



CITY OF WHITE SALMON
City Council Special Meeting – Wednesday, December 8, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Ben Giant
Jason Hartmann
David Lindley
Ashley Post
Jim Ransier

Staff Present:

Jan Brending, Clerk Treasurer
Brendan Conboy, Land Use Planner
Ken Woodrich, City Attorney

I. Call to Order and Roll Call

Jason Hartmann, Mayor Pro Tempe called the meeting to order at 6:00 p.m. There were approximately 3 members of the public in attendance via teleconference.

Hartmann welcomed Ben Giant to the city council who has been sworn in.

II. Business Items

A. Proposed Amendments to WSMC 5.02 Short-term Rentals

Brendan Conboy, Land Use Planner led the city council in a review of the proposed amendments to WSMC 5.02 Short-term Rentals. He is hoping the council can identify points of consensus, any areas where there may be disagreement and provide direction to staff. Conboy noted that proposed amendments to the zoning code will also be coming forward.

5.02.005 Findings, intent and purpose.

Ashley Post, Council Member said that she thinks it is a good set of goals but is missing a point that it should consider preserving and considering fairness of owners who short-term rent their homes.

Conboy suggested changing the language of 5.02.005 B.2 to read "Reduce administrative burdens for residents of White Salmon to partake in the local tourist economy;"

Council members agreed.

Jason Hartman, Council Member said that one of the purposes should be to protect the character of residential neighborhoods.

Jim Ransier, Council Member agreed with Hartmann. He said he wants White Salmon to be a community where people live.

Conboy suggested changing the language of 5.02.005 B.5 to read “Mitigate neighborhood disruptions and preserve the character of White Salmon’s residential neighborhoods.”

Council members agreed.

Ken Woodrich, City Attorney said that 5.02.005 A also provides some findings.

5.02.010 Definitions

Ashley Post, Council Member said that she feels the “Contact person” should refer to “local management representative” instead of just “management representative.”

Council members agreed.

Conboy reviewed the proposed changes in the definition of “dwelling unit.” It was agreed to add the word “permitted” to the definition.

Council members supported the proposed changes.

Council members discussed the proposed changes to the definition of “Local area” and agreed to the following wording: “All areas in the Washington counties of Klickitat and Skamania and the Oregon counties of Hood River and Wasco.”

Council members also discussed adding a response time to the definition of “local area.” There was discussion about how to enforce when using a response time. Council members agreed to use the definition identifying the counties.

Council members and Conboy discussed which commercial zones would allow short-term rentals. Council members felt that short-term rentals should be allowed in all commercial zones and agreed to deleting proposed definition of “downtown commercial zone.”

Council members and Conboy discussed the definition of “lodging unit” and agreed to the following language: “Permitted bedroom or permitted sleeping facility not meeting the criteria of a dwelling unit set forth in subsection B above within a primary dwelling unit but which has access to all of the facilities described above.”

Council members discussed the definition of “owner occupancy” and the requirement for providing a previous year’s tax return. Brendan Conboy, Land Use Planner noted Section 5.02.020 A.2 provides additional information regarding “proof of residency.”

Ken Woodrich, City Attorney suggested cross referencing the definition with the appropriate section changing the definition to read “Owner occupancy is demonstrated through meeting the residency requirements of Section 5.02.020 A.2.”

Jim Ransier, Council Member said the requirement for driver's license should say "current" so that it is not something expired.

5.02.020 Application and fee.

Council members and Conboy discussed section 5.02.020 Application and fee.

Council members agreed to the following language changes to 5.02.020 6 Right to Publish Contact Information: "A statement allowing the city to make owner and contact person phone numbers publicly available at City Hall when requested through a public records request."

Jason Hartmann, Council Member asked if the city is opened up to liability if it permits short-term rentals.

Ken Woodrich, City Attorney said the city has some certain protections.

Council members agree to the following language changes to 5.02.020 13 Occupancy: "Occupancy limits and number of bedrooms shall be consistent with Sec. 5.02.040."

Council member discussed fees for obtaining a short-term rental permit. Staff will present additional information for establishing the fees at a future date.

Jan Brending, Clerk Treasurer noted that at the time of adopting codes changes related to short-term rental permits it will be necessary to adopt a resolution making changes to the fee structure at the same time.

