



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission  
Chelan County Community Development VIA ZOOM

Date: October 15, 2020

Called to Order: 6:02 PM  
316 Washington St., Suite 301  
Wenatchee, WA 98801

## CALL TO ORDER

Meeting was called to order at 6:02 pm.

## COMMISSIONER PRESENT/ABSENT

<b>Ryan Kelso</b>	<b>Present</b>	<b>Carl Blum</b>	<b>Present</b>
<b>Vicki Malloy</b>	<b>Present</b>	<b>Jim Newberry</b>	<b>Absent</b>
<b>Pat Hammersmith</b>	<b>Present</b>	<b>Ed Martinez</b>	<b>Present</b>
<b>James Wiggs</b>	<b>Present</b>	<b>Joel Walinski</b>	<b>Present</b>

## STAFF PRESENT

**Jim Brown, Director**  
**Catherine Lorbeer, Assistant Director**  
**Wendy Lane, Permit Clerk**

## PUBLIC PRESENT

ZOOM MEETING – 42 PARTICIPANTS INCLUDING STAFF AND PC MEMBERS

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the September 23, 2020, meeting.

Commissioner Ed Martinez issued a point of clarification. He wanted certain events to be clearly represented in the minutes. Director Jim Brown stated that the minutes would be revised to reflect the request Mr. Martinez brought forward. Chairman Ryan Kelso tabled the minutes until they can be reviewed again at the October 28, 2020 Planning Commission meeting.

## PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

No Comments

## OLD BUSINESS:

**Deliberation and Possible Decision for Short-term Rentals**

Director Jim Brown offered direction on how to go forward and complete the deliberation and possible decision within the current time frame with regard to Short-term Rentals.

Chairman Ryan Kelso started a conversation concerning the impact of property rights and what should be looked at when making decisions such as those involving Short-term Rentals. Director Jim Brown stated that such considerations, at that level, would be reviewed by prosecuting attorney's office and they would be directly engaged in the matter. Commissioner Ed Martinez also discussed when legal council should be consulted. Director Jim Brown reminded the Commissioners that they were only passing a draft code and not actually code itself, in its final form. He also stated that there was a second level of review for those types of situations to make sure the County complies with property rights.

There was a discussion among the Commissioners about public impact and what was the goal of the Planning Commission on the matter. Lisa Grueter injected information on the range of effects of Short-term Rentals in communities. Director Jim Brown identified the line as 141 in the draft code document.

The conversation steered to the percentages of Short-term Rentals that should be allowed in a zone or in a zip code. It was believed that making huge changes in the draft code, at this point, was unfair to staff and to the citizens of the county, so it was agreed upon to put code in place that could then be reviewed, down the line, to refine it. Enforcement was also taken into consideration, to have in place, in order to figure out what the real problems were concerning Short-term Rentals.

Commissioner Carl Blum wanted to address line 152 and tier 1. He wanted to refine tier 1 and change the distance from 200 feet to 50 feet. Chairman Ryan Kelso asked how the distances were measured. There was discussion on the matter, including how to clarify the actual distance. It was suggested that the measurements be parcel to parcel instead of residence to residence. Wanted owner occupied to be designated as on the same parcel, distance should not be the consideration.

**MOTION:**

Motion made by Commissioner Carl Blum, second by Commissioner Vicki Malloy, that the Short-term Rental should be located within the same parcel as the owner's primary residence.

Vote – unanimous. Motion carried.

Commissioner Carl Blum then moved to line 222. He wanted to define the effective date to be 2020. There was discussion on when during the year 2020 the actually date would be.

**MOTION:**

Motion made by Commissioner Carl Blum, second by Commissioner Ed Martinez, to change the effective date in line 222 to December 31, 2020.

Vote – unanimous. Motion carried.

Commissioner Ed Martinez brought up lines 170-177, and more directly, line 172, to change the word from countrywide to zip code. Lisa Grueter addressed the differences in the two possibilities.

**MOTION:**

Motion made by Commissioner Ed Martinez, second by Commissioner Vicki Malloy, to change the word, in line 172 from countywide to zip code.

Vote – unanimous. Motion carried.

Commissioner Carl Blum asked Lisa Grueter for clarification on line 223 and nonconforming units. Lisa Grueter gave examples on how these situations would come into play.

The discussion continued to line 235 and multiple rentals located on the same parcel. Does the current draft code allow for such circumstances and does it require them to be permitted separately or together.

Commissioner Carl Blum tied in line 335 to add language that each individual unit should require its own permit. Director Jim Brown offered a solution in requiring a review of all Short-term Rentals on the same parcel when one is added. It should be subject to reapplication to ensure that the additional units have not placed the parcel into a different category.

**MOTON:**

Motion made by Commissioner Carl Blum, seconded by Commissioner Vicki Malloy, to change the language on line 335 and 336 to read “All dwelling units on a single parcel shall be reviewed concurrently in the same application.”

