

**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 2022-441

Tara K. Zuluaga Dorgan

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
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/owner is Tara K. Zuluaga Dorgan.
3. The subject property is currently used as a short-term rental, unpermitted. The site address is 49 TARA LANE, MANSON, WA 98831. The Legal Description is LOW LINE NO 2 LOT 19 LOT 1 SP 2017-156 PA#2000-005 LOT 1 0.5800 ACRES. The Parcel No. is 28-21-36-681-090. The zoning district is Urban Residential 2 (UR2).
4. The applicant submitted a Short-Term Rental Application on December 29, 2021 to apply to be a short-term rental.
5. On October 17, 2022, it was found by Chelan County Community Development that the applicant did not qualify for the permit due to their parcel being within 200' of another STR.
6. Pursuant to Chelan County Code Section 11.88.290 (2)(D)(ii), New conforming Tier 2 short-term rentals in all residential zones cited in this subsection (2)(D) and within the Manson UGA shall be located a minimum of two hundred feet apart as measured from all points of the existing short-term rental dwelling structures to proposed short-term rental dwelling structures. This distance shall not be subject to reduction pursuant to Chapter 11.95, Variances, Chapter 11.97, Nonconforming Lots, Structures, and Uses, Chapter 11.98, Reasonable Use Regulations, nor subject to administrative modification.
7. On October 17, 2022, Chelan County Community Development denied the permit as ineligible for application status.
8. On October 26, 2022, the administrative appeal (AA-22-441) was filed with Chelan County Community Development with the associated application fees.

9. Applicant had already been denied for an existing nonconforming STR application as they had not held the previously required VR permit in the Manson UGA but had been operating without a permit.
10. 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.
11. After due legal notice, an open record public hearing was held via Zoom video conference on November 16, 2022.
12. Admitted into the record were the following:
  - 12.1 AA 22-441 Application and Appeal Materials;
  - 12.2 Denial letter of permit application for Existing Non-Conforming Short-Term Rental dated October 17, 2022.
  - 12.3 Staff Report.
  - 12.4 All materials relied upon by staff in making the decision to deny the Short-Term Rental application.
13. Neither the Applicant, nor a representative, appeared at the hearing. Staff indicated that the Applicant was given notice of the date, time, and manner of the hearing.
14. The Hearing Examiner finds that there is an existing Short-Term Rental within 200 ft. of the Applicant's proposed Short-Term Rental and this fact is the basis for denying the Applicant's Short-Term Rental permit application.
15. 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(2)(C)(iv)(c) reads: New short-term rental applicants will be required to comply with the most current city regulations for short-term rental use for each city UGA, which are herein adopted and incorporated under subsection (2)(C)(iv) of this section upon adoption of this code chapter, including if any UGA code prohibits new or continued existing short-term rentals in those zones. This refers us to CCC 11.23.030 for the Manson UGA, a Tier 2 short term rental is allowed in the UR3 zoning with a permit and standards. The standards are, per 11.23.040, to be on a 5000 sq ft lot unless they meet criteria 3- Seven thousand square feet for duplex units, plus an additional five hundred square feet for each additional unit. As this is a duplex unit, it would require the 7000 sq ft lot. The lot in question is 0.07 acres or 3049.2 sq ft which is deficient.

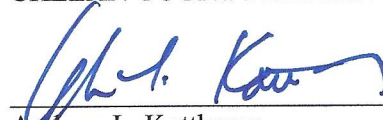
3. Per CCC 11.88.290(2)(D)(ii)- New conforming Tier 2 short-term rentals in all residential zones cited in this subsection (2)(D) and within the Manson UGA shall be located a minimum of two hundred feet apart as measured from all points of the existing short-term rental dwelling structures to proposed short-term rental dwelling structures. This distance shall not be subject to reduction pursuant to Chapter 11.95, Variances, Chapter 11.97, Nonconforming Lots, Structures, and Uses, Chapter 11.98, Reasonable Use Regulations, not subject to administrative modification. This dwelling is within 200 feet of another STR already permitted at 201 Parkway.
4. Because the Applicant's proposed Short-Term Rental facility is within 200 ft. of an existing Short-Term Rental, denial of the Applicant's Short-Term Rental permit application was proper pursuant to CCC 11.88.290.
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 meeting criteria for a New Short Term Rental permit per CCC 11.88.290.

Dated this 17 day of November, 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.**