



City of Cashmere

101 Woodring Street
Cashmere, WA 98815

Phone (509) 782-3513 Fax (509) 782-2840

CASHMERE CITY PLANNING COMMISSION
MONDAY, AUGUST 3, 2020
5:00 P.M., CITY HALL

AGENDA

DUE TO THE COVID-19 PANDEMIC AND THE GOVERNOR'S STAY AT HOME ORDER; PLANNING COMMISSION MEMBERS AND THE PUBLIC ARE REQUIRED TO CALL IN TO PARTICIPATE IN A PHONE CONFERENCE PLANNING COMMISSION MEETING. PLEASE CALL IN 5 MINUTES PRIOR TO MEETING.

PH# 1-(978)-990-5308 Access code: 4330749

CALL TO ORDER:

ATTENDANCE:

APPROVAL OF MINUTES:

Approval of minutes from June 1, 2020 meeting.
No meeting or minutes from July 6, 2020.

CORRESPONDENCE:

ANNOUNCEMENTS & INFORMATION:

BUSINESS ITEMS:

1. Accessory Dwelling Units
2. Chickens
3. Short-term rentals
4. Topics for next meeting

ADJOURNMENT:

TO ADDRESS THE COUNCIL, PLEASE BE RECOGNIZED BY THE MAYOR AND STATE YOUR NAME WHEN YOU BEGIN YOUR COMMENTS
Americans with Disabilities Act (ADA) accommodations provided upon request (48-hour notice required)

MINUTES OF THE CASHMERE PLANNING COMMISSION MEETING
MONDAY JUNE 1, 2020 5:00 PM VIA PHONE CONFERENCE

OPENING

Chairperson Esmond opened the meeting at 5:05 PM and Croci recorded the meeting minutes.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Board:	Kirk Esmond Maureen Lewison Charlie Cruickshank Rick Shorett	Matthew Walgren Paul Nelson
Staff:	Director of Operations, Steve Croci Christina Wollman, Perteet Inc.	

APPROVAL OF MINUTES

Minutes from the May 4, 2020 meeting were approved (4-0). Motioned by Shorett and seconded by Esmond.

CORRESPONDENCE Nothing new to report.

ANNOUNCEMENT & INFORMATION

Shorett recommended to check to see if Walgren was still interested in participating on the Planning Council as he has been absent the last couple meetings. Nothing else to report.

AGENDA ITEMS

- 1) Accessory Dwelling Units – PC reviewed and discussed the updated District Use Chart (CMC 17.18.020), ADU language (CMC 17.72.110) and “Other conditions to be considers” documents provided in the packet. All proposed edits were fully supported by the PC. Document is to be taken to the next level of review and approval.
- 2) Short-term Rentals – Reviewed State’s RCW’s on short-term rentals and discussed options about where they are appropriate and what Cashmere’s might look like. No decisions were made. Short-term rentals do not seem to be an issue in Cashmere right now. All feel we should be prepared with appropriate codes to manage them if they start to become a problem. Citizens need to be involved at some form of public hearing; May need to wait till COVID restrictions are relaxed before we can have meaningful public meeting. Chelan County is updating their code to address the substantial issues with short-term rentals around Leavenworth and Lake Chelan. The City will follow/track the County’s progress and keep the planning commission informed.
- 3) Topics for next meeting – Short-term Rentals.

Meeting adjourned at 6:03 PM.

17.08.010 Definitions.

“Accessory dwelling unit” means a separate dwelling unit living unit (apartment) integrated within or attached to a single-family dwelling, or one located as a detached accessory structure-dwelling located on the same lot as a single-family dwelling.

17.18.020 District Use Chart.

	SF	SR	AR	MF	P	DB	C/LI	WI
Residential Uses								
Accessory Dwelling	<u>ACC</u>	<u>ACCGUP</u>	<u>ACCGUP</u>	<u>ACCGUP</u>				

17.~~5772.110~~ Accessory dwelling units.

Accessory dwelling units, as defined in Chapter 17.08 CMC, shall be subject to a limited administrative review to determine that the following minimum criteria are met, except accessory dwelling units within the single-family residential zoning district shall be subject to a full administrative review: ~~The minimum conditions for accessory dwelling units shall be as follows:~~

- A. Only one accessory dwelling unit shall be allowed per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot.
- B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit.
- C. The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence. An annual ownership certification shall be required to ensure this condition is maintained.

Prior to issuance of a permit the property owner shall record a restrictive covenant with the Chelan County auditor’s office and provide a copy of the recorded covenant. Said covenant shall identify the address and legal description of the property and state the following: the property owner resides in either the principal dwelling or the accessory dwelling unit, that the owner will notify any prospective purchaser of the property of the limitations and requirements of this chapter, and that the permit will be revoked if the accessory dwelling unit at any time fails to meet the requirements of this chapter. The document shall run with the land and bind all current and future property owners, and the owner’s assigns, beneficiaries and heirs.

- D. The accessory dwelling unit will require one off-street parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit.

