

Chapter 5.02 Short-Term Rentals

5.02.005 Findings, intent and purpose.

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

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

5.02.010 Definitions.

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

- A. "Contact person." The owner or, if designated on the application for a permit, the management representative authorized to act for the owner. A contact person shall be available by telephone 24 hours of the day while a short-term rental is being rented and shall be in the local area.
- B. "Dwelling unit." One or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing ~~four or more of~~ the following:
1. Refrigeration;
 2. Cooking facility (including cooking stove, hot plate, range hood, microwave, or similar appliance) or wiring or venting to support same;
 3. ~~Dishwashing machine;~~
 4. Sink intended for meal preparation (not including a wet bar);
 5. Garbage disposal;
 6. Toilet; and ~~or~~
 7. Shower or bathtub.

- C. "Local area." All areas in the Washington counties of Clark, Klickitat and Skamania and the Oregon counties of Hood River, Wasco and Multnomah.
- D. "Lodging unit." Bedrooms or sleeping facilities not meeting the criteria of a dwelling unit set forth in paragraph B, above.
- E. "Owner Occupied." The natural person or legal entity that owns and holds legal and/or equitable title to the property. Owner occupancy is demonstrated through providing a previous year's tax return and a copy of either a driver's license or voter registration card demonstrating that the unit is the primary residence of the owner.
- F. "Overlay." An additional layer of planning control applied to properties in a clearly defined geographic area. Overlays implement the City's Comprehensive Plan through neighborhood-specific policy objectives, supplementing the underlying base zoning.
- FG. "Remuneration." Compensation, money, rent or other bargained for consideration given in return for use, rent, or occupancy of a short-term rental.
- GH. "Short-term rental." A dwelling unit or lodging unit for which an owner receives or seeks remuneration for use or occupancy for a period of less than thirty consecutive days per rental period. Businesses with current transient accommodation licenses (e.g. hotels, motels and bed and breakfasts) under RCW Ch. 70.62 are specifically exempted from this Chapter 5.02.
- HJ. "Short-term rental permit" or "permit." The regulatory permit required by WSMC 5.02.15 and described in this chapter.

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

5.02.15 Short-term rental

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

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B. Violation. Any owner or manager of property within the White Salmon city limits who advertises, offers, operates, rents, receives remuneration for, or otherwise makes available or allows any other person to make available for occupancy a short-term rental that does not first obtain a short-term rental permit shall be subject to code enforcement as detailed in WSMC 5.02.050.

C. Permit Type by Location. Short-term rental is limited by location, quantity, and duration within the City of White Salmon by the delineated Downtown Commercial Short-Term Rental Overlay and the Walkable Residential Short-Term Rental Overlay. Within the defined overlays, short-term rental applications shall be handled administratively by the Planning Administrator or their designee. A copy of the boundaries of the two overlays are available at City Hall and on the City's website. Outside of the overlays short-term rental applications require approval of a Conditional Use Permit by the City Council. The following restrictions apply to short-term rental by location:

1. Downtown Commercial Short-Term Rental Overlay. Within the Downtown Commercial Short-Term Rental Overlay there is no limit on the number of short-term rentals an owner may operate, the number of days a unit may be rented, and no requirement for owner occupancy demonstrating primary residence of the unit. On-street parking may be used to satisfy parking requirements within this overlay. Short-term rental shall not be allowed within any ground floor unit with commercial street frontage. No more than 50% of residential units within any individual building may be actively short-term rented. The maximum number of units that may be short-term rented within the overlay shall not exceed 20% of all residential units within the overlay, to be administered by the Planning Administrator in accordance with WSMC 5.02.025.

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Accessory Dwelling Units are prohibited from being short-term rented (or Accessory Dwelling Units shall require a Conditional Use Permit and approval by City Council to be short-term rented).

2. Walkable Residential Short-Term Rental Overlay. Within the Walkable Residential Short-Term Rental Overlay short-term rental is limited to one short-term rental permit per owner-occupied primary residence, and a maximum of 90/180 days per year that the unit may be short-term rented. All parking must be provided on-site and demonstrated via a parking diagram. The maximum number of units that may be short-term rented within the overlay shall not exceed 10% of all residential units within the overlay, to be administered and regulated by the Planning Administrator in accordance with WSMC 5.02.025. Accessory Dwelling Units are prohibited from being short-term rented (or Accessory Dwelling Units shall require a Conditional Use Permit and approval by City Council to be short-term rented).

3. Conditional Review. Short-Term Rental outside of the overlays shall require a Conditional Use Permit application and approval by City Council. Short-term rental is limited to one short-term rental permit per owner-occupied primary residence, and a maximum of 90/180 days per year that the unit may be short-term rented. The maximum number of units that may be short-term rented within the overlay shall not exceed 5% of all residential units outside the overlay, to be administered and regulated by the Planning Administrator in accordance with WSMC 5.02.025. Accessory Dwelling Units are prohibited from being short-term rented (or Accessory Dwelling Units shall require a Conditional Use Permit and approval by City Council to be short-term rented).

