

**CHELAN COUNTY**

DEPARTMENT OF HEARING EXAMINER

316 WASHINGTON STREET, SUITE 301  
WENATCHEE, WASHINGTON 98801

**BEFORE THE CHELAN COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF:</b>	)	<b>FINDINGS OF FACT,</b>
AA 2024-010	)	<b>CONCLUSIONS OF LAW AND</b>
Hidalgo	)	<b>DECISION ON</b>
	)	<b>ADMINISTRATIVE APPEAL</b>

**I. FINDINGS OF FACT**

1. This Administrative Appeal was filed to appeal the denial of a renewal extension request for a short-term rental.
2. The Appellant and property owner is Andrea Hidalgo.
3. The project location is 21510 CAMP 12 RD, PLAIN, WA 98826. The legal description is PRIMITIVE PARK BLOCK 5 LOT 10 0.2500 ACRES. The parcel number is 26-17-24-790-420. The zoning district is Rural Waterfront (RW).
4. The subject property was permitted for 2021/2022/2023 as a short-term rental. Renewal application for operation in 2024 was not received timely and renewal extension request was denied.
5. The Applicant did not submit materials to renew their short-term rental permit within the designated renewal window of September 1 – October 31, the time frame designated in the short-term rental code, CCC 11.88.290. The Applicant requested a Renewal Extension Denial based on hardship and was denied.
6. Per Chelan County Code 11.88.290 (4)(6)- At their discretion the director may, upon showing of a hardship reason for applicant's delay, accept permit renewal applications received after October 31st but before December 31st of the same year and may assess double the normal fees for permitting, provided the short-term rental may not continue operation past December 31st until the permit application is approved and a permit issued.
7. Staff informed the Applicant of the above clause in an email response in which it was explained the renewal deadline had been missed.
8. The extension request indicating hardship was submitted for review. A statement of hardship was submitted via email on December 11, 2023.
9. The hardship request was denied by the Director on December 26, 2023.

10. An Appeal request was received January 9, 2024, from the Applicant with payment being received the same day. Later the same day, the Applicant updated their Exhibit A. The updated version replaced the original version per the Applicant's request.
11. Per CCC 11.88.290 (4)(B), Annual Renewal. Annual renewal of the short-term rental land use permit is required.
  - 11.1 (i) The department shall by September 1st of each year, mail a renewal reminder notice to the permitted owner or operator, sent to the postal address or the email address on file reminding of the renewal requirement of the rental permit requirement.
  - 11.2 (ii) A permit expires on December 31st of each year, regardless of when it is issued.
  - 11.3 (iii) All annual permitting fees are not pro-rated.
  - 11.4 (iv) All permit renewal applications for permitting year 2023, and beyond, must be received by October 31st of the preceding year.
  - 11.5 (a) At their discretion the director may, upon showing of a hardship reason for applicant's delay, accept permit renewal applications received after October 31st but before December 31st of the same year and may assess double the normal fees for permitting, provided the short-term rental may not continue operation past December 31st until the permit application is approved and a permit issued.
  - 11.6 (b) Permit renewal applications received after December 31st will not be accepted, and the short-term rental must immediately cease operations on January 1st of the following year. The owner and property lose any vesting to continue operation as a legally conforming or nonconforming short-term rental under this chapter. Expired short-term rentals under this subsection are then subject to the housing cap provisions of subsection (2)(B) of this section and must apply as a new short-term rental if all other provisions of this section allow, and consistent with the applicable district use chart.
12. The Department had the renewal reminder postcard mailed by a mailing service on August 18, 2023. The postcard for this rental (000211) was sent to 21510 Camp 12 Rd, Plain, WA 98826.
13. A Short-Term Rental Permit renewal application was not submitted within the renewal window of September 1 – October 31 for the Applicant to continue operation.
14. The Applicant inquired on December 9, 2023, when the renewal was due.
15. On December 11, 2023, staff responded explaining to the Applicant that they had missed the renewal window and let them know that if they missed the renewal due to a hardship they could request a Renewal Extension and explained how to do that. The same day, the Applicant sent an email requesting the Renewal Extension stating their hardship was due to a family member having serious medical issues that made it difficult to stay on top of everyday tasks but no supporting information was supplied.