- E. The floor area including the basement and second floor for the accessory dwelling unit shall in no case exceed 900 square feet, nor be less than 300 square feet, and the accessory dwelling unit shall contain no more than two bedrooms. Additionally, the square footage of the accessory dwelling unit shall be no more than 50 percent of the area of the primary single-family dwelling.

F. An accessory dwelling unit, together with the primary single-family dwelling unit and other accessory buildings or structures with which it is associated, shall conform to all other provisions of this code, and no variance of yard setback or building lot coverage requirements will be granted.

G. The accessory dwelling unit shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies.

H. The accessory dwelling unit shall have separate utility connections when feasible. If separate utility connections are not feasible the utilities will be charged as a duplex. In both cases,~~however,~~ the property owner, as shown on the Chelan County assessor records, shall be responsible for ensuring the utility bills associated with both the primary and accessory are paid in a timely fashion.

I. Future subdivision shall require compliance with all applicable provisions of the CMC including, without limitation, minimum lot size and yard area requirements.

J. Conversions of accessory storage structures, including without limitation garages and carports, to accessory dwelling units shall only occur when that existing structure meets the required yard setbacks for a residence, including without limitation the rear and side yard requirements.

K. The addition of an accessory dwelling unit shall be allowed only if the appearance and character of the lot and neighborhood are maintained. The design of the accessory dwelling unit shall be consistent with the design of the principal dwelling unit and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.

L. An accessory dwelling unit may not be rented for a term of less than 90 days.

Director of Operations

From: Chuck Zimmerman <czimmerman@omwlaw.com>
Sent: Friday, June 26, 2020 2:16 PM
To: Director of Operations
Cc: Deniese C. Aultman
Subject: RE: Accessory Dwelling Unit

Follow Up Flag: Follow up
Flag Status: Flagged

[External Email]

Steve,

My comments:

1. The District Use Chart should be revised to include the word "Uunit" at the end of "Accessory Dwelling" as the new defined term will be "Accessory Dwelling Unit"
2. The Accessory Dwelling Units new Section should be 17.58.160. It fits there in the Code without having to create an entire new Chapter.
3. Subsection K will be the difficult one to enforce as it is more akin to what one might see in a private homeowners association covenant. I would certainly encourage the City to delete the first sentence. That sentence includes discretion as to whether a permit should be issued based on the pure subjective taste and analysis of the Code administrator for the City.
4. There should be fees added to the provisions. The fee could be a one-time \$200 initial application fee and an annual renewal fee of \$100. I would suggest that instead of the recording of the notice to title. The notice to title process in Subsection C is very permanent. The annual process enables the City to discontinue and modify the process later if the process does not work the way the City hopes it will work. In general terms these minor revisions make the entire City residential areas subject to having two families living on each single family residential property unless private covenants prohibit ADUs.
5. The 90 days will be difficult to regulate, but it is fine. The key here is that the ADU cannot be used as a VRBO unit and have different people living there for two or three days at a time while on vacation.

Please let me know if you have questions or concerns about any of my comments and suggestions or if you want me to put an ordinance together for further consideration.

Thanks,

Chuck

[Charles D. Zimmerman](#) | Attorney

Ogden Murphy Wallace P.L.L.C.
One Fifth Street, Suite 200 Wenatchee, WA 98801
phone: 509.662.1954 | fax: 509.663.1553
czimmerman@omwlaw.com

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From: Director of Operations <steve@cityofcashmere.org>
Sent: Thursday, June 25, 2020 1:56 PM
To: czimmerman@omwlaw.com
Subject: Accessory Dwelling Unit

The attached document includes proposed changes by the Planning Commission to the Cashmere Municipal Code for Accessory Dwelling Units. Can you please contact me to discuss your thoughts and next steps. Thanks.

Steve Croci
Director of Operations
City of Cashmere
101 Woodring Street
Cashmere, WA 98815

steve@cityofcashmere.org

Office: 509-782-3513
Mobile: 509-433-2072
FAX: 509-782-2840

Director of Operations

From: Christina Wollman <christina.wollman@perteet.com>
Sent: Monday, June 29, 2020 7:58 AM
To: Director of Operations
Subject: RE: Accessory Dwelling Unit

[External Email]

Hi Steve, I have no concerns with these comments from Chuck, except for #4. I agree there should be fees added into your fee schedule, including new fees for the application process in addition to the annual certification.

But, your code currently requires an annual certification and it is not happening. This hasn't been an issue because there are not many ADUs, but with the lessening of restrictions there may be more to track in the future.

A notice to title provides an extra layer of support to the city to ensure that new owners understand the restrictions. Possibly the language could be altered to direct the reader to current city code, instead of listing a specific restriction, such as the alteration I made below.

