCC 17a.270 consistent with the above mentioned findings and initiate public review of the proposal, and

**WHEREAS:** The Okanogan County SEPA Responsible Official issued a threshold determination of non-significance in accordance with the state environmental policy act and published notice on September 27, 2017, and

**WHEREAS:** After review of the comments received the SEPA Responsible Official issued a final determination of non-significance on October 25, 2017. A notice of public hearing was published on October 25, 2017. The hearing was scheduled for November 13, 2017 in front of the Okanogan County Regional Planning Commission, and

**WHEREAS:** The Planning Commission did not have a quorum on November 13, 2017 so continued the hearing to December 4, 2017. After taking public testimony the planning commission began deliberations, continuing the public hearing to January 22, 2018 for further deliberation, and

**WHEREAS:** On January 22, 2018 the Planning Commission by motion and vote transmitted an amended OCC 17A.270 to the BOCC for further review and adoption, and

**WHEREAS:** A notice of public hearing was published on February 28, 2018. The hearing was scheduled for March 19, 2018 in front of the BOCC, and

**WHEREAS:** After conducting the public hearing and reviewing the materials submitted and comments received the BOCC amended OCC 17A.270 to clarify certain sections in response to public comment resulting in a final draft, and

**WHEREAS:** The BOCC closed the hearing and directed staff to prepare an ordinance adopting OCC 17A.270 as amended,

**BE IT THEREFORE ORDAINED:** The Okanogan Board of County Commissioners adopts the proposed amendments to Okanogan County Code Chapter 17A.270 Nightly Rentals found as attachment A to this ordinance.

**DATED** at Okanogan, Washington this 2 day of April 2018.

**ATTEST**



Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

**ABSENT**

Jim DeTro, Chairman

Chris Branch, Member

Andy Hover, Member

**OCC 17A.270**  
**Nightly Rentals**

Sections:

- 17A.270.010 Purpose.**
- 17A.270.020 License required**
- 17A.270.030 Permit Approval**
- 17A.270.040 Conditions**
- 17A.270.050 Legal Pre-existing Uses**
- 17A.270.060 Severability**

**17A.270.010 Purpose.**

The purpose of this chapter is to ensure that nightly rentals observe the legal requirements of other transient tourist accommodations so that they compete fairly for commerce, and to preserve the residential character of the areas in which they are located. (Ord. 2016-4 § 1 (Att. A), 2016).

**17A.270.020 License required.**

A license is required, in addition to the requirements of 17A.220 District Use Chart, in order for any landowner to operate a nightly rental. See Chapter 05.06 for license requirements. See Chapter 17A.220 OCC, District Use Chart, in order to determine whether a conditional use permit is required.

**17A.270.030 Permit Approval**

- A. Where a conditional use permit for a nightly rental is required such permit shall include conditions which are specific to the individual permit. Those conditions must be consistent with this chapter.
- B. A conditional use permit for a nightly rental may include additional conditions which are not specifically identified by this chapter.

**17A.270.040 Conditions**

- A. The following conditions shall be required for the operation of all nightly rentals. These conditions shall be required for the approval of all nightly rental permits
  - 1. Appearance. The outward appearance of a single-family residence shall be retained.

2. Occupancy and operation of a nightly rental shall be in a manner that is compatible with the surrounding neighborhood character. Factors upon which compatibility will be judged include but are not limited to noise, traffic, light, and glare.

B. The following conditions, in addition to those also identified in subsection A of this section, shall be required for the operation of all nightly rentals within areas designated by Okanogan County's comprehensive plan as the Methow Valley More Completely Planned Area or Methow Valley More Completely Planned Area Sub-Unit A. These conditions shall be required for the approval of all nightly rental permits:

1. Only one dwelling may be rented per owner. Each property owner may rent only one nightly rental regardless of the number of properties owned. A nightly rental permit is required for a single dwelling on a lot of record or for a second dwelling on a lot of minimum size for the zone in which it is located. For a second dwelling on a parcel to be rented as a transient tourist accommodation, the owner must live in the main residence. No permit shall be issued to the holder of an existing bed and breakfast license for a nightly rental structure on the same property. In no case shall the primary dwelling and the accessory dwelling be rented at the same time.

2. Signs. No more than one sign shall be provided on the premises. The sign shall be made of wood, stone, or natural materials similar in appearance, not exceeding two square feet in area and, if illuminated, shall be indirectly illuminated.

3. Mobile homes, manufactured homes, travel trailers, or recreational vehicles shall not be used for residential transient tourist accommodations (nightly rentals). A modular home may be used as a nightly rental when its owner is in possession of a valid building permit.

4. The maximum number of individuals served by a nightly rental is 10.

5. Exception: Operation of a nightly rental within a planned development or planned unit development is exempt from the conditions imposed by OCC 17A.270.040 so long as nightly rentals were approved as a permitted use within the specific planned development or planned unit development. (Ord. 2016-4 § 1 (Att. A), 2016)

**17A.270.050 Legal pre-existing uses**

Nightly rentals that are not in compliance with OCC 17A.20 District Use Chart but were legally operating prior to September 6, 2005 may continue in operation in accordance with OCC 17A.330 Legal pre-existing lots and uses except; they will be required to comply with the license requirements in OCC 05.06 Nightly Rentals.

**17A.270.060 Severability**

If any provision of this title is for any reason held to be invalid, the remainder of this title shall not be affected. If any provision of this title is adjudged invalid as applied to a particular person or circumstance, that provision of this title shall not be affected as to other persons or circumstances.