Ashley Post, Council Member said she wants to make sure the council finds a healthy balance in determining a fee that helps the city cover its costs but not to overburden the residents particularly if short-term rental owners are asked to limit the number of days they can rent their property.

Ashley Post, Council Member said the codes should refer to a "permit" versus a "license" for short-term rentals. Council members agreed.

5.02.025 Term of annual permit.

Jim Ransier, Council Member asked about the context of using a period 8 years.

Brendan Conboy, Land Use Planner said that one of the comments that came in from the community was that 8 years is the average occupancy of a home.

Ashley Post, Council Member asked why is there a limitation on the number of times a permit can be renewed.

Brendan Conboy, Land Use Planner said it comes back to the idea of equitability to short-term rentals and that there should be a turn over on the short-term rentals that have a cap on how many can be issued. He said this is a method to allow other members of the community to have access to short-term rental permits.

Jason Hartmann, Council Member said the reason for the cap of 8 years is because there is a finite number of short-term rental permits that can be issued.

Brendan Conboy, Land Use Planner said that is correct.

Ashley Post, Council Member said she feels there is a natural process of turnover and that the limitation on renewals is not necessary. She said she is concerned about over-regulating in this area.

Jim Ransier, Council Member said the 8-year renewal is for new short-term rentals. He said he has no problem with new short-term rental permit holders entering into the system but does have some thoughts about existing short-term rental permit holders.

Jason Hartmann, Council Member said that he feels that having the ability to rent out your home for short-term rentals in a residential neighborhood is a privilege that is extended by the city.

Ashley Post, Council Member said there needs to be space for flexibility and creativity in order to own a home in White Salmon.

Jason Hartmann, Council Member said he feels 8 years is an appropriate amount of time for homeowners to budget.

Brendan Conboy, Land Use Planner noted that after 8 years, a property owner is not prevented from reapplying and getting into the queue for a new permit.

Ken Woodrich, City Attorney said that possibly allowing the current short-term rental permit owners apply prior to their permit expiring such as being able to apply 6-months prior to expiration.

Jason Hartmann, Council Member agreed suggesting maybe entering the queue a year prior to expiration.

Ken Woodrich, City Attorney said permit holders should be notified of the expiration.

David Lindley, Council Member said that he feels the language in the proposed code provides an insurance that they will have a permit for 8 years and is better than the current language.

Ashley Post, Council Member said reviewed the goals of the moratorium on short-term rentals noting that it was designed to address nuisances and wanting to look at negative

effects on the housing market. She said that through parking regulations and through good neighbor guidelines and the requirement to only have one short-term rental in a residence area and that it has to be owner-occupied addresses these concerns. Post said she wants to address areas where there are problems. She said she supports the cap of 10% of residential units but would like the city to not be heavy handed. Post said the comprehensive plan requires the city to periodically analyze existing transient facilities and their financial impacts and benefits to the community. She said she would like to delete the maximum number of renewals instead of assuming there is a problem before there is evidence of a problem.

Jason Hartmann, Council Member suggested that another solution would be to consider allowing more than 10% of residential units.

Ken Woodrich, City Attorney asked if someone who had a permit and then had to reapply after 8 years, do they get to renew again for a period of 8 years.

Staff said yes.

Jim Ransier, Council Member said he continues to support the cap on the number of years for renewal. He said someone buying a home now with the new rules can make educated decisions.

Brendan Conboy, Land Use Planner added language to 5.02.025 A noting that if someone had a permit for 8 years and then reapplied the permit would be for an additional 8 years and added language that an existing permit holder could join the queue a year prior to expiration of the permit. He said he will wordsmith the language.

5.02.030 Permitting and renewal procedures.

Council members and staff discussed the permitting process and how conditional use permit applications for short-term rentals should be handled.

Jason Hartmann, Council Member said that when the council discusses fees it will be necessary to consider the cost for a conditional use permit for a short-term rental permit.

Brendan Conboy, Land Use Planner noted that a condition of the conditional use permit is that it would be valid for 8 years – the term of the short-term rental permit.

Ashley Post, Council Member asked how the city will communicate the process and when does a party pay for the permit.

Jan Brending, Clerk Treasurer said that payment for the permit should be paid when it is ready to be issued not when someone applies for the permit as a permit may not be available to be issued. She said information about the status of permits can be provided on the city's website.

