

RJ Lott

From: CD Director
Sent: Monday, June 15, 2020 9:02 AM
To: RJ Lott
Subject: FW: Comments on Short Term Rentals
Attachments: Peshastin STR Letter 6_14_2020.pdf

Jim Brown

Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6228 Main office (509) 667-6225
Jim.Brown@co.chelan.wa.us



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From: Stan Winters <winterss1@me.com>
Sent: Monday, June 15, 2020 8:59 AM
To: Lisa@berkconsulting.com; CD Director <CD.Director@CO.CHELAN.WA.US>; Prosecuting Attorney <Prosecuting.Attorney@CO.CHELAN.WA.US>
Subject: Comments on Short Term Rentals

External Email Warning! This email originated from outside of Chelan County.

Please see attached comments from the Peshatin Community Council regarding Short Term Rentals.

Stan,

Stan and Vania Winters
8200 Riverview Rd
Peshastin, WA 98847
509 293-0457



Peshastin Residents Frustrated Over County's Handling of Short-Term-Rentals

Short Term Rentals (STRs) are an important issue, not only in Chelan County, but worldwide. The Peshastin Community Council is writing to express some of the frustrations the residents of Peshastin have in regard to their struggle with STRs, Chelan County government, and its enforcement of zoning codes, since filing original complaints in August of 2017.

The residents of Peshastin spent two years, 2006-2008, to diligently draft the code that has come to define the Peshastin Urban Growth Area. In a meeting on October 11, 2018, with 112 people in attendance to vote on candidates for two positions of the Peshastin Community Council, residents overwhelmingly voted 106 to 6 and 102 to 10 to elect long-time residents specifically opposed to Short Term Rentals. Community members consider this election to be as much a referendum on the presence of STRs in residential zones of the Peshastin UGA as an election of who would be chosen to represent their interests

Hank Lewis, former Chelan County Community Development Director, agreed with Peshastin Community Council members that Short Term Rentals were not permitted within the Peshastin Urban Growth Area (UGA), and on September 7, 2017 the former Code Compliance Inspector, Craig Davidson, wrote a letter to Craig and Reava Davis (Issaquah residents who operate two Short Term Rentals in Peshastin), quoting Chelan County Code 11.22.030, stating in part that Short Term Rentals are not an allowed use in the residential zones of Peshastin.

At the end of the letter, Mr. Davidson quoted Chelan County Code Section 16.02.03 and wrote that in order to bring their properties into compliance they must cease the use of their single family residences as vacation rentals no later than September 21, 2017. He also noted that the Davises should be aware that the penalty for continued non-compliance was a \$750 fine per violation, per day, as stipulated by Title 16 of the Chelan County Code.

On August 21, 2018, after numerous discussions, the Peshastin Community Council received email confirmation from then Chelan County Commissioner, Keith Goehner, who informed the Peshastin Community Council: Short Term Rental "... activity is not outright permitted and there is not a comparable activity for an administrative determination, we will proceed with code enforcement. This will apply to all residential zoning in the Peshastin UGA. Code enforcement has a process which must be followed so it may take some time for compliance."

On August 26, 2018, Commissioner Goehner informed the Peshastin Community Council that, "Staff was given the directive to move forward with enforcement last week but I wasn't able to connect with Angel to get a timeline. They will begin the process and I have talked with Craig and Reava Davis to make them aware that they will be receiving a letter from the County." Mitch Reister was Community Development Director at that time.

The Davises, owners of the aforementioned Short Term Rentals, received multiple violation notices and had their Seattle lawyer ask for an Administrative Interpretation, which didn't occur until August of 2019 when the next Community Development Director, Dave Kuhl, gave an Administrative Interpretation, AI 2019-001, which declared Short Term Rentals are in violation of the UGA code in Peshastin.

The Davises then appealed that interpretation to Hearing Examiner, Andrew Kottkamp, who, in a decision rendered on December 31, 2019, AA 2019-005, concurred with the Development Director that Short Term Rentals are a violation of the code and not permissible in the Peshastin UGA.

The Davises' case rested on their assertion that there is no difference between a single-family residence and a short-term vacation rental. However, Hearing Examiner Kottkamp found that:

1. "the evidence clearly indicates that the purpose of a single family residence is materially different than the purpose of a short-term rental ..."
2. referring to the zoning code, STRs are "not a specifically permitted, conditional or an accessory use... and must be analyzed according to similar uses and if there are no similar uses then the use is not permitted."
3. "short-term rentals are not listed in the Chelan County Code," and STR "uses are not similar to bed and breakfasts, and boarding/lodging houses."

In short, Hearing Examiner Kottkamp affirmed the Administrative Interpretation made by Community Development Director Kuhl: Short Term Rentals are not allowed in the Peshastin UGA.

During all of this time the Davises never stopped renting their two Short-Term Rentals in Peshastin, in violation of Chelan County Code, collecting nightly fees of up to \$400 per night.

On January 17, 2020, the Davises filed an appeal of the Hearing Examiner's decision to Superior Court. Shortly thereafter, Dave Kuhl resigned as Chelan County Community Development Director. The County's Assessor, Deanna Walter, was installed as the Interim Director of Community Development.

On March 25, 2020, Ms. Walter filed a Memorandum "Rescission of AI-2019-001," reversing the Chelan County Commissioner's, Community Development Director's, and Hearing Examiner's decisions.

After working with the Community Development Department, and Chelan County Commissioners on this issue for over three years, there was no communication, consultation or even explanation of the rescission.

Ms. Walter's rescission is troublesome in many aspects:

1. The second paragraph of Walter's rescission states: "The current Peshastin UGA use chart and development regulations do not expressly address short term/vacation rentals... as not constituting residential use of a single family residence, thus rendering AI 2019-001 unsupported and unenforceable."

Washington State RCW 64.37 clearly defines STRs, and groups them in the same category as hotels and motels. Ms. Walter's statement not only completely contradicts the Peshastin and Chelan County Zoning charts and ignores the description of STRs in Washington State law, but illustrates a lack of understanding of how zoning codes work in general. Zoning charts are constructed to indicate "allowed uses." They don't specifically "ban" activities. Zoning codes are built to pass the test of time. It is impossible to anticipate what future activities might be created, so codes are written to indicate the types of activities that are allowed. An example might be BitCoin Mining which didn't exist when Chelan County code was written. It is completely unreasonable to expect the code would "expressly address" something that didn't exist! Again, zoning code is not built to "expressly address" any specific activity. Zoning code is built to list allowed uses, and makes provisions for potential approval of additional uses that are not listed. If someone wants to include a use that is not listed, they ask the administrator for an interpretation. If a proposed use is determined to be similar to a use that is allowed, that use can be Administratively Interpreted to be allowed. If the use is not similar to another permitted use, it is disallowed or needs to go through the process of code modification. Ms. Walter's rescission is a completely faulty assertion.