Vote – unanimous

Commissioner Ed Martinez brought everyone’s attention to line 392. He is concerned about the sale of Short-term Rental properties. He would like wording adding that the new owner would need to apply to become a Short-term Rental. Lisa Grueter explained different pathways that could be taken based on the percentages of STRs in the area. Director Jim Brown suggests making a reference to another area in the code that would reference back to the percentage issue, then the new owner could reapply if the conditions applied or not apply because the option has been restricted.

**MOTON:**

Motion made by Commissioner Carl Blum, seconded by Commissioner Ed Martinez, to change the language starting on line 394 to read “A Short-term Rental permit shall not transfer, new owners may apply for a Short-term Rental permit pursuant to the provisions of this code. A transfer occurs where the property is sold to a person or when officers of corporations are changed to removed former officers and add new officers. All permits shall include the following provision: “This permit shall automatically expire upon sale or transfer of the property.”

Vote – unanimous. Motion carried.

Commissioner Carl Blum brings forth line 241 and states that he would like to tighten up this section on the number of bedrooms cannot exceed those on the building permit and the septic system approved. Discussion ensued about onsite systems and what was allowed.

**MOTON:**

Motion made by Commissioner Carl Blum, seconded by Commissioner Joel Walinski, to change the language in starting at line 249 to read “The number of bedrooms shall not exceed the number approved in relation to the on-site sewage system approved by the Chelan Douglas Health District.”

Vote – unanimous. Motion carried.

Commissioner Car Blum then directed attention to line 371, now line 374, due to adjustments, to say, “Each permitted short-term vacation rental on a permitted on-site sewage system must have the system inspected and certified each year. This will be completed by a licensed and trained inspector on forms developed by the Director and be completed each year between May to September inclusive.” The goal is to remove the Health District from the process and to make sure that the septic systems on the waterfront are working the way they are intended to.

Discussion ensued on whether or not this was fair to the short-term rental owners. Director Jim Brown offers a requirement, to be submitted with the application, proof that the septic system has been pumped and inspected within the last three months. There was discussion on whether or not this was excessive for a yearly process. Change the requirement to inspected rather than pumped.

**MOTION:**

Motion made by Commissioner Carl Blum, seconded by Commissioner Joel Walinski, to change line 374 to read, “Each applicant for a short-term rental shall provide documentation indicating the onsite sewage system has been properly serviced or inspected in the prior year by a qualified person. The applicant shall also ensure that there is a verifiable legal source of water that meets applicable standards.”

Vote – unanimous. Motion carried.

Next was a discussion on zoning on the District Use Chart. Lisa Grueter gave a brief presentation. She covered areas in the Power Point display where the Planning Commissioners had already resolved areas of disagreement. Sunsetting was discussed among the group. It was factored in how other communities were handling the rights of the property owners. A reversal was proposed with regard to sunsetting. More discussion ensued and specifics were brought up concerning different zoning categories.

**MOTION:**

Motion made by Commissioner Vicki Malloy, seconded by Commissioner Carl Blum, to remove the sunsetting provision on RW on the District Use Chart, line 90. Discussion ensued.

Vote – Commissioners Malloy, Blum, Wiggs, Walinski, and Kelso – For

Vote – Commissioners Martinez and Hammersmith – Against

Motion carried.

**MOTION:**

Motion made by Commissioner Ed Martinez, seconded by Commissioner Carl Blum, to accept this code as written and changed and move it forward to the Chelan County Commissioners.

Vote – unanimous. Motion carried.

Commissioner Carl Blum asked how permits were going to be handled per the moratorium through the end of the year. Director Jim Brown answered his questions on how the application would be handles.

**NEW BUSINESS:**

**Technical Review Group for Critical Area Ordinances**

Director proposed a nine-member Technical Review Group to assist with Critical Area Ordinances. He was asking for a volunteer from the Planning Commission to assist with the group. Commissioner Vicki Malloy offered to be a part of the group. Director Jim Brown explained what would be asked of the group and the option to withdraw if it became too much of an obligation.

**Upcoming Meetings and Possible Date Adjustments for Holidays**

Chairman Ryan Kelso put forth possibilities to adjust meeting dates for the months of November and December 2020.

**MOTON:**

Motion made by Commissioner Carl Blum, seconded by Commissioner Joel Walinski, to change the Planning Commission Meeting in November, 2020 from the 25<sup>th</sup> to the 18<sup>th</sup> and in December, 2020, from the 23<sup>rd</sup> to the 16<sup>th</sup>.

Vote – unanimous. Motion carried

**Discussion, at the Chair's discretion**

None

**ADJOURNMENT**

**MOTON:**

Motion made by Commissioner Vicki Malloy, seconded by Commissioner Carl Blum, to adjourn the meeting.

Vote – unanimous

Meeting Adjourned at 8:12 pm.

Next Planning Commission Meeting to be held on October 28, 2020, at 6:00 pm, – a Zoom meeting.

**All Planning Commission meetings and hearings are open to the public.**