

**White Salmon Planning Commission Meeting  
A G E N D A**

**September 23, 2020 – 5:30 PM**

**Via Zoom Teleconference**

**Meeting ID: 864 8952 7068 Passcode: 501965**



**Call in Numbers:**

**669-900-6833**

**929-205-6099**

**301-715-8592**

**346-248-7799**

**253-215-8782**

**312-626-6799**

**We ask that the audience call in instead of videoing in or turn off your camera, so video does not show during the meeting to prevent disruption.**

**Thank you.**

**Call to Order/Roll Call**

**Public Comment**

Public comment will not be taken during the teleconference. Public comment submitted by email to Erika Castro-Guzman at [erikac@ci.white-salmon.wa.us](mailto:erikac@ci.white-salmon.wa.us) by 5:00 p.m. on Wednesday, September 23 will be read during the planning commission meeting and forwarded to all planning commission members. Please include in the subject line "Public Comment – September 23 Planning Commission Meeting." Please indicate in your comments whether you live in or outside of the city limits of White Salmon.

**Approval of Minutes**

- 1.** Approval of Meeting Minutes - June 10, 2020

**Action Items**

- 2.** White Salmon Urbanization Study, July 2020
  - Presentation and Discussion
  - Action
- 3.** Proposed Amendments to WSMC 17.78 - Wireless Telecommunications Towers and Facilities
  - Presentation and Discussion
  - Action

**Discussion Items**

- 4.** Short-Term Rental Policy Discussion
- 5.** Update on Comprehensive Plan Update Process

**Adjournment**

**File Attachments for Item:**

Approval of Meeting Minutes - June 10, 2020



**CITY OF WHITE SALMON**  
**Planning Commission Meeting - Wednesday, June 10, 2020**  
**DRAFT**

**COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT**

**Commission Members:**

Ross Henry, Chairman  
Michael Morneault  
Tom Stevenson

**Staff Present:**

Erika Castro Guzman, City Associate Planner  
Jan Brending, City Clerk-Treasurer

**Excused:**

Greg Hohensee  
Seth Gilchrist

**Planning Consultants:**

Scott Keillor, WSP USA Inc.  
Todd Chase, FCS GROUP

**CALL TO ORDER/ ROLL CALL**

Ross Henry, Chairman called the meeting to order at 5:37 PM. There were approximately 3 people attending virtually. A quorum of planning commissioner members were present. Greg Hohensee and Seth Gilchrist were excused by motion of Tom Stevenson. Seconded by Michael Morneault. CARRIED 3-0.

**APPROVAL OF MINUTES**

Approval of the minutes of March 11, 2020.

Discussion: Staff clarified for Commissioner Morneault that to email in changes and questions of the minutes prior to meeting is appropriate.

Moved by Michael Morneault. Seconded by Tom Stevenson.

*Motion to approve minutes, as amended, of March 11, 2020. CARRIED 3-0.*

Ross Henry, Chairman – In favor.

Michael Morneault – In favor.

Tom Stevenson – In favor.

Record Note: Greg Hohensee and Seth Gilchrist were not present.

**PRESENTATION**

**Buildable Lands Inventory and White Salmon Urbanization Study**

Todd Chase, FCS GROUP, and Scott Keillor, WSP USA Inc., presented the Buildable Land Inventory and White Salmon Urbanization Study.

Todd Chase, FCS GROUP, explained the Buildable Land Inventory began with Klickitat County and the City's agreement to work together, that included at a county wide look for the next 20+ years. He stated that these are all draft findings and shows some City/County coordination in looking at long term land needs for employment and residential uses as a precursor to making local changes to the zoning code, and development code, that might reflect findings that come from this urbanization study. Chase said that the report incorporated stakeholder outreach in the area and it sets the stage for policy changes that might be considered in the upcoming years through the City's Comprehensive Plan Update.

The buildable lands inventory included an update to all the data, information from the city, the county and other parties, and then to analyze the land within that area by zoning, or by comp plan designation, to determine whether it's planned for residential, commercial, or possibly a mix of uses. Furthermore, topography and other types of constraints, such as flood ways, determine what land is likely to be underdeveloped or undeveloped and also classify land based on whether it was fully built out, partially built out or vacant.

Chase clarified that partially developed land is considered to be a site that has an existing building with some value (typically over \$50,000 of improvement value), but could also be considered to be a tear down or subdividable. Furthermore, Chase clarified beyond the building permitting trends for West Klickitat County, the report is not assuming that infrastructure is a constraint in the Housing Need Market Forecast. Chase stated that this will require a property owner/developer willing to invest quite a bit of money to extend the roads, sewer water, typically on a big enough site, typically to make it worthwhile. Chase stated that he feels confident that if White Salmon has the ability to accommodate utilities (water/sewer) and zoning the forecasted amount of development (total of 1,019 new housing) will be actualized. It was noted that the next step would be reviewing the wastewater treatment plan's long range plan to assure the capacity to handle this growth.

Chase said that that report takes into account when forecasting the employment land needs with a building refill factor (adding jobs to existing vacant or under-utilized space, including home base workers) assumes 10-50% of jobs.

Further discussion was had regarding the policy recommendation to limit and disallow new single-family detached housing within the R-3 zone. Staff added that consideration of disallowing ADUs in the R-1 zone is a conversation being had at the city council level in single-family neighborhoods as well as the high desire maintain any current mobile home park designation and purpose.

The Planning Commission was asked to email in their input/comments by June 24, 2020. Planning Consultants anticipate finalizing the Buildable Land Inventory and White Salmon Urbanization Study in August 2020.

The meeting was adjourned at 7:25 p.m.

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Ross Henry, Chairman

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Erika Castro Guzman, Associate Planner

**File Attachments for Item:**

2. White Salmon Urbanization Study, July 2020

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: No  
Planning Commission  
Meeting Date: September 23, 2020  
Agenda Item: White Salmon Urbanization Study, July 2020

### **Action Required**

Final review and acceptance of White Salmon Urbanization Study, July 2020.