2. Another glaring error in Ms. Walter's rescission is the reference to Wilkinson v. Chiwawa Community's Association. That court case is often mentioned by STR owners, but refers to a Home Owners' Association issue where the decision was based on how the board of the association voted concerning the rental of homes in their HOA. This does not apply to Chelan County code in any way.

Chelan County now has its fifth Community Development Director, Jim Brown, in three years. Peshastin residents question why an Interim Community Development Director, with limited understanding of zoning codes, or background knowledge of the three-plus years Peshastin residents have been dealing with this issue, can negate two Administrative Interpretations and a Hearing Examiner.

Local governments in the state of Washington are charged with addressing 14 specific goals concerning growth, one of which is to:

"Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."

Every Short Term Rental in a residential area takes one home off of the market for local Chelan County residents. Families that make their life here in our county, who work here, send their kids to our schools, go to church here, and contribute to our community organizations, become priced out of home ownership or can't find a house to rent. In some areas of Chelan County up to 13% of homes are now Short Term Rentals.

We have a serious problem. We shouldn't allow people who already have a home (often in another part of the state) to take our Chelan County residential housing stock for their own private profit at the expense of people who live and work here in our communities?

We want to be clear that we are not against all Short Term Rentals. We welcome development, but commercial enterprises like tourist services should be in areas zoned for such. Our neighborhoods and communities are too important to sacrifice for the profit of a select few.

There are currently no legal pre-existing STRs within Peshastin residential zones. STRs should continue to be prohibited in Peshastin residential zones, and none grandfathered.

Respectfully,

The Peshastin Community Council

Doug Clarke
Steve Keene
Lauri Malmquist, Chair
Tricia Ortiz, Secretary
Cheryl Parsley, Treasurer
Leticia Vizcaino
Stan Winters, Vice Chair

RJ Lott

From: CD Director
Sent: Monday, June 15, 2020 8:50 AM
To: RJ Lott
Subject: FW: Short term rentals
Attachments: rental statement 3.docx

Jim Brown

Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6228 Main office (509) 667-6225
Jim.Brown@co.chelan.wa.us



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From: Dave and Arlene Lowrie <ogopogo22@gmail.com>
Sent: Sunday, June 14, 2020 7:59 PM
To: CD Director <CD.Director@CO.CHELAN.WA.US>
Subject: Short term rentals

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June 14, 2020

Re: Public comment on short term rental issue

We live in Chiwawa River Pines and have experienced first-hand the degradation of our neighborhood by the increase of Short Term Rentals, specifically traffic, septic, noise, trespassing, loss of neighborhood character, etc.

We ask the County to:

- Enforce the current zoning that prohibits absentee owner STRs in residential zones, according to the District Use chart. Only Bed & Breakfasts are permitted, and owner must be on site. The County might expand some commercial or RRR (Rural Recreational/Residential) zones, if more zones for STRs are needed, but they must be far from residences. The claim that "similar uses" to what is currently legal in residential zones includes hotels/motels (line 279) is ridiculous.

- Do not "grandfather" all existing rentals—as proposed in line 113. There are already more than 800 STRs in the Leavenworth area, too many—and most have come about in the past 5 years. Grandfathering absentee-owner STRs is not fair to those who followed the rules, including long-term renters, homeowners, and B & B's with owner on site.

- Sunsetting: All STRs that exceed the 5% density limit can be sunsetted over a period of 2-3 years. The owners can convert them into long-term rentals which are in short supply in our area.

We did not move here in 2005 to see this neighborhood turn into a resort.

Dave and Arlene Lowrie

RJ Lott

From: CD Director
Sent: Monday, June 15, 2020 8:49 AM
To: RJ Lott
Subject: FW: [CD Planning]Negative effects of Short term rentals on residents
Attachments: ShortTermRentalsChelanCo.pdf

Jim Brown

Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6228 Main office (509) 667-6225
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From: Sarah Piestrup, EAMP, ARNP <sarah@cascadewellness.com>
Sent: Sunday, June 14, 2020 8:05 PM
To: CDPlanning <CDPlanning@CO.CHELAN.WA.US>
Cc: Doug England <Doug.England@CO.CHELAN.WA.US>; CD Director <CD.Director@CO.CHELAN.WA.US>; Bob Bugert <Bob.Bugert@CO.CHELAN.WA.US>; Kevin Overbay <Kevin.Overbay@CO.CHELAN.WA.US>
Subject: [CD Planning]Negative effects of Short term rentals on residents

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See attached letter

Sarah Piestrup Scott
10454 Fox Rd
Leavenworth WA, 98826

doug.england@co.chelan.wa.us

kirsten.larsen@co.chelan.wa.us

bob.bugert@co.chelan.wa.us

kevin.overbay@co.chelan.wa.us

Re: Negative Impact of Short Term Rentals in Fox Road Neighborhood

Dear Chelan Co Community Development,

I am writing you to let you know that since our home has become surrounded by non-permitted, unstaffed short term rentals our residential neighborhood has been destroyed. I had faith that the planning department would uphold the permitted uses of our RR 2.5 neighborhood. I was shocked to have the police recommended as a recording option of our complaints as the only suggestion from the county and only after 10 pm. This seems like a huge waste of resources, and ignores 98% of the issues I have with unoccupied properties being used commercially over occupancy on shared water systems.

The noise at night is the least of my worries, but it is consistent and disruptive and comes from many properties surrounding us. One property has weddings regularly. Every weekend is a new set of voices and habits that are forced on us as the closest property is just above our bedroom window. I did not sign up to be a custodian of other peoples commercially used property. I am not their security guard, yet their guests come up my driveway, lost, sometimes they almost hit my child, or my pets. They get stuck in the snow, blocking any exit, emergency or not. They interact with our small children while the kids are playing in their once private back yard, making inappropriate comments and swearing in front of them. Again, every weekend is a new invasion. They sled, and toss toys, and let their dogs run onto our property not understanding the boundaries because they don't live here. They are loud in the day and the night and act as though we are an attraction for their interest and not humans living in a home because they know they won't see us again. They are not neighbors, they are strangers and invaders of a residential area.

