

CHELAN COUNTY

DEPARTMENT OF HEARING EXAMINER

316 WASHINGTON STREET, SUITE 301
WENATCHEE, WASHINGTON 98801

BEFORE THE CHELAN COUNTY HEARING EXAMINER

IN THE MATTER OF:)	FINDINGS OF FACT,
AA 2022-314)	CONCLUSIONS OF LAW AND
Bayview Chelanigans, LLC)	DECISION ON
)	ADMINISTRATIVE APPEAL

I. FINDINGS OF FACT

1. The Applicant submitted an Administrative Appeal to appeal the denial of a short-term rental permit as an existing non-conforming short-term rental.
2. The Appellant/owners are Bayview Chelanigans, LLC.
3. The subject property is currently used as a provisionally permitted short-term rental pending full review. The site address is 157 FUREY AVE, MANSON, WA 98831. The Legal Description is MANSON BLOCK 31 0.1700 ACRES. The Parcel No. is 28-21-35-696-546. The zoning district is UR3.
4. The applicant submitted an Existing Non-Conforming Short-Term Rental Application on November 4, 2021 to continue use as a short-term rental (STR). The Applicant was issued a provisional permit pending full review. The final STR permit was denied as the parcel lacks the required one parking spot per bedroom rented per the short-term rental code.
5. On November 4, 2021, materials were received for an Existing Non-Conforming Short-term Rental Permit and Provisional Permit issued.
6. On July 19, 2022 a letter denying final permit for Existing Non-Conforming status was sent to Applicant.
7. On August 2, 2022, the administrative appeal (AA-22-314) was filed with Chelan County Community Development with the associated application fees.
8. The notice of public hearing was provided on August 26, 2022.
9. 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.

10. Chelan County Code 11.90.060- Required off-street parking, specifically states that for Tier, 1, Tier 2, and Tier 3 short-term rentals the required off-street parking is one space per bedroom.
11. Code 11.88.290 (3)(C)(i) states: Provide residential parking, not located within a setback and not within any recorded access easement, consistent with the provisions of Chapter 11.90. Further stated in section (2)(E)(i)(c) is that parking requirements must be met within one year of the effective date of the ordinance.
12. This rental is requesting to rent three bedrooms which would require three parking spaces. This parcel has no parking spaces on the parcel that are not within an easement or setback area.
13. 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.
14. After due legal notice, an open record public hearing was held via Zoom video conference on September 7, 2022.
15. Admitted into the record were the following:
 - 15.1 AA 22-314 Application Materials;
 - 15.2 Denial letter of permit application for Existing Non-Conforming Short-Term Rental dated July 19, 2022;
 - 15.3 Staff Report;
 - 15.4 Appeal materials from Applicant;
 - 15.5 Document entitled "Grandpre Written Oral Testimony" submitted by agent, Sean Lynn;
 - 15.6 Grandpre "document A" submitted by Sean Lynn;
 - 15.7 Appeal comments submitted by Jessie Grandpre.
16. Appearing and testifying at the hearing on behalf of the Appellant were Sean Lynn and Jessie Grandpre. Mr. Lynn testified that he was an agent authorized to appear and speak on behalf of the property owner and the Appellant. Mr. Lynn's testimony was consistent with his written materials. He argued that the current parking regulations for short term rentals do not

apply to his client's property. He argued that if those parking standards do apply, then they are allowed a grace period until December 31, 2022 to secure proper parking.

17. Jessie Grandpre testified that she is the property owner. She testified consistent with her written comments.
18. More than one year has passed since the effective date of CCC 11.88.290.
19. The Hearing Examiner finds that the parking requirements set forth in CCC 11.88.290 apply to this property and STR application.
20. The Hearing Examiner finds that the Applicant has failed to comply with Chelan County Code 11.90.060 and 11.88.290 parking requirements for short term rentals.
21. 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. Chelan County Code 11.90.060- Required off-street parking specifically states that for Tier, 1, Tier 2, and Tier 3 short-term rentals the required off-street parking is 1 space per bedroom.
4. Code 11.88.290 (3)(C)(i) states: Provide residential parking, not located within a setback and not within any recorded access easement, consistent with the provisions of Chapter 11.90.
5. CCC 11.88.290(2)(E)(i)(c) requires parking compliance within one year of the effective date of the ordinance.
6. 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 Applicants not having the required parking.

Dated this 14 day of September, 2022.

CHELAN COUNTY HEARING EXAMINER



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.