*Prior to issuance of a permit the property owner shall record an restrictive covenant with the Chelan County auditor's office and provide a copy of the recorded covenant. Said covenant shall identify the address and legal description of the property and state the following: **That the use and occupancy of the accessory dwelling unit is regulated by Cashmere Municipal Code Chapter 17.XX, the property owner resides in either the principal dwelling or the accessory dwelling unit,** that the owner will notify any prospective purchaser of the property of the limitations and requirements of this chapter, and that the permit will be revoked if the accessory dwelling unit at any time fails to meet the requirements of this chapter. The document shall run with the land and bind all current and future property owners, and the owner's assigns, beneficiaries and heirs.*

Christina Wollman, AICP, CFM

Lead Planner

800.615.9900 | DIRECT 509.619.7031 | CELL 509.988.0651

From: Director of Operations <steve@cityofcashmere.org>
Sent: Friday, June 26, 2020 2:30 PM
To: Christina Wollman <christina.wollman@perteet.com>
Subject: FW: Accessory Dwelling Unit

FYI see below. Let me know what you think.

Steve Croci
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Chuck

[Charles D. Zimmerman](#) | Attorney

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CASHMERE MUNICIPLE CODE

17.58.085 Livestock and poultry.

A. Compliance Required. It is unlawful for any person or persons to keep or maintain any livestock or poultry within the city limits except as provided in this chapter. For the purposes of this chapter, the terms “livestock” and “poultry” shall be as defined in Chapter [17.08](#) CMC, Definitions.

B. Livestock and Poultry – Permitted Where. Livestock and poultry are permitted within different zoning districts as determined by this title, provided the property ownership is at least one contiguous acre in size or greater and the other provisions of this chapter are met.

C. Criteria. The following minimum criteria shall be met where keeping of livestock and poultry are permitted by the zoning district, and provided the property ownership is at least one contiguous acre in size or greater:

1. The minimum pasture area maintained for each animal shall be as listed below:

- a. One-half acre per each horse, pony, mule, cow and/or other similar size animal, except animals under one year of age shall be exempt from this requirement;
- b. One-quarter acre per each sheep, goat or other similar size animal, except animals under one year of age shall be exempt from this requirement;
- c. Twelve poultry per acre. Poultry may include any combination of **chickens**, ducks, geese, rabbits and similar type animals, except poultry under three months of age are exempt from this requirement;
- d. One acre per each swine. When located within an urban growth area no more than three swine are permitted per property ownership. Swine under three months of age are exempt.

Example: The minimum land area required for one sheep and one horse shall be one acre, with three-quarters of an acre maintained in pasture as described below.

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with health district regulations.

3. All livestock and poultry shall be kept in enclosures so constructed and maintained as to prevent the livestock from breaking through, out, or over the same and roaming at large through the city.

4. Adequate measures shall be taken to properly dispose of animal waste. Accumulations of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and/or any domestic or irrigation wells, and all accumulations of manure or refuse shall not be stored in excess of one week. Accumulated waste shall be prohibited within 200 feet of any domestic or irrigation well. Furthermore, all animals kept within the city shall be kept in a humane fashion and shall not create a noxious, foul or offensive condition.

5. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry or swine or other similar shelters for animals or birds shall be located a minimum of 100 feet from any off-premises residential dwelling.

6. Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform vegetative top cover and shall be kept free of noxious weeds.

7. Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.

D. No person shall keep or maintain any wild, exotic, or nondomesticated animal within the corporate city limits. No exotic animals are allowed within an urban growth area without first obtaining a conditional use permit. The applicant shall submit the following facts:

1. The exotic or nondomesticated animals, at the location proposed, will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety;

2. The proposed site is adequate in size and shape to accommodate the type of animal for which the permit is requested without harm to the animals or material detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site; and

3. In no case shall a person have more than one poultry size or shape exotic animal per lot or parcel less than one acre. If greater than one acre, one exotic animal per acre.

All exotic animals shall comply with local, state and federal regulations. (Ord. 1196 § 3 (Exh. C), 2011; Ord. 1138 § 1 (Exh. A), 2008; Ord. 1097 § 1, 2007).

	SF	SR	AR	MF	P	DB	C/LI	WI
Agricultural Uses								
Ag-Related Industry							PRM	PRM
Agriculture		PRM						
Commercial Composting					CUP		CUP	CUP
Exotic Animals		CUP		CUP				
Farm Equipment Sales/Service							PRM	PRM
Feed Lot								
Feed Store							PRM	PRM
Home Fruit Stand		ACC						
Horse Boarding/Training, Riding Stable								
Kennels								
Livestock/Poultry		ACC		ACC				
Nursery, Commercial/Retail/Wholesale		CUP				CUP	PRM	PRM
Poultry, Commercial								
Slaughterhouse								
Veterinary Clinic with Indoor Boarding Facilities						PRM	PRM	PRM
Veterinary Clinic with Outdoor Boarding Facilities							CUP	CUP
Caretaker's Residence for Veterinary Clinic with Outdoor Boarding Facilities							ACC	ACC
Value-Added Operation of Winery/Vineyard "A," Provided Property and Vineyard Are at Least One Acre in Size		PRM				PRM	PRM	PRM
Value-Added Operation of Winery/Vineyard "B," Provided Property and Vineyard Are at Least One Acre in Size		CUP				PRM	PRM	PRM
Vineyard, Provided Property and Vineyard Are at Least One Acre in Size		PRM				PRM	PRM	PRM

