

**CHELAN COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

**316 WASHINGTON STREET, SUITE 301  
WENATCHEE, WASHINGTON 98801**

**BEFORE THE CHELAN COUNTY HEARING EXAMINER**

**IN THE MATTER OF:**

AA 2022-247

Ultis

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DECISION ON  
ADMINISTRATIVE APPEAL**

**I. FINDINGS OF FACT**

1. The Applicant is appealing the Administrative Denial of a short-term rental permit request.
2. The Appellant/owners are Jonathan and Martha Ultis.
3. The Applicant submitted materials to apply for a Tier 2 non-owner-occupied Short-Term Rental.
4. The subject property is currently used as a provisionally permitted short-term rental. The site address is 12296 W. Shugart Flats Rd, Plain, WA 98826. The Legal Description is No. 2 Wenatchee Park, Lot 3, Lot B BLA2017 -375, Lot B BLA 2000-099, Lot 1, Sp. 2195 1.7100 Acres. The Parcel No. is 26-17-01-721-037. The zoning district is Rural Waterfront (RW).
5. The applicant submitted a Short-Term Rental (STR) Permit Application to operate a short-term rental. The Applicant was denied the permit as per CCC 11.88.290: (3)(A)(i) Short-term rentals must be operated out of an owner's primary dwelling or a legally established accessory dwelling unit.
6. The property in question is located at 12296 W. Shugart Flats Rd., Plain, Washington, 98826
7. On November 17, 2021, application materials were received for a STR Permit.
8. The Applicant was granted a provisional STR permit November 17, 2021, pending full review.
9. A May 16, 2022, letter denying STR permit was sent to applicant.
10. On May 24, 2022, the owners emailed additional information for consideration.
11. On May 25, 2020, a final letter denying STR permit was sent to the applicant.
12. On June 8, 2022, the administrative appeal (AA-22-247) was timely filed with Chelan County Community Development with the associated application fees.

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13. CCC 11.88.290 (4)(D)(ii) states: Application for or issuance of any provisional short-term rental permit does not guarantee future issuance of a short-term rental administrative land use permit under subsection (4) of this section. The provisional permit is intended to be temporary and is only in effect while the department reviews all permits applications for compliance with all Chelan County regulations, including this chapter, for the 2021 and 2022 permit years before issuance or denial of issuance of a short-term rental administrative land use permit. This single (4)(D)(ii) provision ceases to exist on December 31, 2022.
14. CCC 11.88.290 (3)(A)(i) states: Short-term rentals must be operated out of an owner's primary dwelling or a legally established accessory dwelling unit. In no case, shall an owner or operator make available a recreational vehicle, tent, or other temporary or mobile unit for short-term rental.
15. The parcel in question has had multiple unpermitted building projects to include addition of a bedroom in the garage space and two 'sleeping cabins' which are not allowable per code. These are not legally established dwelling units.
16. On May 16, 2022, a letter denying STR permit was sent to applicant.
17. On May 24, 2022, the owners emailed additional information for consideration.
18. On May 25, 2020, a final letter denying STR permit sent to applicant.
19. On June 8, 2022, the administrative appeal (M-22-247) was filed with Chelan County Community Development with the associated application fees.
20. Chelan County Code Section 14.12.010: Administrative appeals:
  - (1) An administrative appeal to the hearing examiner shall be filed with the department within ten working days of the issuance of the decision appealed, together with the applicable appeal fee.
  - (2) The notice of appeal shall contain a concise statement identifying:
    - (A) The decision being appealed; (B) The name and address of the appellant and his/her interest(s) in the application or proposed development; (C) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous; (D) The specific relief sought by the appellant; (E) The appeal fee.
21. After due legal notice, an open record public hearing was held via Zoom video conference on July 7, 2022.
22. Admitted into the record were the following:
  - 22.1 AA 22-247 Application Materials;
  - 22.2 Denial letter of permit application for Existing Non-Conforming Short-Term Rental dated May 25, 2022.
  - 22.3 Staff Report.

23. Appearing and testifying at the hearing was Jonathan Ultis. Mr. Ultis testified he and his wife are the property owners and Appellants. Mr. Ultis has indicated that the unpermitted areas have been locked off and will not be available to renters for their use and requested that a short-term rental permit be issued for the areas of the property that have proper permits.
24. The position of Chelan County is that the County cannot issue a lesser permit than the one requested by the Applicant/Appellant when there are existing code violations on the property.
25. The Applicant/Appellant did not deny that there are existing code violations regarding unpermitted residential areas on the subject property.
26. The Hearing Examiner agrees that the Chelan County Code does not allow short term rental permits to be issued to properties with unpermitted residential areas, regardless of whether those areas are locked so that renters cannot access the areas.
27. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

## II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this Decision.
2. CCC 11.88.290 (4)(D)(ii) states: Application for or issuance of any provisional short-term rental permit does not guarantee future issuance of a short-term rental administrative land use permit under subsection (4) of this section. The provisional permit is intended to be temporary and is only in effect while the department reviews all permits applications for compliance with all Chelan County regulations, including this chapter, for the 2021 and 2022 permit years before issuance or denial of issuance of a short-term rental administrative land use permit. This single (4)(D)(ii) provision ceases to exist on December 31, 2022.
3. CCC 11.88.290 (3)(A)(i) states: Short-term rentals must be operated out of an owner's primary dwelling or a legally established accessory dwelling unit. In no case, shall an owner or operator make available a recreational vehicle, tent, or other temporary or mobile unit for short-term rental.
4. Because there are active Code violations on the subject property, a short term rental permit cannot be issued. These Code violations relate to unpermitted residential areas.
5. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

## III. DECISION

WHEREFORE, based upon the above Findings of Fact and Conclusions of Law, the Hearing Examiner finds that the denial be **AFFIRMED** based on the applicant not qualifying for this status based on CCC 11.88.290 as it relates to short-term rentals and the unpermitted structures on the parcel.



Dated this 21 day of July, 2022.

CHELAN COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

**This decision is subject to appeal pursuant to the Chelan County Code. Appeals must be timely filed. Anyone considering an appeal of this decision should seek immediate legal advice.**