### **Motion**

Motion to accept White Salmon Urbanization Study, July 2020.

### **Explanation of Issue**

The Planning Commission reviewed the White Salmon Urbanization Study and provided comments back to the consultants along with White Salmon city staff. These comments have been incorporated into the document.

The document is now back before the Planning Commission for final review and acceptance. I have spoken with FCS, the consultant that prepared the document, and that if the changes are minor and take less than 4 hours of time, FCS will not charge for any additional time. If updates to the data tables or findings are required, FCS may charge an additional \$1500 for those changes.

You were emailed the latest version of the Urbanization Study on August 27, 2020. The document will be provided as a "Supporting Document" on the city's website for the planning commission meeting but will not be included in the "packet" due to the length.

**File Attachments for Item:**

3. Proposed Amendments to WSMC 17.78 - Wireless Telecommunications Towers and Facilities

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: Yes  
Planning Commission  
Meeting Date: September 23, 2020  
Agenda Item: Proposed Amendments to WSMC 17.78 – Wireless Telecommunications Towers and Facilities

### Action Required

Review the proposed amendments forwarded to the Planning Commission by the City Operations Committee and schedule a public hearing.

### Motion

Motion to schedule public hearing on proposed amendments to WSMC 17.78 – Wireless Telecommunications Towers and Facilities on Wednesday, October 14, 2020.

### Explanation of Issue

Due to a recent agenda item before the City Council regarding a ground lease option for a cell tower on city property (the item was removed from the city council's agenda and at this time is not moving forward), the city council requested that some amendments be made to WSMC 17.78 – Wireless Telecommunications Towers and Facilities. This item was moved to the City Operations Committee for consideration. Attached are the initial proposed amendments to the code that provide the following:

1. A process on how proposed ground lease options for locating telecommunications towers and facilities on city-owned property are presented to the city council.
2. Changing the appeal of a planning commission decision on wireless telecommunications towers and facilities from the city council to a hearing examiner.

The City Operations Committee is recommending that the Planning Commission schedule a public hearing regarding the proposed amendments and take action on making a recommendation to the city council for adoption of the amendments.

The Planning Commission can make additional changes to the proposed amendments or add additional amendments to the code. Those changes would be incorporated prior to the public hearing and used as the basis for obtaining comments in writing or at the public hearing.



## Chapter 17.78 - WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

### 17.78.010 - Findings.

- A. The Communications Act of 1934 as amended by the Telecommunication Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over:
  - 1. The regulation of the environmental effects of radio frequency (RF) emissions from telecommunications facilities; and
  - 2. The regulation of radio signal interference among users of the RF spectrum.
- B. The city's regulation of wireless telecommunications towers and facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

(Ord. No. 2012-11-905, 11-26-2012)

### 17.78.015 - Purposes.

- A. The general purpose of this chapter is to regulate the placement, construction, and modification of wireless telecommunications towers and facilities in order to protect the health, safety, and welfare of the public, while at the same time encouraging the development of the competitive wireless telecommunications marketplace in the city.
- B. The specific purposes of this chapter are:
  - 1. To allow the location of wireless telecommunication towers and facilities in the city;
  - 2. To protect residential zones and visually sensitive areas from potential adverse impact of towers and telecommunications facilities;
  - 3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
  - 4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
  - 5. To promote and encourage utilization of technological designs that will eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
  - 6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound;
  - 7. To ensure that towers and telecommunications facilities are compatible with surrounding land uses; and
  - 8. To overcome the potential adverse impacts that poorly or unregulated telecommunications facilities could have on the public health, safety and welfare.

(Ord. No. 2012-11-905, 11-26-2012)

### 17.78.020 - Exemptions.

The following shall be considered exempt structures or activities under this chapter:

- A. Parabolic or other similar antenna 39.37 inches (one meter) diameter or less regardless of zone;

- B. Parabolic or other similar antennas 78.74 inches (two meters) in diameter or less located in nonresidential zones;
- C. Panel, wave, or other similar antennas ten square feet or less regardless of zone;
- D. Whip or other similar antennas six feet in height and up to two inches in diameter;
- E. Antennas designed to receive local television broadcast signals regardless of zone category;
- F. Low-powered networked telecommunications facilities such as microcell radio transceivers located on existing utility poles and light standards within public right-of-way. Low-powered, networked telecommunications facilities shall comply with Chapter 17.78 WSMC;
- G. Industrial, scientific and medical equipment using frequencies regulated by the FCC;
- H. Military, federal, state and local government communication towers used for navigational purposes, emergency preparedness, and public safety purposes;
- I. Normal, routine, and emergency maintenance and repair of existing wireless communication facilities and related equipment which do not increase the size, footprint, or bulk of such facilities and which otherwise comply with city, state, and federal law and regulations;
- J. Cell on wheels (COW), which are permitted as temporary testing uses in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day, or during a period of emergency as declared by the city.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.025 - Development of towers.

A. Towers may be located in any zone with approval of an unclassified use permit (UUP). Co-location shall be given first priority and may be required. The use of public properties shall be subject to approval by the city and the city's determination that the public's intended use of the site will not be unreasonably hindered. Application for an UUP shall be made to the planning director in the manner provided in this chapter. An application to locate a new tower shall be accompanied by technical information identifying and documenting the need for such a location per subsection C of this section.

B. Any tower proposed to be on public property owned by the City of White Salmon related to establishing a ground lease option shall be reviewed by the City Council prior to submission of an application to the planning commission.

1. Information to be included with a request for a ground lease option shall include the following information:

a. Name, address and telephone number of the lessee of the parcel of land upon which the proposed tower is to be situated.

b. A site plan shown the location of the proposed tower and any supporting facilities.

c. A description of the type of tower including a picture and/or drawing of the proposed tower.

d. The height of the tower

e. An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-locate the proposed telecommunications facilities on existing towers or antenna support structures located within the White Salmon Urban Exempt Area, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible.