WENATCHEE MUNICIPAL CODE

10.48.060 Farm animals.

It is the intent of this section to allow an opportunity for 4H, FFA, and similar program projects as well as personal pets of a farm nature. It is not intended for commercial operations. All farm animals where allowed by the WCC shall meet the following standards unless otherwise regulated within this code:

(1) Four small farm animals (noncommercial) shall be allowed per legal lot of record. Lots that are one contiguous half acre in size or greater shall be allowed no more than 12 small farm animals per acre. All small farm animals kept outside shall be cooped or kept in hutches or pens or similar enclosures.

(2) Large farm animals (noncommercial) shall be allowed if the property ownership is at least one contiguous half acre in size or greater at a ratio of one animal per 10,000 square feet of maintained pasture area.

(3) No swine, peacocks, roosters or other male **poultry** shall be permitted.

(4) The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with health district regulations.

(5) Adequate measures shall be taken to properly dispose of animal wastes.

(6) Barns, pens, shelters or other structures for the keeping or feeding of large or small farm animals shall be located no closer than 10 feet from any adjoining property in addition to meeting other applicable standards as set forth in the underlying zoning district for accessory structures.

(7) "Pasture" is defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for the residential structure(s) and required street setbacks. Pasture areas shall be maintained with a permanent uniform top cover of vegetation.

(8) A fence or other structure, adequate to contain the animal(s), shall be maintained at all times.

ENTIAT MUNICIPAL CODE

18.44.080 Livestock and poultry standards.

Livestock and poultry are permitted within different zoning districts as determined by EMC [18.40.020](#), District use chart, provided the property ownership is at least two contiguous acres in size or greater and the following minimum standards are met:

- (1) The minimum pasture area maintained for each animal shall be as listed below:
 - (a) One acre per each horse, pony, mule, cow and/or other similar size animal.
 - (b) One-half acre per each sheep, goat or other similar size animal.
 - (c) Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, rabbits and similar type animals.
 - (d) No swine, pigs, hogs or similar animals are allowed inside the city limits.

Example: The minimum land area required for one sheep and one horse shall be one and one-half acres maintained in pasture as described below.

- (2) The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with health district regulations.
- (3) All livestock and poultry shall be kept in enclosures so constructed and maintained as to prevent the livestock from breaking through, out, or over the same and roaming at large through the city.
- (4) Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and/or any domestic or irrigation wells, and all accumulations of manure or refuse shall not be stored in excess of one week. Accumulated waste shall be prohibited within 200 feet of any domestic or irrigation well. Furthermore, all animals kept within the city shall be kept in a humane fashion and shall not create a noxious, foul or offensive condition.
- (5) Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry, swine or other similar shelters for animals or birds shall be located a minimum of 100 feet from any off-premises residential dwelling.
- (6) Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform vegetative top cover and shall be kept free of noxious weeds.

(7) Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.

(8) Exotic or unique animals shall be classified within one of the above categories according to similar size, weight, or type of animal, as determined by the director, and subject to the applicable regulations. (Ord. 780, 2018; Ord. 735 § 1 (Exh. A), 2012; Ord. 701 § 1 (Exh. A), 2009; Ord. 673 § 1 (Exh. B), 2007; Ord. 617 § 1, 2004; Ord. 607 § 1, 2003)

18.40.020 District use chart.

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If there is nothing located in the district for that use listed, that use is not allowed.

PRM – Permitted Use
ACC – Accessory Use
CUP – Conditional Use Permit
HOP – Home Occupation Permit
MUPD – Mixed Use Planned Development
R-L – Residential Low Density
R-M – Residential Medium Density
R-H – Residential High Density
MTR – Mixed Tourist Recreational
C-H – Highway Commercial
W-T – Waterfront Transition
W-B – Waterfront Business
W-P – Waterfront Parks

	R-L	R-M	R-H	MTR	C-H	W-T	W-P	W-B
AGRICULTURAL USES								
Agricultural Buildings, Private, Including On-Farm Labor Housing	ACC	ACC						
Agricultural Building, Commercial, Including CA Storage, Packing Sheds								
Agriculture Packing/Storage Facility								
Animal Clinic, Hospital					CUP	CUP		
Farm Equipment Sales/Service					PRM			
Feed Lot								
Feed Store					PRM	PRM		
Fruit Stand, Commercial					PRM	PRM		
Fruit Stand, Home	ACC	ACC		ACC	PRM			
Horse Boarding/Training								
Kennels, Commercial	CUP				CUP			
Kennels, Hobby	ACC	ACC						
Livestock, Commercial								
Livestock, Personal	ACC ¹	ACC ¹		ACC ¹				
Nursery, Commercial/Retail					PRM	PRM		
Nursery, Wholesale	PRM ²							
Poultry, Commercial								
Poultry, Personal	ACC ¹	ACC ¹		ACC ¹				
Riding Stable								
Slaughterhouse								
Tree Fruit Production	PRM ¹¹	PRM ¹¹	PRM ¹¹	PRM ¹¹	PRM ¹¹			
Vineyard	PRM ¹¹	PRM ¹¹	PRM ¹¹	PRM ¹¹	PRM ¹¹	ACC		

¹ Minimum of two acres of land under a single ownership.

