

**CITY OF WHITE SALMON
ORDINANCE 2022-02-1097**

**AN ORDINANCE ADOPTING WHITE SALMON MUNICIPAL CODE CHAPTER 17.57
SHORT-TERM RENTALS, HOSTED HOMESHARES, AND VACATION HOME
RENTALS**

WHEREAS, the City previously adopted White Salmon Municipal Code Chapter 5.02 Short-term Rentals in 2019; and

WHEREAS, the City heard concerns about short-term rentals in the city and their impact on the livability in neighborhoods where short-term rentals are located and the impact on housing in White Salmon; and

WHEREAS, the City adopted a moratorium on short-term rentals in 2021 and extended that moratorium February 2, 2022 in order to consider amendments to the city's codes regarding short-term rentals; and

WHEREAS, the City Council and Planning Commission have held three public hearings (October 27, 2021; December 1, 2021; and January 5, 2022) to hear comments on proposed amendments to White Salmon Municipal Code related to short-term rentals; and

WHEREAS, the City feels it is necessary to adopt White Salmon Municipal Code Chapter 17.57 Short-term Rentals, Hosted Homeshares, and Vacation Home Rentals; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE
SALMON DO ORDAIN AS FOLLOWS:**

SECTION 1. White Salmon Municipal Code Chapter 17.57 Short-term Rentals, Hosted Homeshares, and Vacation Home Rentals, is hereby adopted as follows:

Chapter 17.57 Short-term Rentals, Hosted Homeshares, and Vacation Home Rentals

17.57.010 Purpose.

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

17.57.020 Permit required.

- A. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental permit pursuant to WSMC Ch. 5.02.

17.57.030 Use restrictions – All zones.

- A. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter.
- B. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
- C. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms in accordance with the requirements of WSMC Ch. 17.72. In calculating the number of spaces required, the total shall be rounded up. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

17.57.040 Additional use restrictions – Residential zones (RL, R1, R2, R3).

- A. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner and is limited to the rental of one dwelling unit, or room, within a hosted homeshare per property. Proof of primary residence shall be provided in accordance with WSMC Ch. 5.02.
- B. The accessory use of a primary residence as a hosted homeshare wherein the rental of an attached or detached accessory dwelling unit (ADU), or a room within the residence with the owner present within the primary residence is allowed without limit to number of nights per year.
- C. The accessory use of a primary residence as a vacation home rental (entire home) is limited to a total of one-hundred and fifty (150) days per calendar year.

- D. A hosted homeshare or vacation home rental shall be issued for a period not to exceed one year, with its effective date running from the date the permit is issued to January 31 of the following year and may be renewed annually by the owner or contact person provided all applicable standards are met for a maximum of eight consecutive years (seven consecutive permit renewals), whereupon the applicant may reapply for a permit pursuant to WSMC Ch. 5.02.
- E. The number of hosted homeshare and vacation home rental permits available yearly shall be capped at ten (10) percent of existing housing stock (dwelling units) pursuant to WSMC Ch. 5.02.

17.57.050 Additional use restrictions – Commercial zones (C)

- A. Short-term rentals are permitted only when no more than thirty percent (30%) of residential units on a parcel in the commercial zoning district are for the purpose of short-term rental. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units.
- B. Apart from existing short-term rentals in the Commercial zones which meet the requirements of WSMC 17.57.060, no new short-term rental shall be permitted to occupy a ground floor space with commercial street frontage.

17.57.060 Legacy permits - Prior existing (nonconforming) use.

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

- A. Any hosted homeshare or vacation home rental in a residential zone which was lawfully established and actually in existence prior to the effective date of this 2022 ordinance may continue as a legal nonconforming use until eight years (seven total consecutive permits) from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this WSMC Title 17.
- B. Vested short-term rental permits in a commercial zone which were lawfully established prior to the enactment of WSMC Ch. 17.57 shall not have an expiration date except for the provisions of WSMC Ch. 17.76 Nonconforming Uses.
- C. A hosted homeshare or vacation home rental in the RL, R1, R2, and R3 zones shall be deemed to be lawfully established and in existence if, at any time prior to the effective date of this 2022 ordinance all of the following occurred:
 1. The home was actually used as a hosted homeshare or vacation home rental as defined in WSMC 17.08.530;
 2. The owner obtained from the City a Business License and paid Lodging Taxes; and

3. The owner obtained a Short-Term Rental Permit pursuant to WSMC Ch. 5.02.
- D. The proponent of the determination of a legacy permit for nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all the elements of a nonconforming hosted homeshare or vacation home rental.
- E. In addition to proving the elements of a legacy hosted homeshare or vacation home rental as described in WSMC 17.57.060.C, to maintain that status, the owner shall apply for and obtain a Short-Term Rental Permit under WSMC Ch. 5.02 and maintain in good standing that Permit for the remaining duration time periods provided in this section. Failure to maintain the Short-Term Rental Permit in good standing for the remaining duration of the time periods shall result in the immediate termination of any legacy use status the home may otherwise have had by operation of law and without the need for any action by the City. The legacy use status provided for herein does not transfer with title to the property.

SECTION 2 – SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 3 – EFFECTIVE DATE. This ordinance shall take effect March 1, 2022 following the date of its publication by summary.

PASSED by the City Council of the City of White Salmon at a regular meeting this 16th day of February, 2022.



Marla Keethler, Mayor

ATTEST:


Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:


Kenneth B. Woodrich, City Attorney