16. The hardship request was denied by the Director on December 26, 2023 noting that the reasons given by the Applicant did not rise to the level of a hardship.
17. On January 9, 2024, the appeal request for AA 24-010 was received from the Applicant with payment being received the same day. Later the same day, the Applicant updated their Exhibit A. The updated version replaced the original version per the Applicant's request. The same day, staff responded to the Applicant letting them know the case number assigned, as well as the scheduled date and time of the hearing.
18. Information on the Chelan County Short Term Rental web page has been, and is, consistent. Had the applicant gone to the Chelan County Short Term Rental web page, they would have found an abundance of information to include:
  - 18.1 The heading "Once I have my land use permit, what are the requirements to maintain it?" they would have found this:
    - 18.1.1 Community Development will, by Sept. 1 of each year, mail a renewal reminder notice to the permitted owner or operator, sent to the postal address or the email address on file, reminding them of the renewal requirement.
    - 18.1.2 A permit expires annually on Dec. 31, regardless of when it was issued.
    - 18.1.3 Annual permitting fees are not pro-rated.
    - 18.1.4 Permit renewal applications for permitting year 2023 and beyond, must be received by Oct. 31 of the preceding year.
  - 18.2 Whether or not the applicant finds the process complicated, the timelines and processes are set by the code. The Community Development department followed the code and a decision was made holding all applicants to the same standard. On page two of the short term rental application (both new and renewal), the applicant initialed the acknowledgements and signed at the bottom under the statement "I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true, correct, and complete." Of those, the twelfth acknowledgement states: "I certify that I am the property owner, or authorized agent of the property owner, and I have familiarized myself the rules and regulations of Chelan County with respect to making this application." The fifteenth acknowledgement states: "I acknowledge and agree that my short term rental permit expires each year on December 31 and that I am required to apply for renewal no later than October 31 of the preceding year."
19. The Applicant's appeal does not have the effect of allowing the continued operation without the necessary permit.
20. The renewal notice was sent to the Applicant at the correct address on file with Chelan County Community Development.
21. The renewal application deadline of October 31 is clearly stated in CCC 11.98.280(4)(B).
22. In the Appellant's appeal submission, the Appellant provided factual detail as to their hardship. The Chelan County Community Development Director reviewed this detailed material and determined that the Appellant had satisfied the requirement of a hardship as contemplated by the Chelan County Code. At the open record public hearing, Community

Development staff indicated that Chelan County was now requesting that the Hearing Examiner reverse the Department of Community Development Director's original denial and find that a hardship existed that supported the request for an extension.

23. After due legal notice, an open record public hearing was held via Zoom video conference on February 7, 2024.
24. Admitted into the record were the following:
  - 24.1 Ex. A Denial of permit application renewal extension for Short-Term Rental.
  - 24.2 Ex. B AA 24-010 Application Materials
  - 24.3 Ex. C Emails
  - 24.4 Ex. D Email Timeline
  - 24.5 Ex. E Renewal Reminder Mailing Information
  - 24.6 Ex. F Staff Report
25. Appearing and testifying at the hearing was the Appellant, Andrea Hidalgo, owner of the subject property. Ms. Hidalgo testified that she agreed with the County's decision to reverse its position regarding the original denial of her extension request.
26. No member of the public testified at the hearing.
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. The Appellant has demonstrated that a valid and sufficient hardship reason exists justifying the Appellant's delay in filing for the renewal of their short-term rental permit.
3. Chelan County has requested that their original denial of the hardship extension application be reversed.
4. 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 dated December 26, 2023, is hereby **REVERSED**. The Chelan County Department of Community Development is directed to process the Appellant's renewal application for a 2024 short-term rental permit. Nothing herein shall be construed to relieve the Appellant of providing a complete renewal application.

Dated this 8 day of February, 2024.

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.**