² Maximum of two acres of land under a single ownership.

³ To be allowed by CUP until the first permanent food service is established.

⁴ Small scale only. Anything larger would require a conditional use permit.

⁵ Artisan/craft commercial uses are allowed within stand alone or in conjunction with public markets.

⁶ Privately owned only.

⁷ Boat/watercraft only.

⁸ With gas station only.

⁹ Not including a lumber yard.

¹⁰ See the nonconforming chapter of this municipal code for reference.

¹¹ Agricultural orchards and/or vineyards are permitted if replanted within two years of removal.

** The existing gravel extraction and associated asphalt mixing taking place in the waterfront business zone is allowed to continue as an existing use, pursuant to the public hearing record of the city council – January 11, 2001.

CHELAN MUNICIPAL CODE

17.04.065 Livestock and poultry.

A. Small stock animals, defined as any combination of four rabbits or chickens, are permitted on less than an acre and shall be housed within an enclosed structure that is set back ten feet from side yard property lines and are prohibited within the front yard setback area. No setback is required from the rear property line or an alley. Roosters are prohibited.

B. Livestock and poultry are permitted, provided the property ownership is at least one contiguous acre in size, and the following criteria are met:

1. The minimum pasture area maintained for each animal shall be as listed below, with additional young animals not included in determining the minimum pasture area:

a. One-half acre per each horse, pony, mule, cow, llama, alpaca and/or other similar size animal, with additional such animals under the age of one year not included;

b. One-quarter acre per each sheep, goat or other similar size animal, with additional such animals under the age of one year not included;

c. Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, or similar type animals, with additional such animals under the age of three months not included. The keeping of roosters is prohibited;

d. Twelve small mammals per acre. Small mammals may include any combination of rabbits, guinea pigs, ferrets, or similar type animals, with additional such animals under the age of three months not included;

e. One acre per each swine. When located within an urban growth area no more than three swine are permitted per property ownership, with additional swine under the age of three months not included.

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisances and shall be in compliance with health district regulations.

3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any property line and/or any wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well.

4. Barns, shelters, or other buildings or structures for the keeping or feeding of such animals shall be located a minimum of fifty feet from any property line or one hundred feet from any off-premises residential dwelling, whichever distance is greater.

5. Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pastures shall be maintained with a permanent, uniform, vegetative top cover and shall be kept free of noxious weeds. The

perimeter fence shall be designed, constructed and maintained sufficiently to keep the animals within the fenced area.

6. Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.

7. Potentially dangerous wild animals, as defined in RCW [16.30.010](#), are prohibited.

8. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted.

9. Violations of this section shall constitute a nuisance, and shall be enforced according to the uniform procedures set out in Chapter [2.80](#). (Ord. 1556 § 2 (Exh. A) (part), 2019: Ord. 1512 § 2 (Exh. A) (part), 2016: Ord. 1502 § 4 (Exh. O), 2015: Ord. 1361 § 1, 2008).

6.05.140 Offenses relating to control.

It is unlawful:

A. To permit any domestic animal, except birds or altered cats, to be at large unless restrained by a leash or chain and in the physical control of a responsible person;

B. To permit any dog to enter any public fountain or school ground;

C. To fail to confine any dog or cat in heat (estrus) in a building or secure enclosure so that the female dog or cat cannot come in contact with a male of the same species, except for planned breeding;

D. To permit any animal to:

1. Damage public property or the private property of another, or
2. Habitually bark, whine or howl, or
3. Spread or spill garbage;

E. To permit any animal to trespass;

F. To harbor or possess any animal without the permission of the owner, unless the animal control authority is notified within twenty-four hours of acquiring possession of such animal, or to fail to surrender such animal to the animal control authority upon demand;

G. To tether an animal in a manner which allows the animal to enter any sidewalk, street, alley or other place open to the public or to trespass; or

H. To own or keep any livestock/poultry/farm animals within the city, which includes but may not be limited to horses, ponies, mules, cows, sheep, goats, chickens, ducks, geese, rabbits, or swine. Ord. 1289 § 5 (part), 2004).