The unoccupied property unknowingly trapped my cat for a week, starving and torturing it, causing us undue distress. We got him back but another extra special cat was never seen again and wonder if it was stolen by a traveler which should not be a concern this


Sarah Piestrup Scott
10454 Fox Rd
Leavenworth WA, 98826

far from town. The unoccupied property had an irrigation leak when no one was home and flooded our property. They do not follow fire standards, or landscaping standards putting our property at risk and exposing our once private back yard to their un-permitted commercial business they advertise with "no close neighbors" to the general public on the internet.

I urge you to maintain the residential aspects of our neighborhood and at least uphold the current CCC 11.88.210 that the operator actually reside in the home they are renting. That they meet the basic standards set for our neighborhood.

There is no way to mitigate this amount of strangers in a residential area. We have plenty of hotels. We deserve to have a residence in a residential area undisturbed by commercial use we did not sign up for. Please do not give any leeway for these properties to do more damage than they already have and please start to uphold and immediately enforce our basic rights as residents in this county.

Thank you for your consideration,



Sarah Piestrup Scott

10454 Fox Rd
Leavenworth WA, 98826

RJ Lott

From: CD Director
Sent: Monday, June 15, 2020 8:48 AM
To: RJ Lott
Subject: FW: STR draft code
Attachments: June 14, 2020 No transfer of STR ownership.pdf

Jim Brown

Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6228 Main office (509) 667-6225
Jim.Brown@co.chelan.wa.us



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From: carmen bagdon <carmen.bagdon@gmail.com>
Sent: Sunday, June 14, 2020 8:26 PM
To: CD Director <CD.Director@CO.CHELAN.WA.US>
Subject: STR draft code

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June 14, 2020 STR draft code CD.Director@co.chelan.wa.us

I am a long term renter in zip code 98826. I am a 4 generation Chelan county resident. I previously lived in the Lake Chelan area before moving to 98826 a couple years ago. I had an owner present STR on Lake Chelan in 2011 and 2017, at 2 different properties on South Shore Lake Chelan. It was a challenge to contain my guests at times, even with me present in my associated dwelling. I was very sensitive to my neighbors, who were long term owners, like me, and if they ever short term rented, like my family, it was to someone they knew and for reasons to provide some income to pay property taxes which have been on the rise for some time. Imagine an absentee owner allowing for 16 people plus a pool! The 'new business' of business/commercial oriented absentee owners buying or building for the specific purpose of STR is a recent trend. It can be lucrative for the owner and provides housing for short term renters who provide to our tourist industry. However as a business this type of Land Use should be allowed only in a Zone that provides for it's legal use. Transferring business ownership after buying a home specifically for the purpose of STR should not be permitted, as many purchases are in residential zones that do not legally allow for this type of business. We need to keep in mind the County's Comprehensive Plan zoning goal of segregating incompatible land uses and cutting off those STR's whose owners have no interest in long term commitment to supporting our residential neighborhoods. We must provide affordable housing for those who would like to live here. Looking dimmer every day. Thank you. Carmen Bagdon 1128

Dempsey Road Leavenworth,

Carmen Bagdon

Broker/Realtor

Welcome to Experience

509-237-2060

Windermere Real Estate

NCW-Leavenworth, Washington

carmen.bagdon@gmail.com

June 14, 2020

STR draft code

CD.Director@co.chelan.wa.us

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Thank you.

Carmen Bagdon
1128 Dempsey Road
Leavenworth, WA 98826

RJ Lott

From: CD Director
Sent: Monday, June 15, 2020 8:47 AM
To: RJ Lott
Subject: FW: Chelan County Short-Term Rental Public Comment
Attachments: Short Term Rental.docx; Short Term Rental.pdf

Jim Brown

Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6228 Main office (509) 667-6225
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From: Amy Carlson <bearrunantics@gmail.com>
Sent: Sunday, June 14, 2020 8:34 PM
To: CD Director <CD.Director@CO.CHELAN.WA.US>
Subject: Chelan County Short-Term Rental Public Comment

External Email Warning! This email originated from outside of Chelan County.

Attached you shall find our letter of concern both in docx and pdf regarding the draft proposal for STRs in Leavenworth, in particular.

13 June 2020

RE: Short-Term Rental

Chelan County Planning Commission Hearing Draft Code (5 June 2020)

To Whom It May Concern,

After review of the proposal draft, this family, living on Dempsey Road near Leavenworth with several neighborhood short-term rentals on the hill, has concerns about a few unaddressed safety issues in the draft:

1) Road: We live on a private road that has adverse winter driving conditions and has posted rules at the bottom; we have observed the following: 1. There are too many guests unprepared and not following those rules. We have personally been involved in pulling guests out of the ditch on the steep curvy road on which even residents have a hard time. We have been hit a couple of times by out-of-control cars, cars not prepared for winter driving conditions—the more cars on the hill, the more potential for accidents and bodily harm. We have even seen guests sledding down the road! Cars and sleds don't mix.

2) Fire: The density concerns us. The STRs on the hill often have more than 10 guests and 5 cars. This ups the danger on the road, significantly both from cars and fires. In case of an emergency, i.e. wildfire, the egress already is of concern - only one way out. The additional STR traffic makes this very dangerous, multiplying the risk factor! The additional cars also increase the fire danger, as we have seen guests parking on the side of the road where they should not be.

3) Trespass: Guests from STRs trespass across our land on the irrigation canal. One STR owner even advertised the canal as part of its attractions. Again, more people equal more chance for fire. Many who come from outside this area arrive totally unaware of the dangers we face here during the wildfire season.

We can agree to Tier One, owner -in-residence, but all the existing STRs on Dempsey are not Tier One, exceeding the 5% goal. Tier One families that have a stake in our neighborhood community, not just a "qualified person," can monitor their guests much more effectively. We can count on them to attend to any problems that might arise and can educate their guests on the dangers that exist and how to avoid them.