2. The City Council will hold a public hearing when considering establishing a ground lease option for the location of a tower on City of White Salmon property.

**BC.** Towers may not exceed the maximum height allowed for structures in any residential, local commercial or general commercial zone. In industrial, public, and riverfront planned district zones, towers shall be permitted to a height of sixty feet. Towers may be permitted in excess of the stated height limit to a maximum height of one hundred twenty feet only in accordance with a modification approved per Section 17.78.085 WSMC and subject to all conditions of approval applied through that process.

**CD.** An application to develop a new tower shall be by UUP and shall include the following information:

1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the proposed tower is to be situated. If the applicant is not the owner of the parcel of land upon which the proposed tower is to be situated, the written consent of the owner shall be evidenced in the application. If the applicant is not the owner of the property, a copy of the preliminary lease agreement is required to be provided with the application. A copy of the final agreement shall be submitted prior to issuance of a building permit for the structure;
2. The legal description, parcel number, and address of the parcel of land upon which the proposed tower is to be situated;
3. The names, addresses, and telephone numbers of all owners of other towers or antenna support structures, capable of supporting the applicant's telecommunications facilities, within three hundred feet of the proposed tower site, including city-owned property;
4. A description of the design plan proposed by the applicant in the city. Applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for the proposed tower and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services;
5. An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-locate the proposed telecommunications facilities on existing towers or antenna support structures located within ~~a one-half mile radius of the proposed tower site~~the White Salmon Urban Exempt Area, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible;
6. A written statement by the applicant that the tower will accommodate co-location of additional antennas for future users at a reasonable, market-based cost. If accommodation of future co-location is not proposed, information must be submitted with the application detailing why future co-location is not possible;
7. Written technical evidence from an engineer(s) of the tower's capability of supporting additional telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the proposed tower;
8. A written statement from an engineer(s) that the construction and placement of the proposed tower and telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;
9. It shall be a condition of the UUP approval that certification by the applicant will meet the standards set forth in Section 17.78.035, "Structural requirements";
10. A written statement by the applicant stating the tower and telecommunications facilities will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;
11. In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site with a photo

realistic representation of the proposed tower and telecommunications facilities as it would appear viewed from the closest residential property and from adjacent roadways;

12. The city may require a qualified, independent third party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;
  13. The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant may be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;
  14. At the time of site selection, the applicant shall demonstrate how the proposed site fits into its overall telecommunications network within the city. This shall include a service area coverage chart for the proposed tower and telecommunications facilities that depicts the extent of coverage and corresponding signal quality at the proposed tower height and at least one height lower than that proposed;
  15. Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;
  16. Copies of any environmental documents required by any federal, state, or local agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
  17. A full site plan shall be required for all towers, showing the location, the specific placement of the tower on the site, the type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures;
  18. Applicants for new communications towers shall contact all law enforcement, fire, and other public safety and emergency services agencies within the city prior to application submittal to determine whether or not the agencies are interested in co-location and, if so, what the agencies specifications are. If any such agency decides to co-locate, then any new towers approved under this chapter shall be designed for, and the owner shall not deny, co-location.
- DE.** The city shall review applications in a prompt manner and all decisions shall be made in writing and setting forth the reasons for approval or denial.
- EF.** Decisions on UUPs require a public hearing. The public hearing shall be conducted before the planning commission following which the planning commission shall render a decision supported by findings of fact and conclusions of law. Appeal of the planning commission's decision must be submitted within fourteen days to the planning department for consideration by ~~the city council~~ hearing examiner.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.030 - Setbacks.

- A. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
- B. Setback requirements may be modified, as provided in Section 17.78.085 WSMC, when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees, which may visually hide the tower.
- C. Unless exempt from Section 17.78.020 WSMC, telecommunications facilities shall be set back at least twenty-five feet from each lot line. The planning commission may grant a waiver of up to twenty-five percent of the setback requirement if it is determined that significant trees and other vegetation will be retained by reducing the setback.
- D. Towers in excess of the height allowed in each base zone per Section 17.78.025(B) and having received approval of a request for modification of development standards per Section 17.78.085; shall be set back one additional foot per each foot of tower height in excess of the tower height allowed in the base zone without a modification of development standards.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.035 - Structural requirements.

It shall be a condition of the UUP that all towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the building code and any other standards set forth in this chapter. All towers shall be fixed to land.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.040 - Separation or buffer requirements.

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.

- A. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to the zoning code:
  - 1. Monopole tower structures shall be separated from other telecommunications towers by a minimum of seven hundred fifty feet.
  - 2. Self-supporting or lattice tower structures shall be separated from other telecommunications towers by a minimum of one thousand five hundred feet
- B. Tower separation distances from any property that is zoned residential shall be set back one foot for each foot of tower height
- C. Separation or buffer requirements may be modified as provided in Section 17.78.085 WSMC.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.045 - Method of determining tower height.



Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from average pre-construction grade.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.050 - Illumination.

Towers shall not be artificially lighted except as specified by the Federal Aviation Administration (FAA). If lighting is demonstrated to be required by the FAA as the only means to achieve compliance with FAA safety standards, dual mode lighting shall be requested from the FAA.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.055 - Exterior finish.

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the planning commission.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.060 - Landscaping/stealth design.

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The city may require on-site landscaping in excess of the requirements in the zoning code in order to enhance compatibility with adjacent land uses. Tower development shall preserve the pre-existing character of the site as much as possible. Towers and accessory equipment structures (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the extent practical. Existing vegetation around the facility shall be preserved to the extent possible or improved upon to provide vegetative screening.

The perimeter of a wireless communication support structure shall be enclosed by a fence or wall at least six feet in height. Evergreen trees shall be planted surrounding the support structure in a manner approved by the city. In any residential, local commercial, or general commercial zone, the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required to mitigate visual impacts to adjacent properties or public rights-of-way as determined by site-specific conditions. Ground equipment may be required to be located within a structure and the structure may be required to contain design elements (e.g., wood or wood look siding, pitched roof and overhangs) as deemed necessary to ensure compatibility between ground equipment and the surrounding neighborhood.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.065 - Telecommunications facilities on towers and antenna support structures.