Jan Brending, Clerk Treasurer said that there might need to a discussion about different types of fees for a full home or a lodging unit.

David Lindley, Council Member said the review for a conditional use permit for short-term rental should be either administrative or before the planning commission and not at the “discretion” of the planning administrator. He said he feels that is nebulous. Lindley said he is fine with it being administrative. He said that the recourse if it is denied is to appeal it to the city council.

Jason Hartman, Council Member asked if the process was administrative how would appeals be handled.

Ken Woodrich, City Attorney said that the code provides an appeal process. He said he feels the conditional use permit should be reviewed by administration and not the planning commission with appeals to the city council. He does not see having an interim planning commission decision.

There was a consensus of the council to make the conditional use permit decision administrative with appeals to the city council.

The council and staff discussed the process regarding existing 2021 permit holders for short-term rentals. It was agreed that existing permit holders would be referred to as “legacy” and that “legacy” should be included in the definition section.

The council discussed whether legacy applied to 2020 permit holders that for some reason did not obtain a 2021 permit.

Jan Brending, Clerk Treasurer said she thinks the original intent was to apply to 2021 permit holders. She said the property owners who held permits in 2020 were notified that they needed to reapply for a 2021 permit. Brending said a handful of permit holders did not reapply in 2021.

David Lindley, Council Member said “legacy” should be reserved for 2021 permit holders.

Ashley Post, Council Member said she agreed.

Brendan Conboy, Land Use Planner asked if council members have comments on the proposal for a 10-year period for legacy permit holders.

Jim Ransier, Council Member said there is no distinction between owner-occupied or non-owner occupied. He said that if it is owner-occupied he has no concerns about putting no limits and letting them continue indefinitely. Ransier said they would get the rules as they were when they obtained their current permit. He said non-owner-occupied would have a limit whether that is 8 years or 10 years.

Jason Hartmann, Council Member said he thinks 10 years is too long for non-owner occupied. He said that managing two sets of data might be challenging. Hartmann said that 8 years seems reasonable for people to plan ahead.

Ashley Post, Council Member said that currently the council does not know how many of the current permit holders are owner-occupied versus non-owner occupied. She said that agrees providing 10 years for owner-occupied but the city is wanting to move away from second homes being rented. Post said 5-years for non-owner occupied is reasonable.

David Lindley, Council Member asked if 10-years for homeshares and 10 years for vacation homes if primary residence are provided. He said that he is trying to understand what applies.

Brendan Conboy, Land Use Planner said that this applies to legacy holders and how they handle their property currently. He said that legacy allows the homeowner to continue to short-term rent their property for a certain period of time without meeting the requirements of the new codes when a new short-term rental permit is issued. Conboy said that under the existing rules there was no distinction between owner-occupied or non-owner-occupied.

Jason Hartmann, Council Member said he wants to see residential uses in residential zones and away from commercial uses in residential zones except as a secondary use.

Jan Brending, Clerk Treasurer asked Ken Woodrich if the city should be making distinctions with “legacy permit holders” when the current codes did not make that distinction. She said there are 36 permits that did not identify as owner-occupied or not. Brending asked if there is a legal issue in making a distinction in the new code for “legacy” permits.

Ken Woodrich, City Attorney provided information on vesting. He said the city can have a reasonable period to abate nonconforming uses.

Jason Hartmann, Council Member said that it appears determining a legal rule that applies to those short-term rentals that previously had permits and not identifying whether they are owner-occupied or not. He said he would prefer to allow the renewals of permits for legacy short-term rentals to be five years.

Jim Ransier, Council Member said that he might want to change it to longer than 10 years. He said that previously all he really carried about was non-owner occupied short-term rentals. Ransier said he has some empathy and sympathy for current permit holders who made decisions based on obtaining those permits. He said he would like to be more accommodating to the owner-occupied concept.

Jason Hartmann, Council Member noted that they would still be able to get a short-term rental permit after the sunset period as long as the cap has not been reached.

Ben Giant, Council Member said he agrees with not making a distinction of owner-occupied or not for legacy permits. He said he feels 8 years which is the renewal for a new short-term permit might be more manageable.