Sincerely,

Amy & Reed Carlson
315 Murphy Highlands
Leavenworth, WA 98826

RJ Lott

From: CD Director
Sent: Monday, June 15, 2020 8:43 AM
To: RJ Lott
Subject: FW: Peshastin Community Council Comments on STRs for Planning Commission
Attachments: PastedGraphic-6.tiff; ATT00001.htm; Peshastin STR Letter 6_14_2020.pdf; ATT00002.htm

Jim Brown

Director
Chelan County Community Development
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From: Steve Keene <councilchair@peshastin.org>
Sent: Sunday, June 14, 2020 11:59 PM
To: CD Director <CD.Director@CO.CHELAN.WA.US>
Cc: Bob Bugert <Bob.Bugert@CO.CHELAN.WA.US>; Doug England <Doug.England@CO.CHELAN.WA.US>; Kevin Overbay <Kevin.Overbay@CO.CHELAN.WA.US>; Jordan McDevitt <highlakes@hotmail.com>; Randy Baldwin <randybaldwin@johnlscott.com>; Peshastin Community Council <communitycouncil@peshastin.org>
Subject: Peshastin Community Council Comments on STRs for Planning Commission

External Email Warning! This email originated from outside of Chelan County.

Attached please find a letter from the Peshastin Community Council RE: Short-Term Rentals in the Peshastin UGA.

Thank you.



Peshastin Residents Frustrated Over County's Handling of Short-Term-Rentals

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Washington State RCW 64.37 clearly defines STRs, and groups them in the same category as hotels and motels. Ms. Walter's statement not only completely contradicts the Peshastin and Chelan County Zoning charts and ignores the description of STRs in Washington State law, but illustrates a lack of understanding of how zoning codes work in general. Zoning charts are constructed to indicate "allowed uses." They don't specifically "ban" activities. Zoning codes are built to pass the test of time. It is impossible to anticipate what future activities might be created, so codes are written to indicate the types of activities that are allowed. An example might be BitCoin Mining which didn't exist when Chelan County code was written. It is completely unreasonable to expect the code would "expressly address" something that didn't exist! Again, zoning code is not built to "expressly address" any specific activity. Zoning code is built to list allowed uses, and makes provisions for potential approval of additional uses that are not listed. If someone wants to include a use that is not listed, they ask the administrator for an interpretation. If a proposed use is determined to be similar to a use that is allowed, that use can be Administratively Interpreted to be allowed. If the use is not similar to another permitted use, it is disallowed or needs to go through the process of code modification. Ms. Walter's rescission is a completely faulty assertion.

2. Another glaring error in Ms. Walter's rescission is the reference to Wilkinson v. Chiwawa Community's Association. That court case is often mentioned by STR owners, but refers to a Home Owners' Association issue where the decision was based on how the board of the association voted concerning the rental of homes in their HOA. This does not apply to Chelan County code in any way.

Chelan County now has its fifth Community Development Director, Jim Brown, in three years. Peshastin residents question why an Interim Community Development Director, with limited understanding of zoning codes, or background knowledge of the three-plus years Peshastin residents have been dealing with this issue, can negate two Administrative Interpretations and a Hearing Examiner.

Local governments in the state of Washington are charged with addressing 14 specific goals concerning growth, one of which is to:

"Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."

Every Short Term Rental in a residential area takes one home off of the market for local Chelan County residents. Families that make their life here in our county, who work here, send their kids to our schools, go to church here, and contribute to our community organizations, become priced out of home ownership or can't find a house to rent. In some areas of Chelan County up to 13% of homes are now Short Term Rentals.

We have a serious problem. We shouldn't allow people who already have a home (often in another part of the state) to take our Chelan County residential housing stock for their own private profit at the expense of people who live and work here in our communities?

We want to be clear that we are not against all Short Term Rentals. We welcome development, but commercial enterprises like tourist services should be in areas zoned for such. Our neighborhoods and communities are too important to sacrifice for the profit of a select few.

There are currently no legal pre-existing STRs within Peshastin residential zones. STRs should continue to be prohibited in Peshastin residential zones, and none grandfathered.

Respectfully,

The Peshastin Community Council

Doug Clarke
Steve Keene
Lauri Malmquist, Chair
Tricia Ortiz, Secretary
Cheryl Parsley, Treasurer
Leticia Vizcaino
Stan Winters, Vice Chair



Peshastin Residents Frustrated Over County's Handling of Short-Term-Rentals

Short Term Rentals (STRs) are an important issue, not only in Chelan County, but worldwide. The Peshastin Community Council is writing to express some of the frustrations the residents of Peshastin have in regard to their struggle with STRs, Chelan County government, and its enforcement of zoning codes, since filing original complaints in August of 2017.

The residents of Peshastin spent two years, 2006-2008, to diligently draft the code that has come to define the Peshastin Urban Growth Area. In a meeting on October 11, 2018, with 112 people in attendance to vote on candidates for two positions of the Peshastin Community Council, residents overwhelmingly voted 106 to 6 and 102 to 10 to elect long-time residents specifically opposed to Short Term Rentals. Community members consider this election to be as much a referendum on the presence of STRs in residential zones of the Peshastin UGA as an election of who would be chosen to represent their interests

Hank Lewis, former Chelan County Community Development Director, agreed with Peshastin Community Council members that Short Term Rentals were not permitted within the Peshastin Urban Growth Area (UGA), and on September 7, 2017 the former Code Compliance Inspector, Craig Davidson, wrote a letter to Craig and Reava Davis (Issaquah residents who operate two Short Term Rentals in Peshastin), quoting Chelan County Code 11.22.030, stating in part that Short Term Rentals are not an allowed use in the residential zones of Peshastin.

At the end of the letter, Mr. Davidson quoted Chelan County Code Section 16.02.03 and wrote that in order to bring their properties into compliance they must cease the use of their single family residences as vacation rentals no later than September 21, 2017. He also noted that the Davises should be aware that the penalty for continued non-compliance was a \$750 fine per violation, per day, as stipulated by Title 16 of the Chelan County Code.

On August 21, 2018, after numerous discussions, the Peshastin Community Council received email confirmation from then Chelan County Commissioner, Keith Goehner, who informed the Peshastin Community Council: Short Term Rental "... activity is not outright permitted and there is not a comparable activity for an administrative determination, we will proceed with code enforcement. This will apply to all residential zoning in the Peshastin UGA. Code enforcement has a process which must be followed so it may take some time for compliance."

On August 26, 2018, Commissioner Goehner informed the Peshastin Community Council that, "Staff was given the directive to move forward with enforcement last week but I wasn't able to connect with Angel to get a timeline. They will begin the process and I have talked with Craig and Reava Davis to make them aware that they will be receiving a letter from the County." Mitch Reister was Community Development Director at that time.

The Davises, owners of the aforementioned Short Term Rentals, received multiple violation notices and had their Seattle lawyer ask for an Administrative Interpretation, which didn't occur until August of 2019 when the next Community Development Director, Dave Kuhl, gave an Administrative Interpretation, AI 2019-001, which declared Short Term Rentals are in violation of the UGA code in Peshastin.