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

5.02.020 Application and fee.

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

1. Owner Information. Owner's name, telephone number, owner's mailing address. Areas outside of the Downtown Commercial Short-Term Rental Overlay require proof of owner occupancy of the unit to be short-term rented which demonstrates that the unit is the owner's primary residence. Owner occupancy and primary residency shall be demonstrated by supplying a copy of the first page of the owner's previous year tax return with financial information redacted, and a copy of either a driver's license or voter registration identification. ~~permanent residence address, telephone number, owner's mailing address, and the short-term rental address and telephone number.~~
2. Contact Person Information. ~~If the owner does not permanently reside in the local area or is not always available when the property is being rented, the~~ The owner shall make themselves available by telephone throughout the entire time-period the short-term rental unit is being rented, or provide the name, telephone number and email of a contact person from the local area to represent the owner regarding the use of the property and/or complaints related to the short-term rental as set forth in WSMC 5.02.040(C).
3. Tax Information. A statement of intent to collect and remit all taxes associated with the short-term rental. If the permit is being renewed, proof of collection and remittance of taxes associated with the short-term rental unit.
4. Inspection Access. A statement allowing the city reasonable access to the property for the purpose of reviewing the proposal for the health and safety requirements set forth in WSMC 5.02.040(D).
5. Right to Publish Contact Information. A statement allowing the city to make owner and contact person phone numbers publicly available at City Hall.

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- 6. Neighborhood Notice. A statement of intent to notify neighbors as required by WSMC 5.02.040(A).
 - 7. Good Neighbor Guidelines. A statement of intent to provide the city-provided Good Neighbor Guidelines to guests of the short-term rental.
 - 8. Parking Diagram. ~~A statement of intent~~The applicant shall submit a parking diagram to be provided to guests of the short-term rental with a diagram of demonstrating parking spaces that are available to or intended for use by the short-term rental.
 - 9. Liability Insurance. A statement of intent to provide liability insurance coverage as required by WSMC 5.02.040.G. If the permit is being renewed, proof of liability insurance is required.
 - 10. Such other information as the city administrator or designee deems reasonably necessary to administer this chapter.
- B. Application Fee. Applications under this section shall be accompanied by a nonrefundable fee payable to the city in an amount established and periodically adjusted by city council resolution.
 - C. Discretionary Fees. At the discretion of the city administrator or designee, the application fee may include the actual costs for labor, overhead, and expenses for outside consultant reviews and/or special inspections.

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

5.02.025 Term of annual permit.

A short-term rental permit shall be issued for a period not to exceed one year, with its effective date running from the date the permit is issued to December 31 and may be renewed annually for a maximum of 5 consecutive years by the owner or contact person provided all applicable standards of this chapter are met. Following 5 consecutive years of operating a short-term rental, the permit shall be made available to the short-term rental permit lottery system to which the applicant may resubmit an application to rent the unit. Short-term rental permits shall be issued on a first come, first serve, basis until the maximum threshold of allowable units has been met in each location as defined in WSMC 5.02.015.C. At such time that the established thresholds are met the Planning Administrator shall maintain a list of short-term rental applications deemed eligible for a short-term rental permit with recipients chosen at random as permits become available. At such time that a lottery is instituted, asll active applications shall be notified of each available drawing as it becomes available.

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

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5.02.030 Permitting and renewal procedures.

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

- A. Application and Renewal Process. A person engaging in operation of a short-term rental who has not yet obtained a permit, or who is required to renew an existing operating permit, shall do so as follows:
 - 1. Time for Application.
 - a. New Permits. For new short-term rental permits, it is the responsibility of the owner or contact person to apply for and receive a permit prior to operation of a short-term rental.
 - b. Existing Short-term rentals. A completed permit renewal application and renewal fee is due for all existing short-term rentals annually by December 31.

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

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

B. Permit Expiration. For renewals, upon expiration ~~of a thirty-day late period commencing~~ at the end of each calendar year, the ability to operate shall be conclusively presumed to be discontinued and the city will commence revocation of the permit pursuant to the procedures in WSMC 5.02.045. Following 5 consecutive years of permit operation the short-term rental permit shall be expired and subject to WSMC 5.02.025.

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

5.02.035 Criteria for approval and renewal of a permit.

- A. New Permit. Upon receipt of a complete application for a new short-term rental permit and payment of all required fees and after completing all required operational requirements of section 5.02.040, below, the city administrator or designee or designee will issue a short-term rental permit.
- B. Permit Renewal. Upon receipt of a complete application for renewal of a short-term rental permit and payment of all required fees, the city will review the application and available information to determine compliance with the operational requirements of WSMC 5.02.040. If not met, the city administrator or designee or designee will not renew the permit and the property shall not be used as a short-term rental. Alternatively, the city administrator may issue the permit subject to reasonable special operational standards. Short term rental permits are limited to a maximum of five consecutive years of renewals as defined in WSMC 5.02.025.
- C. Owner's Role. The owner has the burden of proof to demonstrate compliance with each operational requirement and special standard placed on the short-term rental permit. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.
- D. Appeals. A decision on a permit application or renewal may be appealed as provided in WSMC 5.02.055.