Jan Brending, Clerk Treasurer said there are a number of existing short-term rentals that do not have permits where a property owner could try to argue that it is existing unless the definition of legacy is very specific, i.e. the 2021 permit holders. She said that if legacy is defined in the definition section it needs to be very clear.

Jim Ransier, Council Member said that he feels 8 years is a compromise. He said maybe in the cap section there could be some flexibility for legacy versus non-legacy short-term rentals.

Jason Hartmann, Council Member asked if the legacy permit holders would have no limits on nights.

Brendan Conboy, Council Member said yes because there is no limit under the existing code.

David Lindley, Council Member said he feels the issue is how long does the city want the current conditions as written in existing code to sunset and that the draft language provides for 10 years. He said that would only apply to 36 permits. Lindley said that property owners can reapply after the sunset period. He said if in the future the city is bumping up against the cap he feels it is one of the easiest sections to change in the code.

Brendan Conboy, Land Use Planner said he agrees.

Jason Hartmann, Council Member said he seems to be hearing a consensus of 8 years for the sunset of legacy permits for simplicity.

David Lindley, Council Member said that if it was 10 years it would show a priority to those are already permitted.

Jan Brending, Clerk Treasurer said it will be important to note that property owners would have to meet all of the requirements once they come out of the legacy status.

Ken Woodrich, City Attorney asked how soon can someone enter into the queue? He said there should be some period where a property owner can enter the queue.

Jason Hartmann, Council Member said that he thinks up to one year prior to the expiration. He said that permits expire on January 31 than applicants could enter the queue on February 1 of the prior year.

Council members agreed to being allowed to enter the queue one year prior to expiration.

Jan Brending, Clerk Treasurer said that defining when people could enter to the queue should apply to everyone who holds a permit that will require reapplication.

Jim Ransier, Council Member said he still feels providing for 10 years of renewal for legacy permit holders should be provided. He said it provides an acknowledgement that they are different from new permit holders.

Ashley Post, Council Member said she agrees.

There was a consensus of the council to provide for a 10-year sunset of legacy permit holders.

Jason Hartmann, Council Member said determining how the queue is administered is necessary. He asked if there are different rules for entering the queue based on if you have a permit or if you don't have a permit.

Ashely Post, Council Member suggested that it should roll over.

Jim Ransier, Council Member said that legacy permit holders should be able to enter the queue a year prior to their permit expiring just like new permit holders would be able to do.

The city council took a 5-minute break at 8:08 p.m.

The city council resumed at 8:13 p.m.

Ashley Post, Council Member said that she would be fine with a 50%/50% ratio between hosted homeshares and vacation home rental permits or doing away with the ratio completely. She asked Brendan Conboy, Land Use Planner about the background regarding the recommended ratio and if the ratio was kept how would it play out.

Jason Hartmann, Council Member said he would be interested in scrapping the ratio.

Brendan Conboy, Council Member said the rationale was trying to control the whole rental versus those who wanted to rent out a portion of their home or an accessory dwelling unit. He said it would create some additional administrative burden to figure out.

Ashley Post, Council Member said that she would be fine with scrapping the ratio.

Ben Giant, Council Member asked about providing a deference to owner-occupied rentals and whether the ratio provides that deference to hosted homeshares. He said if that is not the case then he wonders what the point is.

Jason Hartmann, Council Member said that if the owner-occupied requirement is already being met then it seems arbitrary.

Jim Ransier, Council Member said he is okay with removing the ratio. He asked where in the code does it say that owner-occupied is only allowed.

Ben Giant said he has the same question.

Brendan Conboy, Land Use Planner noted that “proof of occupancy” addresses the issue of owner-occupied.

Jason Hartmann, Council Member said the definitions of hosted homeshare and vacation rental also clarify the issue.

David Lindley, Council Member said that is still thinking the ratio over. He said he feels it is trying to carve out space and deference to those property owners who are buying a home and subletting a portion of it for short-term rentals to pay the mortgage.

Brendan Conboy, Land Use Planner said the distinction between hosted homeshare and vacation home rentals comes from Hood River. He said the planning commission changed the definitions slightly by including accessory dwelling units. Conboy said Hood River does not accessory dwelling units to be used for short-term rentals.

Ashley Post, Council Member said that some individuals may not do a hosted homeshare due to living situation but would occasionally do a vacation home rental when they are on vacation and that money helps supplement the mortgage.