The Davises then appealed that interpretation to Hearing Examiner, Andrew Kottkamp, who, in a decision rendered on December 31, 2019, AA 2019-005, concurred with the Development Director that Short Term Rentals are a violation of the code and not permissible in the Peshastin UGA.

The Davises' case rested on their assertion that there is no difference between a single-family residence and a short-term vacation rental. However, Hearing Examiner Kottkamp found that:

1. "the evidence clearly indicates that the purpose of a single family residence is materially different than the purpose of a short-term rental ..."
2. referring to the zoning code, STRs are "not a specifically permitted, conditional or an accessory use... and must be analyzed according to similar uses and if there are no similar uses then the use is not permitted."
3. "short-term rentals are not listed in the Chelan County Code," and STR "uses are not similar to bed and breakfasts, and boarding/lodging houses."

In short, Hearing Examiner Kottkamp affirmed the Administrative Interpretation made by Community Development Director Kuhl: Short Term Rentals are not allowed in the Peshastin UGA.

During all of this time the Davises never stopped renting their two Short-Term Rentals in Peshastin, in violation of Chelan County Code, collecting nightly fees of up to \$400 per night.

On January 17, 2020, the Davises filed an appeal of the Hearing Examiner's decision to Superior Court. Shortly thereafter, Dave Kuhl resigned as Chelan County Community Development Director. The County's Assessor, Deanna Walter, was installed as the Interim Director of Community Development.

On March 25, 2020, Ms. Walter filed a Memorandum "Rescission of AI-2019-001," reversing the Chelan County Commissioner's, Community Development Director's, and Hearing Examiner's decisions.

After working with the Community Development Department, and Chelan County Commissioners on this issue for over three years, there was no communication, consultation or even explanation of the rescission.

Ms. Walter's rescission is troublesome in many aspects:

1. The second paragraph of Walter's rescission states: "The current Peshastin UGA use chart and development regulations do not expressly address short term/vacation rentals... as not constituting residential use of a single family residence, thus rendering AI 2019-001 unsupported and unenforceable."

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Stan Winters, Vice Chair

RJ Lott

From: Sarah Piestrup, EAMP, ARNP <sarah@cascadewellness.com>
Sent: Sunday, June 14, 2020 8:05 PM
To: CDPlanning
Cc: Doug England; CD Director; Bob Bugert; Kevin Overbay
Subject: [CD Planning]Negative effects of Short term rentals on residents
Attachments: ShortTermRentalsChelanCo.pdf

External Email Warning! This email originated from outside of Chelan County.

See attached letter

Sarah Piestrup Scott
10454 Fox Rd
Leavenworth WA, 98826

doug.England@co.chelan.wa.us

kirsten.larsen@co.chelan.wa.us

bob.bugert@co.chelan.wa.us

kevin.overbay@co.chelan.wa.us

Re: Negative Impact of Short Term Rentals in Fox Road Neighborhood

Dear Chelan Co Community Development,

I am writing you to let you know that since our home has become surrounded by non-permitted, unstaffed short term rentals our residential neighborhood has been destroyed. I had faith that the planning department would uphold the permitted uses of our RR 2.5 neighborhood. I was shocked to have the police recommended as a recording option of our complaints as the only suggestion from the county and only after 10 pm. This seems like a huge waste of resources, and ignores 98% of the issues I have with unoccupied properties being used commercially over occupancy on shared water systems.

The noise at night is the least of my worries, but it is consistent and disruptive and comes from many properties surrounding us. One property has weddings regularly. Every weekend is a new set of voices and habits that are forced on us as the closest property is just above our bedroom window. I did not sign up to be a custodian of other peoples commercially used property. I am not their security guard, yet their guests come up my driveway, lost, sometimes they almost hit my child, or my pets. They get stuck in the snow, blocking any exit, emergency or not. They interact with our small children while the kids are playing in their once private back yard, making inappropriate comments and swearing in front of them. Again, every weekend is a new invasion. They sled, and toss toys, and let their dogs run onto our property not understanding the boundaries because they don't live here. They are loud in the day and the night and act as though we are an attraction for their interest and not humans living in a home because they know they won't see us again. They are not neighbors, they are strangers and invaders of a residential area.

The unoccupied property unknowingly trapped my cat for a week, starving and torturing it, causing us undue distress. We got him back but another extra special cat was never seen again and wonder if it was stolen by a traveler which should not be a concern this

Sarah Piestrup Scott
10454 Fox Rd
Leavenworth WA, 98826

far from town. The unoccupied property had an irrigation leak when no one was home and flooded our property. They do not follow fire standards, or landscaping standards putting our property at risk and exposing our once private back yard to their un-permitted commercial business they advertise with "no close neighbors" to the general public on the internet.

I urge you to maintain the residential aspects of our neighborhood and at least uphold the current CCC 11.88.210 that the operator actually reside in the home they are renting. That they meet the basic standards set for our neighborhood.

There is no way to mitigate this amount of strangers in a residential area. We have plenty of hotels. We deserve to have a residence in a residential area undisturbed by commercial use we did not sign up for. Please do not give any leeway for these properties to do more damage than they already have and please start to uphold and immediately enforce our basic rights as residents in this county.

Thank you for your consideration,



Sarah Piestrup Scott

10454 Fox Rd
Leavenworth WA, 98826

RJ Lott

From: Richard Thirlby <thirlbyrc@gmail.com>
Sent: Sunday, June 14, 2020 3:06 PM
To: CDPlanning
Subject: [CD Planning]STR's
Attachments: strs Density.docx

External Email Warning! This email originated from outside of Chelan County.

please see att

Dear Planning Commissioners: below are 6 elements of the STR regulations that I feel cannot be ignored. A myriad of other aspects (e.g. affordable housing, community, quality of life) are well discussed by others with concerns with the state of STR's in Chelan County. Thank you for your attention.

Density: as a resident of Chelan County just south of the Leavenworth city limit, it is alarming to find out that there are in excess of 800 STR's in the Leavenworth zip code. The negative impact of this density situation is profound and will not be addressed without aggressive changes, limitations and/or elimination of STR's in these high density geographic areas.

Grandfathering: Clearly, there will need to be reduction in the number and density of STR's. The status quo is unacceptable for the myriad of reasons outlined by RUN. Furthermore, how can one permit "grandfathering" of a business that is illegal and that has never registered with the county?