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

5.02.040 Operational requirements.

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

B. On Premise Signage. Within 30 days of approval of a short-term rental permit, the owner shall place a sign on the premise of the short-term rental. The sign shall be located within 5' of the front property boundary, not in a right of way, and consist of either a ground sign that is free-standing, stationary, erected and supported securely from the ground, or a fence or wall mounted sign not to exceed two-square-feet (2 sq. ft.) in area. The sign shall contain the name of the short-term rental establishment, the short-term rental permit number, the name of the owner or representative and their twenty-four hour phone number, and the contact info for contacting the City and registering a complaint. All content shall be clearly legible in natural daylight conditions or by flashlight at night and shall be approved by the Planning Administrator prior to placing the sign on site.

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

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

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

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

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- E. Taxation. The owner shall fully comply with all applicable city and state tax reporting and payment requirements, especially lodging taxes due to the city under WSMC 3.50 and retail sales and use taxes due under WSMC 3.04.
 - F. Mandatory Interior Postings. Important information related to the permitting and use of the short-term rental shall be displayed in a prominent location within the interior of the dwelling, either adjacent to the front door or in a highly visible rental binder. The information shall include:
 - 1. The short-term rental permit;
 - 2. Any special standards placed on the short-term rental permit;
 - 3. The property address;
 - 4. The name of the owner and contact person and a telephone number where the owner and contact person may be contacted;
 - 5. The parking diagram of the parking spaces available for use by the short-term rental. The parking diagram may include on-street parking areas, but on-street parking is not for the exclusive use of any home or short-term rental; and
 - 6. The city-provided Good Neighbor Guidelines. Additionally, the city encourages all owners to incorporate the Good Neighbor Guidelines into the rental contract.
 - G. Liability Insurance. The owner shall maintain liability insurance which expressly covers the property's use as a short-term rental.

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

5.02.045 Revocation procedure.

- A. In addition to the penalties described in WSMC 5.02.050, the following provisions apply to violations of this chapter:
 - 1. Failure to renew a permit as set forth in WSMC 5.02.030 is grounds for revocation of the short-term rental permit.
 - 2. Failure to timely pay lodging or sales taxes required by WSMC 5.02.040.E or to otherwise meet the operational requirements of WSMC 5.02.040 is grounds for revocation of the permit.
 - 3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for revocation of the permit.
 - 4. Such other violations of this chapter of sufficient severity in the reasonable judgement of the city administrator, so as to provide reasonable grounds for revocation of the permit.
 - 5. Other violations of this chapter, including but not limited to city-initiated investigation/sustaining of complaints, shall be processed as follows:
 - a. For the first and second violations within a twelve-month period, the sanction shall be a warning notice.
 - b. If the same offense continues to occur or a third similar offense occurs at any time during a twelve-month period, the city may either issue a third warning, update the permit to include reasonable special operational standards, or revoke the permit.
- B. Notice of Decision/Appeal/Stay. If the short-term rental permit is updated or revoked as provided in this section, the city administrator or designee shall send written notice to the owner stating the basis for the decision. The notice shall provide a date that a short-term rental permit is to be revoked and

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shall be no earlier than thirty calendar days from the date of the notice. Provided, however, stays booked prior to the notice of permit revocation may be honored by the owner or manager unless the revocation was due in part to life, health or safety violations that pose a risk to the renters. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The owner may appeal the city administrator's decision under the procedures set forth in WSMC 5.02.055. Upon receipt of an appeal, the city administrator or designee shall stay the update or revocation decision until the appeal has been finally determined by the city council.

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

5.02.050 Violations—Penalties.

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

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

5.02.055 Appeals.

- A. Appellant—Standing. Only the owner or contact person shall have standing to appeal a decision by the city to deny, revoke or attach special operational standards to a short-term rental permit.
- B. Authority to Decide Appeal. The city council shall be responsible for determining an appeal of a decision brought under WSMC 5.02.055.A.
- C. Time for Filing. An appellant is required to file a written notice of appeal including the basis for the appeal within fourteen calendar days of the permit determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.
- D. Fee for Appeal. The city council may establish by resolution a fee for filing an appeal, and payment of the required fee shall be jurisdictional.
- E. Hearing. After receiving written notice of appeal, the city administrator or designee shall schedule a hearing on the appeal before the city council. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The council may direct staff to draft findings of fact and interpretations of code or law to be considered at a later council meeting.
- F. Standard of review and decision. The council shall determine whether the city's decision was based on a preponderance of the evidence. A decision of the council shall be based on the evidence received, in writing and signed by the mayor, and issued no later than thirty calendar days after the close of the hearing.

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- G. Finality. The council's decision shall be final on the date of mailing the decision to the appellant. The council's decision is the final decision of the city and is appealable only under the Land Use Petition Act (LUPA), RCW Ch. 36.70C.

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

5.02.060 Discontinuance of short-term rental occupancy.

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

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

5.02.065 Remedies not exclusive.

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

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