There was a consensus of the council to delete the ratio.

Jan Brending, Clerk Treasurer reminded the city council that needed to discuss section D.2 which provides a 10% cap on permits outside of the downtown commercial core. She asked the council if that is the cap they want to use.

Jim Ransier, Council Member said he is fine with C. He said he had noted that he may have considered a lower percentage but is good with the 10%.

Jason Hartmann, Council Member said he would be fine with a higher percentage but David Lindley made a great point that he if the caps are reached the city council can always consider changing the cap.

Ben Giant, Council Member asked what 10% would be.

Brendan Conboy, Land Use Planner said there are approximately 1268 homes in the city limits and that 10% would be 128. He said 64 would be 5%. Conboy said he thinks 10% is a little high.

Jim Ransier, Council Member said that Brendan Conboy had talked about percentages in a previous presentation.

Brendan Conboy, Land Use Planner said that above 5%, generally speaking, is a pretty high number of the housing stock to short-term rentals ratio.

Jason Hartmann, Council Member asked if that included the owner-occupied requirement.

Brendan Conboy, Land Use Planner said no and that is an interesting component. He said he does not think there is a clear study about making distinctions between owner-occupied or not. Conboy said the owner-occupied requirement may justify making the gap higher.

Jason Hartmann, Council Member asked what Hood River is doing.

Brendan Conboy, Land Use Planner said Hood River does not use a cap and uses owner-occupied restrictions.

Jason Hartmann, Council Member said that if the city requires owner-occupied residency, then the percentage does not need to be kept low. He said he does not feel neighborhoods will turn into short-term rental neighborhoods due to the owner-occupied requirement.

Ben Giant, Council Member said he likes 10%. He said the council can always adjust the number up or down in the future if there is a reason to do so.

David Lindley, Council Member said he is comfortable with how C is written and using 10% in D.

Downtown Commercial Core

Jason Hartmann, Council Member said he is okay with the language as written regarding downtown commercial core.

Jim Ransier, Council Member asked where the city has landed on defining downtown commercial core versus using the commercial zoning.

Jason Hartmann, Council Member said he advocates for treating all commercial areas equally.

Jim Ransier, Council Member said he agrees.

Brendan Conboy, Land Use Planner said that as currently written units in the commercial core would not count towards the overall cap. He asked if the council is in agreement with that.

Jason Hartmann, Council Member said he would like that to continue.

Jim Ransier, Council Member said he has always been onboard with short-term rentals operating in the commercial zones as a business is appropriate.

Ben Giant, Council Member said he agrees.

Jason Hartmann, Council Member asked where the city would address the first floor or second floor requirement if allowing a short-term rental.

Brendan Conboy, Land Use Planner said it was not fully addressed in this specific code because it better falls within the zoning. He said he does not see why it couldn't be addressed here.

Jason Hartmann, Council Member said he feels it is something the city council should discuss but it doesn't necessarily need to be included in this particular code.

Brendan Conboy, Land Use Planner said that he intends to bring it up at the end of the meeting and then provide some direction to the planning commission.

Jan Brending, Clerk Treasurer said that she does not think the council has provided a consensus of direction on the issue of downtown commercial core area versus all commercial zones.

Ben Giant, Council Member said that he feels all commercial zones should be treated equally.

There was a consensus of the council that short-term rentals should be allowed in all commercial zones.

Jim Ransier, Council Member asked if the council is comfortable with allowing short-term rentals in commercial zones where short-term rentals take up valuable commercial space.

Jan Brending, Clerk Treasurer said that current codes only allow a percentage of the space to be used for residential purposes and that requires a conditional use permit. She said that "hotel units" would be differently. She said the proposed codes says that of the permitted residential units in a commercial space only 30% of them can be used for short-term rentals. Brending said it will limit short-term rentals in a commercial zone not including a "hotel-type structure."

Jason Hartmann, Council Member said that if short-term rentals are considered commercial uses then that would be an outright use in a commercial zone.

Brendan Conboy, Land Use Planner said that in the future when the city updates its zoning there might be the opportunity to make a distinction between industrial and commercial zoned area.

Jan Brending, Clerk Treasurer said that F states "Failure to exercise the permit will result in nonrenewal." She asked about the intent, i.e. can someone apply for a short-term rental permit but then they never rent out the property because they might want to use it someday.