Safety and Liability for the County: does the County allow Hotels/Motels to operate if they do not pay business taxes, registration fees and/or comply with building codes addressing fire safety, carbon monoxide safety, septic mandates etc? The answer to these questions is "no." There are very concerning liability issues with the status quo.

Addressing acute issues at properties: the many issues occurring with day-to-day operation of STR's are not being addressed within the context of these businesses being owned and operated by off-site individuals. The industry standard mandates on-site interactions with the owner or manager within 30 minutes of a complaint or operational issue (e.g. septic overflow, noise).

Residential vs. Commercial Zoning: most STR's in Chelan County are operating in locations that are zoned residential. There are many issues and consequences resulting from this fact. However, two extremely important ones deserve mention. First, by definition, STR's are businesses and thus must operate in areas of Chelan County that are zoned commercial. Second. It is deceitful and illegal for STR's to operate in residential zones.

Richard C. Thirlby MD, FACS

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Richard C. Thirlby MD, FACS

RJ Lott

From: Mike Stanford <stanford@nwi.net>
Sent: Saturday, June 13, 2020 10:05 AM
To: Bob Bugert; Doug England; Kevin Overbay; CDPlanning
Subject: [CD Planning]short term rental public comment
Attachments: rental comment 2020.pdf

External Email Warning! This email originated from outside of Chelan County.

Hello:

Please find enclosed a comment on the short term rental issue

Thanks for all your effort and time on this important issue. !

Mike Stanford
509-670-7428



This email has been checked for viruses by Avast antivirus software.
www.avast.com

June 13th, 2020

Re: Public comment on Short Term Rental issue

Hello:

My name is Mike Stanford. I live at 2393 Kinnikinnick Dr Leavenworth WA, 98826, (Chiwawa River Pines). I have lived here and have been a citizen of Chelan County for 39 years. My wife and I have raised two sons. We have, over the years been and still are active in helping to develop and maintain a safe, high quality of life, community.

I have been involved in our HOA for the past 29 years. I have been the president of said HOA for the past 27 years. Our board has and continues to work to provide all of our 300+ owners the best possible community we can based on the initial developers vision laid out in our Protective Covenants, Articles of Incorporation and Bi-Laws of the Association and owners input. This is what community leaders, board members, council members, commissioners, ect do. They are tasked with building and shaping their community in the best way they can.

When we bought our home, there were 2 single family units that were being rented out short term on an occasional basis. (.006%) Currently there are just at 52 short term rentals operating in a community of 367 possible lots. (Just over 14%)

Although we have submitted a statement as a board please accept the following statement as a personal one from just me, Mike Stanford, as this issue is not only a community issue, it is also a personal issue to me as a resident of Chelan County.

Right up front, I support the efforts of the RUN group.

- **Support only tier 1 (owner living on-site) properties in residential zones, WITHOUT any absentee owner days allowed. Owner must be present at all time.**
- **Short Term Rental (STR) permits should NOT be transferable upon sale or transfer of the home or LLC.**
- **Oppose any effort to 'Grandfather' (legalize) existing Tier 2 (absentee owner) STRs in residential zones. Existing as well as future STRs must be subject to the density limit of 5% of the total homes in over saturated areas, especially the 98826 zip code (Leavenworth, Lake Wenatchee, Plain)**

Growth is a natural occurring event. No matter what we do to try to curtail or guide it, one thing is for sure, the population will grow. With growth come all of the issues we and you, are dealing with and have dealt with in the past. Building safety, water issues, sewer, land use, fire protection, ect. Following are some points that I would like to have you consider as you move through this current process:

Residential areas are for residents. Commercial business should be kept in commercial zones. That's why certain areas are zoned the way they are. It's laid out that way for a reason. In our area, we are zoned RW (rural waterfront), we have no sewer system. Each resident has its own septic system designed for a certain number of occupants. These are not commercial drain fields. Protecting the water source should be high on our list. Without good clean, safe, reliable water, none of this effort matters. Our land is not worth anything.

Short term Rental users have no vested interest in the community. They are not there to build anything long term. They are not raising children here, they do not care about the wildlife in the area, (a fed bear is a dead bear), they do not care about private property, (renters sledding down our driveway into a county road with small children), they do not care how much noise they make, they do not care about local traffic laws and as stated before, they do not care about protecting the water source. (Rentals in homes with 2 bedrooms advertised as being able to "sleep 12") These are issues that are your responsibility as leaders and drivers of the community. The renters are here to have fun, enjoy the environment, and escape the city life. They are not building the community.

One of our biggest issues is the use of bon fires during the summer. The vast majority of renters are not from this area. From June 1 to September 1 outdoor burning in this area is not allowed unless done so in a legal fire ring. This is a big issue as we are very susceptible to big destructive wildfires. We as a community have worked and continue to work very hard on this issue. We work hard on Firewise efforts, backup water generators for home protection, notification and education of owners and yes, renters, about these dangers. However each summer, this continues to be one of the biggest issues that we deal with, renters that come to the great outdoors expecting to be able to have bon fire.

"It's my right to do what I want with my land". I hear this lot. This is true to a point. Again, that's why we have zoning and codes for certain activities. There needs to be some structure in society. The way society has dealt with this is with zoning. Commercial businesses should be kept in commercial zones.

The argument to all of my "negativity" is "why don't you just call the police or the rental manager, or go over and talk to the people?" Been there, done that. The thing is, it goes back to my statement above. The renters have no vested interest in the community. The police department is under staffed and why is it my responsibility to manage someone else business. Do they manage mine? The Rental owners talk about "their right to do what they want with their land", what about the rights of the other land owners who bought and have spent years building their home and their community to not have to deal with these issues? If we wanted to live in a commercial zone, we would have bought land in a commercial zone.

The Chiwawa law suit. I would be remiss if I did not address the Chiwawa law suit that is used in the rental owners case in favor of, which ultimately allowed owners in our Association to rent their "single family dwelling" for a term of less than 30 days. That's all it did. It did not address live in owners, or any of the other issues associated with this such as water use of a private water system, septic overuse, ect. Additionally, it needs to be noted that this decision was a split 5-4 decision based on one word, "rent" in

our Covenants that were originally drafted in the mid 1960s. Long before the idea of short term rentals were a thing.

Again, I support the efforts of the RUN group. I also thank you for your time to listen to not only me but all of the citizens who have commented. Your job as a community leader is not an easy one. I personally appreciate your time and effort.