LEAVENWORTH MUNICIPAL CODE

Chapter 6.16 DOMESTIC AND WILD ANIMALS

Sections:

- [6.16.010 Purpose.](#)
- [6.16.020 Prohibited animals.](#)
- [6.16.030 Domestic animals subject to permit.](#)
- [6.16.040 Permit conditions.](#)
- [6.16.050 Other ordinances not affected.](#)
- [6.16.060 Revocation of permits.](#)
- [6.16.070 Ownership and control of animals.](#)
- [6.16.080 Civil remedies – Generally.](#)
- [6.16.090 Injunction and abatement.](#)
- [6.16.100 Attorney fees.](#)
- [6.16.110 Violation – Penalty.](#)

6.16.010 Purpose. SHARE

The purpose of this chapter is to protect the public health and welfare of the residents of the city by preventing annoyance, injury or the endangerment of comfort, repose, health or safety by regulating the keeping and maintaining of certain wild animals as well as domestic farm animals within the city limits. Certain specified domestic farm animals may be allowed with a permit granted by the city council as provided in this chapter. [Ord. 747 § 1, 1984.]

6.16.020 Prohibited animals. SHARE

It is unlawful for any person, firm or corporation to keep, harbor or maintain within the city limits any bear, chimpanzee, gorilla, badger, wolf, coyote, fox, nondomestic feline, including, but not limited to, lions, tigers, leopards, jaguars, bobcats, ocelots, lynx and cougars, or vicious or venomous or poisonous wild animals or honey bees. Also prohibited are domestic farm animals including, but not limited to, pigs, hogs or swine, goats or sheep of any description, horses, mules, cattle or roosters of any description. The prohibitions shall not apply to the Humane Society or the Washington State Department of Game, or to the keeping, harboring or maintaining of goats as part of a commercial amusement enterprise in the tourist commercial district of the city authorized in accordance with Chapter [18.44](#) LMC. The following restrictions shall apply to the keeping, harboring or maintaining of goats as part of a commercial amusement enterprise:

- A. No unaltered male goats shall be allowed.
- B. All goats shall be kept in a fenced area. The fence shall meet the requirements of RCW [16.60.010](#) and [16.60.011](#).
- C. There shall be no more than one goat per one-half acre.

D. No goat or goats shall be allowed to devegetate an area so as to cause erosion problems.

E. Should goat feces accumulate and create an odor problem, the feces shall be cleaned up from the site.

F. Goat or goats shall be kept at least 25 feet (measured in a horizontal distance) from any open water drainage system.

G. The Leavenworth planning commission shall require, in any conditional use permit for a commercial amusement enterprise allowing the keeping, harboring or maintaining of goats pursuant to this section, that such permit be granted for a one-year trial period and that the operation be reviewed after said one-year trial period to determine if allowing goats should be continued, further conditioned or revoked. [Ord. 1041 § 1, 1996; Ord. 747 § 2, 1984.]

6.16.030 Domestic animals subject to permit.

It is unlawful for any person, firm or corporation to keep, harbor or maintain rabbits, hares, hens, ducks, geese, pigeons or any other domestic fowl without first having procured a permit to do so from the city. [Ord. 959 § 1, 1994; Ord. 747 § 3, 1984.]

6.16.040 Permit conditions.

Permits referred to in LMC [6.16.030](#) may be applied for in writing on a form to be provided by the city clerk-treasurer. Any permit to keep such animals shall be granted only upon a showing by the applicant that appropriate provisions have been made for sanitation, care, caging and odor control. All accessory structures used for the purposes of housing or keeping animals and fowl permitted shall be set back a distance of 10 feet from the applicant's property line. No accessory building, structure or pen shall occupy any portion of a front yard, or be within 20 feet of a public right-of-way. Permits may be granted by the mayor or the mayor's designee. In the event a permit is denied, the applicant may appeal the denial to the city council within 10 days of denial. The city council shall schedule the hearing on the denial for the next regular city council meeting and may affirm or reverse the denial. [Ord. 959 § 2, 1994; Ord. 747 § 4, 1984.]

6.16.050 Other ordinances not affected.

Nothing contained in this chapter shall be deemed to revoke, modify or alter any regulation or restriction contained in any other ordinance of the city including, without limitation, the Leavenworth zoning ordinance. [Ord. 747 § 5, 1984.]

6.16.060 Revocation of permits.

The city council shall have the right to revoke any permit that may be granted in accordance with LMC [6.16.040](#) for violation of the permit conditions or violation of this chapter by giving the holder of such permit no less than seven days' notice to appear before the city council at its next regular meeting, and to show cause, if any, why such permit should not be revoked. A majority vote of the members of the city council present shall be sufficient to revoke any permit granted in accordance with the terms of this chapter, and said revocation shall become effective at such time as shall be designated by the city council. [Ord. 747 § 6, 1984.]

6.16.070 Ownership and control of animals.

Within the meaning of this chapter, ownership of any animal shall not be necessary to constitute a violation of this chapter; but the said person, persons, firms, corporations or partnerships who shall have control or shall have possession of such animal or animals shall be deemed likewise in violation of this chapter, irrespective of the ownership thereof. Possession and control of such animal shall be sufficient to constitute a violation of this chapter. [Ord. 747 § 7, 1984.]

6.16.080 Civil remedies – Generally.

The violation of or failure to comply with any of the provisions of this chapter is declared to be unlawful. [Ord. 747 § 8, 1984.]

