Lot Occupancy Policy

I. Background & Intent

The Nine Mile Ranch Declaration of Covenants, Conditions and Restrictions (CCRs) have many different expressions and implications limiting how – and how long – Lots can be occupied by Lot Owners and their guests under varying circumstances. The sum total of all these expressions and limitations can be perceived as unclear or potentially conflicting at times, so the intent of this Policy is to give Owners and Board members clarity so that everyone can comply with and uphold the CCRs correctly. This Policy is also informed by several official Board of Directors (BOD) resolutions and considerable Nine Mile Ranch HOA attorney advice[1], such which are specifically referred to herein.

For use in this Policy the word "occupancy" is meant to address anything more than simply visiting a Lot for less than a day; in other words, dwelling on a Lot overnight and longer. This Policy also addresses occupancy by CCR-allowed renters and potential commercial uses as approved by the BOD.

II. Definitions

All definitions apply whether used in capital or lower case. In addition to the definitions in the CCRs the following apply:

1. **"Accessory dwelling unit"**[2] or "**ADU**" is a single "dwelling unit", which has met Okanogan County Building Department permit requirements, used as an accessory use to the already-established primary residence on the Lot.
2. "**Bed and breakfast**" or **"B&B"** is an Owner-occupied[3], single-family dwelling in which bedrooms are rented to the traveling public (note that the definition of "bed and breakfast" is different from "short term rentals", like Airbnb, as indicated below).
3. "**Cabin"** is a less than 900 square foot structure, whether county-approved or not, and whether used as a dwelling unit or not.
4. "**Dwelling**" (noun) or "**dwelling unit**": similar as expressed in RCW 59.18.030(10), is a structure or that part of a structure which is used as a home, residence, or sleeping place by one or more persons, including but not limited to single-family residences, mobile homes, outbuildings, basements, shacks, garages, barns, or any structure of temporary character (see also CCRs Article IX, Section 2).
5. "**Occupancy**" is the act of a person(s) dwelling on a Lot overnight or longer.
6. "**Rental**"[4] or "renting" is any portion of a Lot, including but not limited to within any shelter, structure, or recreational shelter, that is rented out and does not qualify as a "bed and breakfast" or "short term rental" use.

1 https://9mileranchhoa.org/wp-content/uploads/2024/10/Lot-Occupancy-issue-legal.pdf
2 See also Okanogan County Code 18.70.
3 See also Okanogan County Code 8.56.010A and 17.260.060.
4 See CCRs Article IX, Section 12.

7. "**RV**" or "**recreational vehicle**", similar as expressed in WAC 296-150R-0020, is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle or as defined by NFPA 1192 Standard on Recreational Vehicles, current edition. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.
8. "**Short term rental**" (eg. VRBO, Airbnb, or like), similar as expressed in RCW 64.37.10(9)(a), means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof on a Lot, that is offered or provided to a guest for a fee for fewer than thirty consecutive nights.

III. Summary Statements

1. There are (4) allowed Owner occupancy scenarios on Lots:
   (a) in RVs, tents, and the equivalent; these can be occupied for up to (6) months per calendar year[5] (note that cabins are not included). However, an RV itself can remain on the Lot indefinitely.
   (b) in a Nine Mile Ranch ACC-approved and county-approved single family residence that has at least 900 square feet of approved occupancy space within the structure[6]; these can be occupied for an unlimited amount of time[7].
   (c) in basements, garages, barns, or other outbuildings (including cabins) or any structures of a temporary character; these can cumulatively be occupied for up to (3) months total in the lifetime of the Lot[8]. These structures can be used as *accessory* to dwelling in RVs/tents but they cannot be occupied more than this subsection states.
   (d) in a qualified ACC and county-approved ADU, whether less or more than 900 square feet; these structures can be occupied for an unlimited amount of time[9].

2. Short term rentals (eg. Airbnb and RVBO) are not allowed[10].

3. Bed and breakfasts are allowed[11], with the following requirements:
   (a) proof of a Washington state business license, a valid Washington state Transient Accommodation license, and proof of compliance with Okanogan County Code 17.260.
   (b) the outward appearance of a single-family residence must be retained[12],
   (c) signage must be prior approved by the BOD[13],
   (d) the serving of food must be an integral service provision[14],
   (e) Lot Owners are responsible for their B&B guests complying with the CCRs and Rules and Policies, and applicable fines for guest violations if they occur will apply to the Lot Owner.
   (f) no more than (5) bedrooms used for guests[15].

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5 See CCRs Article IX, Sections 1 and 2.
6 For purposes of determining Lot Owner compliance with the minimum 900 square feet for a single family residence required at CCRs Article IX, Section 3, the Board/ACC shall use the accumulation of the "SQ. FT. Main Floor" and "SQ. FT. [additional floors, if applicable]" factors on an approved New Residence building permit 'Blue Sheet' which the Okanogan County Building Department issues to a permit holder. The ACC can issue a conditional approval based upon contingent receipt of final Blue Sheet.
7 See CCRs Article IX, Section 3
8 See 1) CCRs Article IX, Section 2, 2) HOA attorney doc on page 7, para 3, and 3) 7/27/24 Board motion on page 2, para 2.
9 Overlay CCRs Article IX, Section 3 and Okanogan County Code 18.70.
10 1) Per HOA attorney doc, page 11, bullet 2, sub-bullet 2, short term rentals are regarded as commercial enterprises under county code; 2) Per CCRs Article IX, Section 11, commercial enterprises are not allowed except as approved by the Board of Directors; 3) BOD resolution on January 11, 2025, page 5, para 4, showing and explaining the Board's decision to prohibit short term nightly rentals.
11 CCRs Article IX, Section 11.
12 Okanogan County Code 17.260.030.
13 CCRs, Article IX, Section 21.
14 HOA attorney document, page 11, bullet #1.
15 CCRs, Article IX, Section 11.

4. Bed and breakfasts are not considered a commercial use[16] and are therefore not subject to the commercial permission provisions cited at CCRs Article IX, Section 11.

5. Renting is allowed, with the following requirements:
   (a) renting any portion of any Lot – including within structures, recreational shelters, tents, cabins and RVs – cannot exceed more than an accumulative 6 months per calendar year[17]. In other words, for up to 6 months per year a Lot may have renting conducted upon it (within CCR limitations), and for the other 6 months of the year there can be no renting conducted upon the Lot. This is also subject to the occupancy limitations as cited in subsection II.1 above.
   (b) all tenants (except those for traditional bed and breakfasts) are required to sign a copy of the CCRs[18], and the Lot Owner shall provide proof of such signed copies to the Board upon request. Regarding bed and breakfasts, Lot Owners shall display conspicuously at check-in and in all rental agreements that tenants are required to comply with the CCRs.
   (c) Lot Owners are responsible for their renters/tenants complying with the CCRs and Rules and Policies, and applicable fines for guest violations if they occur will apply to the Lot Owner.
   (d) Pursuant to the Rental Notification Rule, prior to renting, Owners must notify the BOD of their intentions of renting out any portion of their Lot or any structure or recreational shelter or RV on their lot.

6. "Tiny homes"[19] are allowed if they are 900 square feet or more as a single-family residence, or if they are less than 900 square feet and permitted as an ADU, or if they are less than 900 square feet and are legally registered with the state of Washington as an RV.

This policy was adopted by the BOD on January 10, 2025.

16 Okanogan County Code 17.20.185.
17 Pursuant to CCRs, Article IX, Section 12 and HOA attorney doc, page 12, #2.
18 CCRs, Article IX, Section 12
19 See Washington state Labor & Industries requirements regarding tiny homes and RVs.