Brendan Conboy, Land Use Planner said if someone gets a permit and then wants a line in the queue or can you hold onto the permit and keep renewing it for years and years.

Jason Hartmann, Council Member suggested added language to the end of the sentence "if a queue exists." He asked why would the city care if someone renews a permit if no one is waiting on a permit.

Jan Brending, Clerk Treasurer asked how the city will determine if they have exercised the permit – should the word "exercised" be defined.

Ken Woodrich, City Attorney said he feels it is a solution waiting for a problem. He does not think anyone would go through the process to get a permit if they are not planning on using it. He suggested deleting the sentence.

Jason Hartmann, Council Member said he does not think the city may not want someone sitting on a permit that is not generating revenue for the city when there is a queue with people waiting on permits. He said this could be a problem someday.

Brendan Conboy, Land Use Planner said he believes at this time removal of the sentence is best.

Ken Woodrich, City Attorney said that if the city gets to the point where there is queue the council can always increase the percentage and make permits available.

Jan Brending, Clerk Treasurer said the tracking software should provide information on whether properties that have a permit are actually being rented out.

There was council consensus to remove the sentence "Failure to exercise the permit will result in nonrenewal."

Ken Woodrich, City Attorney asked if the council wants to wordsmith the language regarding about entering into the queue one year prior to permit expiration.

Jason Hartmann, Council Member said that if an individual is in the queue they are looking for a permit with next permit period.

David Lindley, Council Member said that queue also needs to be in the definitions and then point back to the appropriate section in the code.

5.02.035 Criteria for Approval and Renewal of a Permit

Jason Hartmann, Council Member asked if solid waste collection is required for everyone in the city.

Jan Brending, Clerk Treasurer said yes.

Jason Hartmann, Council Member asked if the language needed to be included in this particular code or is it to remind people.

Jan Brending, Clerk Treasurer said it is good to remind people.

Jason Hartmann, Council Member asked if it good just reference the city's code on solid waste collection.

Jan Brending, Clerk Treasurer said solid waste collection is an area where some general complaints about garbage have been received.

There was a consensus to include a reference to the city's solid waste code.

Ashley Post, Council Member said a previous section address incomplete applications but she where the code talks about permit renewal it talks about being in compliance it will not be renewed and suggested adding another section to the renewal section about incomplete applications.

The council agreed.

5.02.040 Operational Requirements

Jan Brending, Clerk Treasurer said the references to "downtown core area" needs to be changed to "commercial zones."

Jason Hartmann, Council Member suggested adding the word "permitted" in the table of Section A.

The council agreed.

Ashley Post, Council Member suggested for conforming short-term rentals in residential zones that the number of nights per year be increased to 180. She thinks this is an area the city could provide a little bit more flexibility.

Jason Hartmann, Council Member said that he feels 150 nights is pretty generous.

Jan Brending, Clerk Treasurer noted that is five months. She said 180 hours would be six months out of the year.

Jason Hartman, Council Member said he feels less is better so that individuals don't transfer their residential address to White Salmon but continue to live most of the year somewhere else. He said that most short-term rentals would not be occupied 180 nights per year normally.

David Lindley, Council Member said he agrees. He said this would allow someone to rent out their home every weekend for three days.

Jim Ransier, Council Member said that Hood River allows even a smaller number of nights. He said he likes the intent as it is written. Ransier said the smaller the number is better.

Jason Hartmann, Council Member asked if any council members think 150 nights is too large a number.

Ashley Post, Council Member said no.

Jason Hartmann, Council Member said he thinks it is too many and would support 120.

Jim Ransier, Council Member said that he had originally noted 120 but maybe 150 is a compromise.

Ben Giant, Council Member said 150 seems generous and is struggling to find examples to support renting out at 180 nights per year. He said that 120 seems to be moving in the wrong direction at this stage.

Ashley Post, Council Member said why shouldn't the city be generous. She said she thinks it would be smart to wait and see how it works. Post said she could see the need for someone to rent out for more than 150 days if they are in between jobs and need to go stay with a family member and rent out their home.

David Lindley, Council Member said that he is fine with the 150 nights per year. He said that seems generous – it is 40% of the year. Lindley said that would indicate that you are only occupying your home for 60% of the year and that seems like the minimum if you are truly making this your home.