Telecommunications facilities may be permitted on any tower or antenna support structure. Application for a conditional use permit shall be made to the planning director in the manner provided in this chapter for telecommunications facilities that are not exempt per Section 17.78.020 WSMC. The applicant shall, by written certification to the planning department, establish the following at the time plans are submitted for a building permit:

- A. A conditional use permit application to develop telecommunications facilities shall include the following:
1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower or antenna support structure is situated. If the applicant is not the owner of the parcel of land upon which the tower or antenna support structure is situated, the written consent of the owner shall be evidenced in the application;
  2. The legal description, parcel number, and address of the parcel of land upon which the tower or antenna support structure is situated;
  3. A description of the design plan proposed by the applicant. The applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan;
  4. A written statement from an engineer(s) that the construction and placement of the telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;
  5. It shall be a condition of any conditional use permit approval that the applicant shall provide certification that the proposed structure will meet the standards set forth in Section 17.78.035 WSMC;
  6. A written statement by the applicant stating the telecommunications facilities will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;
  7. In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo-simulations showing the tower or antenna support structure with a photo-realistic representation of the proposed telecommunications facilities, as it would appear viewed from the closest residential property and from adjacent roadways;
  8. At the request of the planning director, the city may require a qualified, independent third-party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;
  9. The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant may be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;
  10. Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;
  11. Copies of any environmental documents required by any federal agency, if available. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

12. A full site plan shall be required for all sites, showing the location, the specific placement, type and height of the proposed telecommunications facilities, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed telecommunications facilities, the location of existing towers and antenna support structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures.

- B. Telecommunications facilities that are not appurtenant structures and that are located above the top of the antenna support structure shall be appropriately screened from view through the use of panels, walls, fences, setbacks from the edge of the antenna support structure or other screening techniques approved by the city. Screening requirements shall not apply to stealth antennas that are mounted below the top of the antenna support structure but which do not protrude more than eighteen inches from the side of such an antenna support structure.

(Ord. No. 2012-11-905, 11-26-2012)

#### 17.78.070 - Modification of existing towers.

- A. A tower existing prior to the effective date of the ordinance codified in this chapter, which was in compliance with the city's zoning regulations immediately prior to the effective date of the ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this chapter, except for Sections 17.78.040(B) (requiring that existing legal nonconforming facilities be considered when siting of new facilities is reviewed), 17.78.075, and 17.78.080 WSMC, provided that:
  1. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in size to the discrete operating telecommunications facilities of any person currently installed on the tower and with a surface area not to exceed the previous facilities.
  2. An application for a development permit is made to the planning department which shall have the authority to issue a development permit without further approval. The grant of a development permit pursuant to this section allowing the modification or demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming.
  3. The height of the modified or rebuilt tower and telecommunications facilities attached thereto does not exceed the existing height of the tower and facilities as of the date of the ordinance codified in this chapter or as hereafter amended, whichever is higher.
- B. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size. A nonconforming structure or use may not be discontinued in use for a period of more than one hundred eighty days without being brought into compliance with this chapter. This chapter shall not be interpreted to legalize any structure or use existing at the time the ordinance codified in this chapter is adopted which structure or use is in violation of the zoning code prior to enactment of this chapter.

(Ord. No. 2012-11-905, 11-26-2012)

#### 17.78.075 - Certification and inspections.

- A. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the building code and all other construction standards set forth by the White Salmon Municipal Code and federal and state law including FCC and National Electric Safety Code



regulations. For new towers, such certification shall be submitted with an application pursuant to Section 17.78.025 "Development of towers" of this chapter.

- B. The city or its agents shall have authority to enter onto the property upon which a tower is located, to inspect the tower for the purpose of determining whether it complies with the building code and all other construction standards provided by the White Salmon Municipal Code and federal and state law.
- C. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards, set forth by the White Salmon Municipal Code has occurred, remedy of the violation may include cost recovery for all costs incurred in confirming and processing the violation.

(Ord. No. 2012-11-905, 11-26-2012)

#### 17.78.080 - Maintenance.

- A. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- B. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- C. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- D. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed contractor.
- E. All towers shall maintain compliance with current RF emission standards of the FCC.
- F. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

(Ord. No. 2012-11-905, 11-26-2012)

#### 17.78.085 - Modification of development standards.

- A. Notwithstanding the tower requirements provided in this chapter, a modification to the development standards may be approved by the planning commission as an unclassified use in accordance with the following:
  - 1. In addition to the requirement for a tower application, the application for modification shall include the following:
    - a. A description of how the proposed plan addresses any adverse impact that might occur as a result of approving the modification;
    - b. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the proposed modification;
    - c. A technical study that documents and supports the applicant's need (criteria submitted by the applicant) upon which the request for modification is based. The technical study shall

- be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties;
- d. For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for co-location, and the result of such attempts;
  - e. The planning department may require the application to be reviewed by a qualified, independent engineer under contract to the city to determine whether the antenna study supports the basis for the modification requested. The cost of review by the engineer shall be reimbursed to the city by the applicant
2. The planning commission shall consider the application for modification based on the following criteria:
    - a. That the tower as modified will be compatible with and not adversely impact public health and safety of surrounding areas;
    - b. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification;
    - c. In addition, the planning commission may include conditions on the site where the tower is to be located if such conditions are necessary to mitigate any adverse impacts which arise in connection with the approval of the modification.
- B. In addition to the requirements of subsection A of this section, in the following cases, the applicant must also demonstrate, with written evidence, the following:
1. In the case of a requested modification to the setback requirement. Section 17.78.030 WSMC, that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the applicant is to locate the tower at another site which is closer in proximity to a residentially zoned land or land that is more visually sensitive.
  2. In the case of a request for modification of the separation and buffer requirements of Section 17.78.040 WSMC, that written technical evidence from an engineer(s) demonstrates that the proposed tower must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system, and that the applicant is willing to create approved landscaping and other buffers to screen the tower.
  3. In the case of a request for modification of the height limit for towers or to the minimum height requirements for antenna support structures, that the modification is necessary to: (a) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (b) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than one hundred twenty feet shall be approved in any case.