6.16.090 Injunction and abatement.

The city, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the Leavenworth municipal court, or the courts of the state of Washington, against any person who violates or fails to comply with any provision of this chapter, or against the owner or possessor of any animal or insect prohibited by this chapter to prevent, enjoin, abate or terminate violations of this chapter. [Ord. 747 § 8(A), 1984.]

6.16.100 Attorney fees.

In any action brought by the city to enforce this chapter or in any action brought by any other person in which the city is joined as a party challenging this chapter, in the event the city is a prevailing party, then the nonprevailing party challenging the provisions of this chapter or the party against whom this chapter is enforced in such action, shall pay in addition to the city's costs a reasonable attorney fee at trial and in any appeal incurred by the city. [Ord. 747 § 8(C), 1984.]

6.16.110 Violation – Penalty.

Any person who violates or fails to comply with any of the provisions of this chapter or the owner or possessor of any property on which an animal or insect is located in violation of this chapter shall be subject to a maximum civil penalty of \$25.00 for each day that the violation of this chapter has continued, except that the owner of the property on which the violation is continued, who is not also the owner or possessor of the prohibited animal or insect, shall be subject to the penalty only if demand for removal or abatement of the unlawful condition shall have been mailed to the said owner at his last known address by registered mail, return receipt requested and the demand has remained uncomplished with for more than 10 days. [Ord. 747 § 8(B), 1984.]

RCW [64.37.010](#)

Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contact" means the operator or the operator's representative who is the point of contact for any short-term rental guest for the duration of the guest's stay in the short-term rental.

(2) "Department" means the department of revenue.

(3) "Dwelling unit" means a residential dwelling of any type, including a single-family residence, apartment, condominium, cooperative unit, or room, in which a person may obtain living accommodations for less than thirty days, but not including duly licensed bed and breakfast, inn, hotel, motel, or timeshare property.

(4) "Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

(5) "Guest" means any person or persons renting a short-term rental unit.

(6) "Operator" or "short-term rental operator" means any person who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

(7) "Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner.

(8) "Person" has the same meaning as provided in RCW [82.04.030](#).

(9)(a) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights.

(b) "Short-term rental" does not include any of the following:

(i) A dwelling unit that is occupied by the owner for at least six months during the calendar year and in which fewer than three rooms are rented at any time;

(ii) A dwelling unit, or portion thereof, that is used by the same person for thirty or more consecutive nights; or

(iii) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, or is classified by the federal internal revenue service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury, or disease, or their family members.

(10) "Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

(11) "Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, and from which the person or entity financially benefits. Merely

publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

[[2019 c 346 § 1.](#)]

RCW [64.37.020](#)

Taxes.

Short-term rental operators must remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf. This includes occupancy, sales, lodging, and other taxes, fees, and assessments to which an owner or operator of a hotel or bed and breakfast is subject in the jurisdiction in which the short-term rental is located. If the short-term rental platform collects and remits an occupancy, sales, lodging, and other tax, fee, or assessment to which a short-term rental operator is subject on behalf of such operator, the platform must collect and remit such tax to the appropriate authorities.

[[2019 c 346 § 2.](#)]

RCW [64.37.030](#)

Consumer safety.

(1) All short-term rental operators who offer dwelling units, or portions thereof, for short-term rental use in the state of Washington must:

(a) Provide contact information to all short-term rental guests during a guest's stay. The contact must be available to respond to inquiries at the short-term rental during the length of stay;

(b) Provide that their short-term rental is in compliance with RCW [19.27.530](#) and any rules adopted by the state building code council regarding the installation of carbon monoxide alarms; and

(c) Post the following information in a conspicuous place within each dwelling unit used as a short-term rental:

(i) The short-term rental street address;

(ii) The emergency contact information for summoning police, fire, or emergency medical services;

(iii) The floor plan indicating fire exits and escape routes;

(iv) The maximum occupancy limits; and

(v) The contact information for the operator or designated contact.

(2) Short-term rental platforms must provide short-term rental operators with a summary of the consumer safety requirements in subsection (1) of this section.

(3) For a first violation of this section, the city or county attorney must issue a warning letter to the owner or operator. An owner that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter [7.80](#) RCW.

[[2019 c 346 § 3.](#)]

RCW [64.37.040](#)

Short-term rental platforms.

(1) No short-term rental platform may engage in the business in the state of Washington unless the short-term rental platform is in compliance with the requirements of this chapter.

(2) A short-term rental platform must register with the department.

(3) Short-term rental platforms must inform all operators who use the platform of the operator's responsibilities to collect and remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf.

(4) Short-term rental platforms must inform all operators who use the platform of short-term rental safety requirements required in this chapter.

(5) Short-term rental platforms must provide all operators who use the platform with written notice, delivered by mail or electronically, that the operator's personal insurance policy that covers their dwelling unit might not provide liability protection, defense costs, or first party coverage when their property is used for short-term rental stays.

[[2019 c 346 § 4.](#)]

RCW [64.37.050](#)

Liability insurance.