David Lindley, City Council said that he had questions about the "front-yard" not being used for parking. He said he does not know that it works.

Jason Hartmann, Council Member asked about the requirement of "hard surfaced."

Jan Brending, Clerk Treasurer said that “hard surfaced” means asphalt or concrete.

Jason Hartmann, Council Member said there are a lot of gravel driveways in White Salmon.

Brendan Conboy, Land Use Planner said the language comes from the City of Hood River’s ordinance.

Jim Ransier, Council Member said he would like to include gravel in “hard surfaced.” He said maybe the section should just address off-street parking versus “hard surfaced.” Ransier asked about the context of “two bedrooms” versus “three bedrooms.”

Jan Brending, Clerk Treasurer said that it is not always a family that rents a short-term rental and there could be two or three cars coming to the rental. She said one parking space for every 2 bedrooms might be applicable. Brending said that with the construction of a new home two off-street parking spaces have to be provided regardless of how many bedrooms are included.

Jim Ransier, Council Member asked if you could just make it a maximum of two parking spaces.

Jason Hartmann, Council Member said he would not support that because you could have a 6-bedroom home that is being rented out that will need more parking.

Jan Brending, Clerk Treasurer said there may be some challenges for existing homes that do not have off-street parking and are not located on an alleyway or have a corner lot. She noted that the requirement for parking may eliminate some people from people able to short-term rent their home.

Jim Ransier, Council Member said that is why he supports a maximum of 2 parking spaces.

Jan Brending, Clerk Treasurer said that there are existing homes and because of the way the property is situated, and the home is located on the property there is no way to provide any off-street parking.

Ben Giant, Council Member is most worried that this would eliminate the opportunity for some of those parcels as Jan Brending mentioned for short-term rentals. He said but putting that aside he agrees with the ratio that is presented. Giant said is interested in the number of properties that might be eliminated because they don’t currently have off-street parking and cannot provide it.

Jan Brending, Clerk Treasurer said it will most likely be in the older core residential areas.

Jason Hartmann, Council Member asked if they could apply for a variance.

Ashley Post, Council Member said if someone could not provide off-street parking then there might need to be a limit on how many vehicles can be associated with the stay at the short-term rental.

Jim Ransier, Council Member said that with a 5-bedroom home it would need 3 off-street parking spaces which is more than if a new homes was being built today. He suggested using a minimum of 1 and a maximum of 2.

Jason Hartmann, Council Member said he suspects this requirement is to protect the neighbors.

Jim Ransier, Council Member said he is good as it is written.

Ashley Post, Council Member said that she agrees that you put more people in a vacation rental then you would in a normal living situation.

The council consensus was they were good with the language in B and C.

Jim Ransier, Council Member said he wonders if “events” in D is too broad. He suggested qualifying the number of people attending the events.

Jason Hartmann, Land Use Planner said he feels the occupancy addresses the issue.

There was a consensus to delete 1 under D related to “events.”

Jan Brending, Clerk Treasurer suggested using a radius within the property instead of saying “abutting and adjacent to the property.” She said the language has been taken very literally that while using a radius takes care of people who are across the street or possibly two houses down.

There was a consensus of the council to change the language in “Notice to Neighbors” to provide a flier to all property owners within the boundaries of a radius of 150-feet of the property boundary permitted as a short-term rental.

Jason Hartmann, Council Member said that the availability to the public should match what the council previously discussed.

Ben Giant, Council Member said that everywhere else in the document the wording “owner or owner’s agent” is used and suggested making sure there is consistency.

Ashley Post, Council Member said that “contact person” is used in definitions.

Jason Hartmann, Council Member suggested making sure everything is consistent.

Ashley Post, Council Member asked about the language where people can file complaints.

Jan Brending, Clerk Treasurer said that Section G “Response to Complaints” addresses how complaints are handled. She said ideally residents should complain to the owner or agent first and then if it isn’t being resolved then they would contact the city.

Ashley Post, Council Member asked about E the requirement for mandatory interior postings. She suggested the information needs to be communicated with renters in advance Post said she likes the idea of directing the owner to communicate with the renter.

Jason Hartmann, Council Member said he feels it is unenforceable and shouldn’t be in the code.