(Ord. No. 2012-11-905, 11-26-2012)

#### 17.78.090 - Abandonment.

- A. If any tower shall cease to be used for a period of one hundred eighty consecutive days, the planning department shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the planning commission that such site has been abandoned. The owner shall have thirty days from receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the city council shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower.

- B. To secure the obligation set forth in this section, the applicant (and/or owner) shall post a performance bond for the purpose of ensuring adequate removal of the tower upon termination of its use. The performance bond shall be equal to or greater than one hundred fifty percent of the estimated cost of removal of the tower, but not less than five thousand dollars. Proof of performance bonds shall be submitted prior to final permit approval.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.095 - Temporary wireless service facility.

The use of a temporary wireless service facility may be permitted by the city. A temporary wireless service facility is the use of equipment such as a COW or an antenna on a bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless facility. Such temporary facility may only be utilized in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day for the purpose of evaluating the technical feasibility of a particular location for placement of a personal wireless facility or for providing communications during an emergency.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.100 - Definitions.

General. Words and terms in this section are included because of special or particular meanings as they are used in these regulations. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Antenna" means any pole, panel, rod, reflection disc including satellite earth station antenna as defined by 47 CFR Sections 1.4000 and 25.104, or similar device used for the transmission and/or reception of radio frequency signals.

"Antenna support structure" means any building or structure other than a tower which can be used for location of telecommunications facilities.

"Applicant" means any person that applies for approval from the city.

"Application" means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, erect or use such parcel of land. "Application" includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

"Low-powered, networked telecommunications facilities" means those facilities with maximum transmitter peak output power that do not exceed one watt and are less than fourteen inches by sixteen inches by eight inches with an antenna no greater than thirty inches.

"Stealth" means relating to siting strategies and technological innovations designed to enhance compatibility with adjacent land uses by designing structures to resemble other features in the surrounding environment. "Stealth" techniques include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to resemble light poles, power poles, flag poles, street standards, steeples, or trees, etc.

"Street right-of-way line" means the boundary line between a street and abutting property.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water, but not including fences or walls used as fences six feet or less in height.

"Telecommunications facilities or wireless telecommunications facilities" means any antennas, cables, wires, lines, wave guides, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

"Tower or wireless telecommunications tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.110 - Severability.

That if any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect.

(Ord. No. 2012-11-905, 11-26-2012)

**File Attachments for Item:**

4. Short-Term Rental Policy Discussion



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## AGENDA MEMO

Needs Legal Review: No  
Planning Commission  
Meeting Date: September 23, 2020  
Agenda Item: Short-Term Rental Policy Discussion

### Action Required

Provide guidance to staff and consultants on broad guidance to be used towards the development of goals and policies regarding short-term rentals.

### Motion

No motion necessary.

### Explanation of Issue

Staff is asking the Planning Commission to hold a discussion regarding short-term rentals to provide broad guidance to be used towards the development of goals and policies regarding short-term rentals.

As a reference point, I have included the City of Hood River's current short-term rental code. I also included City of Leavenworth's Bed and Breakfast code. They do not allow entire homes to be rented out on a short-term basis. If renting out a portion of a home, including accessory dwelling unit, the homeowner must be present during the stay of the renter.

Below are some bullet points to help start the discussion.

- Should short-term rentals be allowed
- How are short-term rentals classified, i.e. "residential" or "commercial"
- Where should short-term rentals be allowed; what zones should short-term rentals be allowed; if classified "residential" are short-term rentals allowed in commercial zones or possibly with a conditional use permit or if classified "commercial" are short-term rentals allowed in residential zones or possibly with a conditional use permit
- Should there be a limit on the number of short-term rentals

## Chapter 5.10

### SHORT-TERM RENTAL OPERATING LICENSE

Sections:

- 5.10.010 Title.**
- 5.10.020 Purpose and scope.**
- 5.07.030 Definitions.**
- 5.10.040 Annual short – Term rental operating license required.**
- 5.10.050 Application and fee.**
- 5.10.060 Term of annual license and transferability.**
- 5.10.070 Operating license and license renewal.**
- 5.10.080 Criteria for approval of an operating license and operating license renewal.**
- 5.10.090 Additional operational requirements.**
- 5.10.100 Violations.**
- 5.10.110 Penalties.**
- 5.10.120 Appeals of short-term rental operating license determinations.**
- 5.10.130 Discontinuance of short-term rental occupancy.**
- 5.10.140 Remedies not exclusive.**

Legislative History: Ord. 2028 (2016)

#### **5.10.010 Title.**

The provisions of this chapter are intended to authorize and regulate the short-term rental of residential dwelling units on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter [5.10](#) entitled "Short – Term Rental Operating License," and those sections and subsections set forth below.

#### **5.10.020 Purpose and scope.**

A. This ordinance provides reasonable and necessary regulations for the licensing of short-term rental of residential dwelling units in order to:

1. Ensure the safety, welfare and convenience of renters, owners and neighboring property owners throughout Hood River.
2. Balance the legitimate livability concerns with the rights of property owners to use their property as they choose.