- **Support only tier 1 (owner living on-site) properties in residential zones, WITHOUT any absentee owner days allowed. Owner must be present at all time.**
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Mike Stanford



Why should I have to be responsible to manage your buddiness ?

RJ Lott

From: Friends of Leavenworth email <friendsofleavenworth@outlook.com>
Sent: Friday, June 12, 2020 11:13 AM
To: Jim Brown; CD Director; CDPlanning
Subject: [CD Planning]STR Comments
Attachments: STR FOL letter 6.12.2020.docx

External Email Warning! This email originated from outside of Chelan County.

Subject: Comments re: STR Regulations

Dear Commissioners,

Friends of Leavenworth is a non-profit organization that works to preserve the quality of life and environment in Leavenworth and its surrounding area. We have reviewed the regulations of Short Term Rental properties as proposed by Chelan County. In our comments, we urge the County to consider that nonowner occupied short term rentals are illegal in residential zones; they are commercial enterprises that should not be permitted in rural residential zones. We find that the proposed regulations are inadequate to render them compatible with residential zones. STR's that are not the owner's primary residence and are operated with no owner on site are very often the cause of conflict with year round residents of Chelan County's residential zones.

Commercial enterprises, often owned by corporations, are generally incompatible with residential zoning. Legalizing these commercial operations instead of eliminating them perpetuates their insidious and growing encroachment upon quiet residential communities. Currently, when a house is for sale, it is frequently purchased by investors for operation as an STR. In fact, builders are heavily engaged in building houses for STR's instead of residential homes. Nonowner occupied STR's have the potential to obliterate some residential communities by destroying the attractions of living in them.

Resident homeowners in residential zones historically have a right to expect:

- Peaceful neighborhoods free of commercial enterprises.
- Neighborhoods that are free of noises that are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals in the neighborhood.
- A sense of community with their neighbors. Short term tenants, in contrast to residents, often are unconcerned about the effects of their conduct on the community. This often means that the residents of the neighborhood are subjected to loud music and noisy parties. The absentee owners are not members of the community either and are mostly focused on profitable operation. The value of residence in the community is being degraded by the growth of illegal commercial STRs operated by absentee owners.

Proposed enforcement in the draft code is not adequate.

- Enforcement of regulations addressing the negative impacts upon the neighbors of these commercial operations requires employees who have the authority to follow up, log complaints, and issue fines. An agent of the owner cannot objectively perform these functions due to conflict of interest and a lack of respect by tenants. And, it is not unfair to state that STR tenants are often argumentative, belligerent, and intimidating toward neighbors who confront them directly and ask for cooperation. Two factors make many absentee owner rentals incompatible in residential areas: 1) alcohol and 2) tenants' attitudes that they have a right to enjoy themselves even if this adversely affects neighbors.
- The likelihood of negative impacts on local residents is elevated by the lack of owner influence over AIRBNB on who shows up or for what purpose. Owners rarely screen prospective tenants and don't seem to have or enforce good neighbor policies.
- The permit fees for the proposed regulations need to be adequate to allow for a robust permitting and enforcement program. At the present time, the county lacks the funding to enforce noise regulations and septic

system regulations on these properties. Inability to enforce regulations that currently exist violates the trust of the community. Lack of enforcement has led to the current situation of hundreds of illegal STRs operating in the County and continually violating existing regulations regarding noise and health and safety (adequacy of septic and water, fire regulations, etc.). Septic systems of STR's have been known to fail and overflow chronically when tenant occupancy exceeds designed building capacity, as it often does.

Even a 5% limit on the number of STR's in each of the subareas of the County will not reliably protect local neighborhoods within each subarea from excessive concentration of STR's. For example, in the 98826 zip code, there is a likelihood of STR's to become very concentrated in the very desirable neighborhoods of the Icicle Creek valley and its hillsides. All locations in this valley are subjected to any noise within it, as noise reflects off of the bordering mountain sides.

As for specific comments on the regulation of the various Tiers of STR's:

- Tier 1 owners are allowed to be absent from their STR property, while tenants are present, for up to 30 days. It is unimaginable that this stricture can be observed, much less enforced. Tier 1 owners should always be present during rentals. They can use the slow season to shut down for personal needs.
- Tier 3 STR's, as proposed, require a Conditional Use Permit, but there are no conditions proposed for obtaining the permit and they are to be permitted in residential zones. These STR's thus have unlimited occupancy and visitation rights and have the highest impact of the 3 tiers of STR's. They absolutely do not belong in residential zones.

Permitting the existence of commercial nonowner occupied STR's in residential areas sets up a perpetual tension and conflict between legitimate residents and commercial interests that should not be permitted to exist in residential zones. This state of affairs is destructive of the quality of life in the residential zones of Chelan County. Residents should not have to be calling or even thinking about calling the sheriff every weekend because of noisy disruptions by commercial operations in their neighborhoods. The sheriff cannot now deal with the volume of complaints from these facilities. Additionally, even if the sheriff responds, there is no follow up or penalty to the absentee owners.

Since the income potential from nightly rentals exceeds that of long term rentals, an increasing number of out-of-county investors are buying up properties, making them unavailable and unaffordable for people who live here. There are 72 house or condo real estate listings currently in the 98826 zip code. 50 are in areas where STR's are unrestricted. 40 of the 50 have marketing comments promoting them as potential STR'S. As you know from the Berk research group, we have added approximately 800 STR'S in the last 5 years. Additionally, many homes are converting to STR'S off the market and are unreported.

Considering the money to be made and that STR operation attracts investors, the problem is destined to grow. Please enforce the existing zoning regulations. If you are going to open to door to STRs in residential neighborhoods, limit it to Tier 1 (with clear standards regarding occupancy, health and safety, limits on density, etc.) with an owner on site during all rentals. This is the only type of STR which is compatible in residential zoning.

Friends of Leavenworth
PO Box 8
Leavenworth, WA 98826

CDPlanning@co.chelan.wa.us

Jim.Brown@co.chelan.wa.us

CD.Director@co.chelan.wa.us

Subject: Comments re: STR Regulations

Dear Commissioners,

Friends of Leavenworth is a non-profit organization that works to preserve the quality of life and environment in Leavenworth and its surrounding area. We have reviewed the regulations of Short Term Rental properties as proposed by Chelan County. In our comments, we urge the County to consider that nonowner occupied short term rentals are illegal in residential zones; they are commercial enterprises that should not be permitted in rural residential zones. We find that the proposed regulations are inadequate to render them compatible with residential zones. STR's that are not the owner's primary residence and are operated with no owner on site are very often the cause of conflict with year round residents of Chelan County's residential zones.