Jan Brending, Clerk Treasurer said that RCW 64.37 provides some additional information that is required specifically information that has to be posted emergency contact information, floor plan identifying fire exits and escape routes and maximum occupancy.

The council agreed.

Jason Hartmann, Council Member said that inspections are required and if the information is not available then the inspection doesn’t pass.

5.02.050 Violations – Penalties

Jim Ransier, Council Member said that for B1 instead of calling out 150 days and just reference the section above so don’t have to change it if changed in the future.

Ken Woodrich, City Attorney said adding the language “or exceeding rental days per WSMC XXXX” at the end of the sentence.

5.02.055 Appeals

Ashley Post, Council Member said she is confused by the first sentence of C which reads “An appellant is required to file a written notice of appeal including the basis for the appeal within fourteen calendar days of the permit determination being appealed.”

Jan Brending, Clerk Treasurer suggested deleting the words “being appealed.”

There was consensus of the council to accept Brending’s suggestion.

5.02.050 Discontinuance of Short-Term Rental Occupancy

Jim Ransier, Council Member asked if the penalty should be more severe.

Jason Hartmann, Council Member said that he believes there are other codes that provide for the penalty.

Jim Ransier, Council Member said that maybe the time period for not being eligible for a short-term rental permit should be longer than one year. He said he feels two years is more reasonable.

Ken Woodrich, City Attorney said he feels there would be more appeals if the time limits is increased.

Jim Ransier, Council Member said he does not have strong feelings on this issue.

There was no change.

Ashley Post, Council Member said she has a general question. If someone has a hosted homeshare are they limited to only one room that they can short-term rent.

Brendan Conboy, Land Use Planner said that under hosted homeshare it includes a room in the house or an accessory dwelling unit.

Ashley Post, Council Member asked if they could be renting out the accessory dwelling unit and two different rooms in the house.

Brendan Conboy, Land Use Planner said most property owners are going to rent out the accessory dwelling unit and not both.

Ashley Post, Council Member asked if there were three different listings would there be one permit.

Brendan Conboy, Land Use Planner said that as currently proposed a property owner is only allowed one-short-term rental per property. He said you could not have multiple listings per property.

Jan Brending, Clerk Treasurer said a property owner, if they owned an accessory dwelling unit, would have to choose to rent out either rooms in the home or the accessory dwelling unit. She said the renting out of two rooms in a home would have to be one listing.

Jason Hartmann, Council Member said that you cannot have a vacation home rental and a hosted homeshare on the property.

Brendan Conboy, Land Use Planner said that they were very insistent that it is only one unit per property. He said that if someone had a triplex then they would only be allowed to rent out one of the units not two or three. Conboy said he would be willing to provide clarification if necessary.

Jim Ransier, Council Member asked what are the next steps.

Brendan Conboy, Land Use Planner said that zoning questions will be brought up to the planning commission and it will be brought back to the council.

Ashley Post, Council Member said that the issue of how short-term rentals would be handled if annexed from the urban exempt area.

Jason Hartmann, Council Member said he feels they could be treated as a legacy.

Jim Ransier, Council Member said that if there was an approved short-term rental in the county and the property was annexed it could be allowed as a legacy.

Brendan Conboy, Land Use Planner said that is complicated because the county has not been approving short-term rentals. He said he does not feel there are a number of legacy permits in the county but could address it if necessary in the future.

Ashley Post, Council Member asked if there are currently any annexations in the works.

Brendan Conboy, Land Use Planner said no.

Jan Brending, Clerk Treasurer asked if Brendan Conboy, Land Use Planner wanted input from the city council about maintaining the street level in the commercial zones for commercial purposes.

David Lindley, Council Member said that it will be helpful for staff to look at several fee structures and bring them back to the council. He said that the street-level issue could be addressed first at the planning commission first and then bring it back to the council.

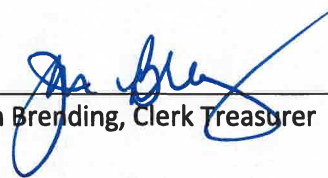
Brendan Conboy, Land Use Planner said that is a good approach.

III. Adjournment

The meeting adjourned at 9:50 p.m.



Marla Keethler, Mayor



Jan Brending, Clerk Treasurer