3. Recognize the need to limit short-term rental options within the neighborhoods to ensure compatibility, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
  4. Help maintain the City's needed housing supply for residential use.
  5. Protect the character of the City's neighborhoods by limiting the number and concentration of full-time short-term rentals in residential zones. In the adoption of these regulations, the City finds that the transient rental of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings listed for transient occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.
- B. A short-term rental license is a permission to operate a short-term rental in accordance with this chapter. An operating license may be terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a short-term rental.
- C. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- D. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

### **5.07.030 Definitions.**

- A. Applicant(s) means an owner(s) of a dwelling unit who applies to the City for a short-term rental operating license.
- B. Authorized agent is a property management company or other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- C. City Manager means the City Manager or his or her designee.
- D. Hosted homeshare means the transient rental of a portion of a dwelling while the homeowner is present. For the purposes of this Title, "present" means the homeowner is staying in the dwelling overnight.
- E. Licensee means the owner(s) of a dwelling unit who holds a short-term rental operating license.
- F. Non-transient rental means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.
- G. Owner(s) means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited



partnership, limited liability partnership or similar entity, all persons who own an interest in that business entity may be considered an owner.

H. Short-term rental means a Hosted Homeshare or Vacation Home Rental.

I. Short-term rental operating license means the regulatory license required by HRMC [5.10.030](#) and described in this chapter. It will be referenced as an “operating license.”

J. Transfer means the addition or substitution of owners not included on the original license application, whether or not there is consideration. If multiple owners exist on a license, individual owners may be removed from the license without constituting a transfer.

K. Transient rental means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

L. Vacation home rental means the transient rental of an entire dwelling unit.

M. Daytime means between the hours of 7:00 am to 10:00 pm

N. Overnight means between the hours of 10:00 pm to 7:00 am the following day

### **5.10.040 Annual short – Term rental operating license required.**

No owner of property within the Hood River City limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental operating license. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

### **5.10.050 Application and fee.**

A. *Application Required.* Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The applicant or authorized agent shall certify the following information to be true and correct:

1. *Owner/Applicant Information.* Applicant’s name, permanent residence address, telephone number, and the short-term rental address and telephone number.
2. *Proof of Residential Use* (for conforming short-term rentals within the R-1, R-2 or R-3 zones only). The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:
  - A copy of the voter registration.
  - A copy of an Oregon Driver’s License or Identification Card.

- A copy of federal income tax return from last tax year (page 1 only financial data should be redacted).
3. *Representative Information.* The applicant shall provide the name, telephone number, address and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in HRMC [5.10.080](#). For the purposes of this requirement, local means the representative's address is within a 30 minute travel time of the subject property.
  4. *Parking.* Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted.
  5. *Occupancy.* Occupancy limits and number of bedrooms.
  6. *Good Neighbor Guidelines.* Acknowledgment of receipt and review of a copy of the City's good neighbor guidelines. In addition, evidence that the City's good neighbor guidelines has been effectively relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.
  7. *Listing Number.* If they advertise, the listing numbers or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, account number, URL, etc.).
  8. A completed checklist for fire safety as required by HRMC [5.10.080\(C\)\(2\)](#).
  9. Proof of garbage service as required by HRMC [5.10.080\(C\)\(3\)](#).
  10. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.
- B. *Incomplete Application.* If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.
- C. *License Fee.* The fee for application for a short-term rental operating license or license renewal shall be as established by resolution of the City Council.

### **5.10.060 Term of annual license and transferability.**

- A. *Term.* A short-term rental operating license shall be renewable annually on or before January 15th, the license may be renewed annually for up to four years by the licensee or authorized agent provided all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall timely notify the City in writing of the change.

B. *Transferability.* The operating license shall be issued in the name of the licensee(s) and is not transferable.

**5.10.070 Operating license and license renewal.**

A. *License Must Be Obtained.*

1. An operating license shall be obtained and renewed as required in this section. The permission to operate a short-term rental in the City of Hood River shall be revoked for failure to obtain or renew a license to operate as provided in this chapter.
2. The maximum number of nights per year which a short-term rental may be operated shall be in accordance with HRMC [17.04.115](#) and as specified below. The license shall specify whether the short-term rental will be operated as a hosted homeshare or a vacation home rental; however, the number of nights allowed is the maximum number for all short-term rental use of the subject property. The maximum number of nights shall be indicated on the license and shall not be exceeded.

Short-term rentals in C-1 and C-2 zones:	365 nights /year
Conforming short-term rentals in R-1, R-2 and R-3 zones:	90 nights /year
Existing non-conforming short-term rentals in R-1, R-2 and R-3 zones:	See HRMC 5.10.070.A.3

3. *Existing Nonconforming Short-term Rentals within the R-1, R-2 and R-3 zones.* For the purposes of this section, an existing non-conforming short-term rental is one which meets all of the standards and criteria in HRMC 17.04.115.D. The extent of the non-conformity shall be limited to the maximum number of nights of transient rental which previously occurred in any one calendar year, 2013 through October 13th, 2016. The applicant has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

B. *Application and Renewal Application Process.*

1. *Existing Short-term Rentals.* Existing short-term rentals may continue to operate until such time as the City has approved or denied the application. If approved, the license may be renewed annually thereafter in accordance with subsection C, below. If denied, operation of the short-term rental must cease within 30 days. Failure to submit an application as required by this section shall result in the loss of all non-conforming use status.
2. *New Short-term Rentals.* A license shall be obtained before beginning operations. A completed operating license application and fee may be submitted and issued at any time. The license may be renewed annually thereafter in accordance with subsection C, below.

C. *Renewal Standards.*

1. Operating licenses may be renewed by the licensee annually for up to four years after the year of issuance.
  2. The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a short-term rental.
- D. A decision on an operating license application or renewal may be appealed as provided in HRMC [5.10.120](#).

### **5.10.080 Criteria for approval of an operating license and operating license renewal.**

- A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.
- B. To receive approval, an applicant must demonstrate that all approval criteria listed below has been satisfied:
1. *Zoning*. The property is in compliance with requirements of HRMC Title [17](#) (Zoning).
  2. *Contact Information*. The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. Response must be within 30 minutes. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. In the case of Hosted Homeshares, the contact person shall be the permanent resident who will be hosting the transient accommodations.
  3. *Notice to Neighbors*. For Vacation Home Rentals, the licensee or authorized agent shall either: (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250-foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small placard or sign as specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.

The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the placard or sign.

- C. *Health and Safety*.