A short-term rental operator must maintain primary liability insurance to cover the short-term rental dwelling unit in the aggregate of not less than one million dollars or conduct each short-term rental transaction through a platform that provides equal or greater primary liability insurance coverage. Nothing in this section prevents an operator or a platform from seeking contributions from any other insurer also providing primary liability insurance coverage for the short-term rental transaction to the extent of that insurer's primary liability coverage limits.

[[2019 c 346 § 5.](#)]

ENTIAT MUNICIPAL CODE

Chapter 18.10 DEFINITIONS

18.10.753 Vacation **rental/short-term rental** (less than 30 days).

 SHARE

“Vacation **rental/short-term rental** (less than 30 days)” means the renting out of a furnished room, apartment, house or professionally managed resort-condominium complex on a **term** of no more than 29 consecutive nights. (Ord. 814 § 2 (Exh. A), 2020)

Chapter 18.40 DISTRICT USE CHART

Sections:

[18.40.010 Purpose.](#)

[18.40.020 District use chart.](#)

18.40.010 Purpose.  SHARE

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. No use shall be allowed in a use district that is not listed in the use chart as either a permitted, accessory or conditional use, unless the administrator determines that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the city of Entiat.

Additional regulations may apply to those properties located within the shoreline master program area, within 200 feet of the ordinary high water mark of the Columbia River or Entiat River, or along State Highway 97A. (Ord. 814 § 2 (Exh. B), 2020; Ord. 780, 2018; Ord. 770 § 2 (Exh. B), 2017; Ord. 749 § 1 (Exh. A), 2014; Ord. 744 § 1 (Exh. A), 2013; Ord. 735 § 1 (Exh. A), 2012; Ord. 720 § 1 (Exh. A), 2011; Ord. 712 § 1 (Exh. A), 2010; Ord. 701 § 1 (Exh. A), 2009; Ord. 673 § 1 (Exh. B), 2007; Ord. 607 § 1, 2003)

18.40.020 District use chart.  SHARE

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If there is nothing located in the district for that use listed, that use is not allowed.

PRM – Permitted Use

ACC – Accessory Use

CUP – Conditional Use Permit

HOP – Home Occupation Permit

MUPD – Mixed Use Planned Development

R-L – Residential Low Density

R-M – Residential Medium Density

R-H – Residential High Density

MTR – Mixed Tourist Recreational

C-H – Highway Commercial

W-T – Waterfront Transition

W-B – Waterfront Business

W-P – Waterfront Parks

	R-L	R-M	R-H	MTR	C-H	W-T	W-P	W-B
RESIDENTIAL USES								
Single-Family Dwelling	PRM	PRM	PRM	PRM				
Duplex Dwelling	PRM	PRM	PRM	PRM				
Multifamily Dwelling		PRM	PRM	PRM		PRM		
Accessory Building or Structure	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Accessory Dwelling	ACC	ACC	ACC					
Adult Family Home	CUP	CUP	CUP					
Assisted Living Facility	CUP	CUP	CUP					
Bed and Breakfast	CUP	CUP	CUP	CUP	PRM	CUP		CUP
Boarding House		PRM	PRM	PRM				
Caretaker's Residence				ACC	ACC	ACC		ACC
Condominiums – Residential		PRM	PRM	MUPD		PRM		MUPD
Convalescent Home		CUP	CUP		CUP			
Day Care Center		CUP	CUP		CUP	ACC ⁶		
Day Care, Home	ACC	ACC	ACC	ACC	ACC			

	R-L	R-M	R-H	MTR	C-H	W-T	W-P	W-B
Group Home	CUP	CUP	CUP					
Halfway House		CUP	CUP					
Manufactured Home	PRM	PRM	PRM					
Manufactured Home, Designated	PRM	PRM	PRM	PRM				
Manufactured/Mobile Home Park (Planned Development)		PRM	PRM					
Mixed Use Planned Development				PRM		CUP		PRM
Mobile Home								
Modular Dwelling	PRM	PRM	PRM	PRM				
Residential Planned Development	PRM	PRM		PRM		PRM		
Rooming/Lodging House		CUP	CUP					
Vacation Rental/Short-Term Rental (less than 30 days)				CUP		MUPD		CUP
Covered Patios	ACC	ACC	ACC	ACC	ACC	ACC		ACC
Fences, Residential	ACC	ACC	ACC	ACC		ACC		
Fences, Security				ACC	ACC	ACC	ACC	ACC
Garage, Detached	ACC	ACC	ACC	ACC	ACC	ACC		
Home Occupation	HOP	HOP	HOP	HOP		ACC		
Outside Storage of a Total of Two Vehicles Including Boat, RV, Truck, or Similar			ACC					
Outside Storage of One Each, Boat, Travel Trailer, Motor Home or Truck or Similar	ACC	ACC		ACC				
Swimming Pools, Private	ACC	ACC	ACC	ACC		ACC		
Existing Single-Family Dwelling as of April 10, 2018 ¹⁰					PRM			