1. *Responsibility.* It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
2. *Fire and Emergency Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City shall be required prior to issuance of a license and may be required for each renewal at the City Manager's discretion.
3. *Solid Waste Collection – minimum service requirements.* During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.

D. *Mandatory Postings.* The short-term rental license issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

1. A number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Hood River, with the date of expiration;
2. The name of the licensee or representative and a telephone number where the licensee or representative may be contacted;
3. The number of approved parking spaces;
4. The maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the operating license;
6. Day of week of trash pickup;
7. The property address; and
8. The City of Hood River official logo.

E. The licensee shall be in compliance with the Hotel Tax Code pursuant to HRMC Chapter [5.09](#), and subject to the Tax Administrator's authority under that chapter.

F. *Parking.*

1. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall

be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

2. A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

### **5.10.090 Additional operational requirements.**

A. *Advertising and License Number.* The licensee or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.

B. *Complaints.*

1. *Response to Complaints.* The licensee or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

2. *Record of Response.* The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. If kept, this record can then be made available for City inspection upon request to investigate a complaint.

C. *Inspection.* Upon application for an operating license all short-term rentals shall be subject to inspection by the City for compliance with this section.

1. The City Manager may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms (as defined by the International Building Code) stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during the City's normal business hours, and with reasonable notice.

2. The City Manager may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during the City's normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with HRMC Title [1](#).

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a Short-term Rental during periods of transient rental:

1. *Events.* Examples of events include, but are not limited to, company retreats, weddings, rehearsal dinners, etc.

2. Unattended barking dogs.

3. Activities that exceed noise limitations set by HRMC Title [8.09](#).

E. The maximum overnight occupancy for the dwelling shall be limited to two persons per bedroom (as defined by the International Building Code) and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum overnight occupancy of six persons). The maximum daytime occupancy shall be limited to the overnight

occupancy plus six additional persons (e.g., a two-bedroom dwelling is permitted a maximum daytime occupancy of twelve).

F. *Administrative Rules.* The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Recorder and be posted on the City website.

### **5.10.100 Violations.**

In addition to complaints related to nuisance and noise and other violations of the HRMC, the following conduct also constitutes a violation of this chapter and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process.
- B. Representing a dwelling as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter.
- D. Failure to comply with the substantive standards of HRMC [5.10.080](#) and HRMC [5.10.090](#).

### **5.10.110 Penalties.**

- A. In addition to the fines and revocation procedures described below, any person or owner who uses, or allows the use of, or advertises, property in violation of this chapter is subject to the enforcement authority of HRMC Title [1](#).
- B. Each twenty-four hour period in which a dwelling is used, or advertised, in violation of this chapter or any other chapter of the HRMC shall be considered an occurrence for calculation of the following fines:
  - 1. The first occurrence of one or more violation(s) will incur a warning or other fine amount otherwise specified in HRMC, whichever is greater.
  - 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a \$250 fine or other fine amount otherwise specified in HRMC, whichever is greater.
  - 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period is subject to a \$500 fine or other fine amount otherwise specified in HRMC, whichever is greater.
- C. *Revocation.* The following actions are grounds for immediate revocation of an operating license:

1. Failure to renew an operating license as set forth in HRMC [5.10.070](#) while continuing to operate a short-term rental.
2. The occurrence of three or more violations within a 12-month period resulting in fines pursuant to 5.10.110.B3.
3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.
4. Such other violations of this chapter of sufficient severity in the reasonable judgment of the City Manager, so as to provide reasonable grounds for immediate revocation of the operating license.

D. *Notice of Decision/Appeal/Stay.* If the operating license is revoked as provided in this section, the City Manager shall send written notice of revocation to the licensee stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The licensee may appeal the City Manager's decision to revoke the operating license under the procedures set forth in HRMC [5.10.120](#). Upon receipt of an appeal, the City Manager shall stay the revocation decision until the appeal has been finally determined by the Hearing Officer.

### **5.10.120 Appeals of short-term rental operating license determinations.**

- A. *Filing Requirements – Notice.* The licensee or authorized agent may appeal a short-term rental operating license decision to deny or revoke an operating license under HRMC [5.10.100](#).
- B. *Authority to Decide Appeal.* The Hearings Officer shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.
- C. *Time for Filing.* An appellant is required to file a written notice of appeal including the basis for the appeal within 14 calendar days of the license determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.
- D. *Fee for Appeal.* The City Council may establish by resolution a fee for filing an appeal, which shall be jurisdictional.
- E. *Procedures.* The City Manager may establish administrative procedures to implement the appeal procedures provided in this section, including any required forms. The Council may adopt procedures for hearings not in conflict with this section, including but not limited to time limits on oral testimony and limitations on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the City Manager shall schedule a hearing on the appeal before the Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The Hearings Officer may direct the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later meeting.



G. *Standard of Review and Decision.* The Hearings Officer shall determine whether the City's decision was based on a preponderance of the evidence. A decision of the Hearings Officer shall be based on the evidence received, in writing and signed by the chair, no later than 30 days after the close of the hearing. The Hearings Officer may determine not to suspend or revoke the license, or to revoke or suspend the license. If the Hearings Officer upholds the decision to revoke the operating license, the Hearings Officer shall order the licensee to discontinue use as a short-term rental. If the Hearings Officer reverses the decision to revoke the operating license, the operating license shall be continued.

H. *Finality.* The Hearings Officer's decision shall be final on the date of mailing the decision to the appellant. The Hearings Officer's decision is the final decision of the City and is appealable only by writ of review to Circuit Court.

### **5.10.130 Discontinuance of short-term rental occupancy.**

A. *After Revocation.* After a short-term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a subsequent license is granted, and the licensee whose license has been revoked shall not be eligible to reapply for a short-term rental license for short-term rental occupancy of the same property for a period of two years.

B. *After Expiration.* If a short-term rental operating license expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that property.

### **5.10.140 Remedies not exclusive.**

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the City to address any violation of this code, the Development Code, or other public nuisance.

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**The Hood River Municipal Code is current through Ordinance 2054, passed February 10, 2020.**

Disclaimer: The City Recorder's Office has the official version of the Hood River Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

**Note:** This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: cityofhoodriver.gov](http://cityofhoodriver.gov)

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## City of Leavenworth

### 18.52.120 Conditional use permit – Bed and breakfast.

In granting a conditional use permit for a bed and breakfast in addition to the criteria in LMC [18.52.050](#) and [18.52.060](#) where applicable, the hearing examiner shall impose the following minimum conditions to allow a bed and breakfast as a conditional use:

A. The bed and breakfast facility shall be the principal residence of the property owner. A property owner must live on-site throughout the visitor's stay.

B. Detached units with rooms are allowed. Accessory dwelling units may be allowed to be a part of the bed and breakfast.

C. A bed and breakfast may only be offered in a space intended for human habitation. For example, a property owner may not rent a space in an accessory structure that is a storage shed or garage.

D. The maximum number of occupants permitted to stay overnight shall be two people for each bedroom, excluding children under the age of six.

E. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes. New, converted, or annexed bed and breakfast facilities shall be inspected by the city of Leavenworth prior to operations. Thereafter with renewal of annual permits, inspections shall be conducted by the property owner via the "Annual Building, Fire and Life Safety Occupancy Permit Application" provided by the city with the annual permit renewal process. All bed and breakfasts shall receive an annual permit from January 1st to December 31st, under limited administrative review, documenting conformance with city code and agreement to conform to all permits, licenses and permits. The International Fire, Residential, and Building Codes shall be applied at the time of permit for use.

F. Bed and breakfasts shall be residential in appearance.

G. Bed and breakfast facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes. Bed and breakfasts shall obtain a city business license and separate annual permits provided by the city. In any advertisement of the bed and breakfast, the property owner must include the business license number issued by the city.

H. A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, providing guests with information related to emergency exit routes, 24 hours a day seven days a week contact information, required guest rules and regulations, including for litter control, quiet hours, parking and proposed methods to enforce occupancy limitations and other requirements. In addition to providing the plan to the city of Leavenworth, contact information shall be provided to the adjacent properties, District 3 fire chief, and Chelan County sheriff. A legible sign shall be placed adjacent to the front door (outside), clearly visible to the general public listing the maximum number of occupants permitted to stay overnight, the maximum number of vehicles allowed to be parked on site, and the name and contact information of the contact person. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by city or state regulations, whichever is more stringent. The management plan may be modified with amendment to the conditional use permit.

I. One nonilluminated sign, not to exceed four square feet, on the exterior of the bed and breakfast shall be permitted subject to the review process appropriate to the zoning district.

J. The property owner must clearly advertise the bed and breakfast as property owner occupied. This applies even in cases in which the bed and breakfast takes place in an accessory dwelling unit.

K. Driveways accessing a bed and breakfast which are more than 100 feet in length shall have an improved width of at least 12 feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.

L. One off-street patron/visitor parking space, not located within a required yard area, shall be provided for each room rented. All parking must be accommodated on site.

M. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping, or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.

N. An affidavit certifying that the property owner will comply with all of the provisions of the bed and breakfast regulations, conditional use permit, business license conditions for operating a bed and breakfast, and all relevant laws shall be required.

O. Violation of the conditions of approval, as determined by the city, shall result in revocation of the bed and breakfast and a potential monetary penalty of \$2,000 enforced in accordance with Chapter [21.13](#) LMC. Re-establishment shall be allowed administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.

P. Within the annual permits provided by the city, the property owner shall report to the city the following minimum information:

1. The address of the bed and breakfast; and the contact name(s) of the property owner.
2. The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.
3. The property owner shall both have legal responsibility for the collection of all applicable taxes and remittance of the collected tax.
4. The property owner must provide its clients or potential clients the following disclosure:

On January 24, 2017, the Leavenworth City Council adopted the new Bed and Breakfast Ordinance reiterating its existing prohibition on the **rental** of entire dwellings as **vacation rentals**. The new Bed and Breakfast Ordinance also legalized the short-term **rental** of a portion of a person's home when the property owner lives on-site throughout the visitor's stay and when the property owner obtains appropriate permits, including a business license. The property owner is also required to collect and remit necessary taxes.

Q. The city of Leavenworth hereby adopts a fire and life safety self-inspection program for bed and breakfast facilities operating within the city limits of Leavenworth. After the initial inspections with permitting, the property owner from that time forward, shall conduct a self-inspection of their property

annually and submit a self-inspection form to the city no later than 30 days after receipt from the city. The inspection is to be conducted by the property owner, or their designee.

R. A standard letter from the city will be mailed to the property owner requiring the self-inspection. A partial list of fire and building inspection review elements will be included with the inspection form. The city supplied self-inspection form shall be completed and signed by the property owner and returned to the city. A copy of the certificate of occupancy or change of use permit application must accompany the self-inspection form together with the applicable application fee as established by resolution of the city of Leavenworth.

S. In the event a property owner fails to timely file the self-inspection form with the city of Leavenworth, the city may order an on-site inspection by the city building and/or fire official or designee and the property owner shall be billed the applicable fee for said on-site inspection. Random inspections may be conducted by the city at the city's discretion. Within a three-year cycle, all properties shall be inspected by the city. The inspection fee shall be established by resolution of the city council.

T. Any person, partnership, association, firm or corporation who violates or fails to comply with this chapter is guilty of a civil infraction and is subject to the civil penalties and remedies and corrective actions as set forth in Chapter [21.13](#) LMC. [Ord. 1542 § 1 (Att. A), 2017; Ord. 1467 § 1 (Att. A), 2014; Ord. 1431 § 1 (Att. A), 2012; Ord. 1421 § 1 (Att. A), 2012; Ord. 1373 § 1 (Exh. A), 2010; Ord. 762 § 1, 1985; Ord. 754 § 8, 1984.]