Commercial enterprises, often owned by corporations, are generally incompatible with residential zoning. Legalizing these commercial operations instead of eliminating them perpetuates their insidious and growing encroachment upon quiet residential communities. Currently, when a house is for sale, it is frequently purchased by investors for operation as an STR. In fact, builders are heavily engaged in building houses for STR's instead of residential homes. Nonowner occupied STR's have the potential to obliterate some residential communities by destroying the attractions of living in them.

Resident homeowners in residential zones historically have a right to expect:

- Peaceful neighborhoods free of commercial enterprises.
- Neighborhoods that are free of noises that are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals in the neighborhood.
- A sense of community with their neighbors. Short term tenants, in contrast to residents, often are unconcerned about the effects of their conduct on the community. This often means that the residents of the neighborhood are subjected to loud music and noisy parties. The absentee owners are not members of the community either and are mostly focused on profitable operation. The value of residence in the community is being degraded by the growth of illegal commercial STRs operated by absentee owners.

Proposed enforcement in the draft code is not adequate.

- Enforcement of regulations addressing the negative impacts upon the neighbors of these commercial operations requires employees who have the authority to follow up, log complaints, and issue fines. An agent of the owner cannot objectively perform these functions due to conflict of interest and a lack of respect by tenants. And, it is not unfair to state that STR tenants are often argumentative, belligerent, and intimidating toward neighbors who confront them directly and ask for cooperation. Two factors make many absentee owner rentals incompatible in residential areas: 1) alcohol and 2) tenants' attitudes that they have a right to enjoy themselves even if this adversely affects neighbors.

- The likelihood of negative impacts on local residents is elevated by the lack of owner influence over AIRBNB on who shows up or for what purpose. Owners rarely screen prospective tenants and don't seem to have or enforce good neighbor policies.
- The permit fees for the proposed regulations need to be adequate to allow for a robust permitting and enforcement program. At the present time, the county lacks the funding to enforce noise regulations and septic system regulations on these properties. Inability to enforce regulations that currently exist violates the trust of the community. Lack of enforcement has led to the current situation of hundreds of illegal STRs operating in the County and continually violating existing regulations regarding noise and health and safety (adequacy of septic and water, fire regulations, etc.). Septic systems of STR's have been known to fail and overflow chronically when tenant occupancy exceeds designed building capacity, as it often does.

Even a 5% limit on the number of STR's in each of the subareas of the County will not reliably protect local neighborhoods within each subarea from excessive concentration of STR's. For example, in the 98826 zip code, there is a likelihood of STR's to become very concentrated in the very desirable neighborhoods of the Icicle Creek valley and its hillsides. All locations in this valley are subjected to any noise within it, as noise reflects off of the bordering mountain sides.

As for specific comments on the regulation of the various Tiers of STR's:

- Tier 1 owners are allowed to be absent from their STR property, while tenants are present, for up to 30 days. It is unimaginable that this stricture can be observed, much less enforced. Tier 1 owners should always be present during rentals. They can use the slow season to shut down for personal needs.
- Tier 3 STR's, as proposed, require a Conditional Use Permit, but there are no conditions proposed for obtaining the permit and they are to be permitted in residential zones. These STR's thus have unlimited occupancy and visitation rights and have the highest impact of the 3 tiers of STR's. They absolutely do not belong in residential zones.

Permitting the existence of commercial nonowner occupied STR's in residential areas sets up a perpetual tension and conflict between legitimate residents and commercial interests that should not be permitted to exist in residential zones. This state of affairs is destructive of the quality of life in the residential zones of Chelan County. Residents should not have to be calling or even thinking about calling the sheriff every weekend because of noisy disruptions by commercial operations in their neighborhoods. The sheriff cannot now deal with the volume of complaints from these facilities. Additionally, even if the sheriff responds, there is no follow up or penalty to the absentee owners.

Since the income potential from nightly rentals exceeds that of long term rentals, an increasing number of out-of-county investors are buying up properties, making them unavailable and unaffordable for people who live here. There are 72 house or condo real estate listings currently in the 98826 zip code. 50 are in areas where STR's are unrestricted. 40 of the 50 have marketing comments promoting them as potential STR'S. As you know from the Berk research group, we have added approximately 800 STR'S in the last 5 years. Additionally, many homes are converting to STR'S off the market and are unreported.

Considering the money to be made and that STR operation attracts investors, the problem is destined to grow. Please enforce the existing zoning regulations. If you are going to open the door to STRs in residential neighborhoods, limit it to Tier 1 (with clear standards regarding occupancy, health and safety, limits on density, etc.) with an owner on site during all rentals. This is the only type of STR which is compatible in residential zoning.

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Friends of Leavenworth
PO Box 8
Leavenworth, WA 98826

RJ Lott

From: CD Director
Sent: Friday, June 12, 2020 9:58 AM
To: RJ Lott; Lisa Grueter
Subject: FW: STR Comment
Attachments: Short Term Rental Comment DG 11June2020.pdf

Deanna Walter, AICP

Interim Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6246 Main office (509) 667-6225
deanna.walterCD@co.chelan.wa.us



From: Duane Goehner <duane@live.com>
Sent: Thursday, June 11, 2020 5:26 PM
To: CD Director <CD.Director@CO.CHELAN.WA.US>; Doug England <Doug.England@CO.CHELAN.WA.US>; Kevin Overbay <Kevin.Overbay@CO.CHELAN.WA.US>; Bob Bugert <Bob.Bugert@CO.CHELAN.WA.US>
Subject: STR Comment

External Email Warning! This email originated from outside of Chelan County.

11 June 2020

To: the Chelan County Commissioners and Planning Commission

Re: Short Term Rental Code

Property Right Confusion. The negative impacts of Nightly Rentals on our residents and neighborhoods are evident by the testimony received over the last several years within our municipalities. The issue is not going away, and in fact, has increased in the long pauses of inertia in this process. If the endemic elements repeatedly expressed by the residents of Chelan County are ignored, or swept under the carpet in making the final determination, the problems will only intensify. Kicking the can down the road will not change the facts that transient housing in neighborhoods creates problems. It is for that reason that hotels, etc. are put in separate areas. The expectation that unattended transient housing facilities in residential neighborhoods will just magically work out goes against all common sense and zoning principles. The property rights of multiple homeowners near STRs have been all but forgotten. Their rights for peaceful neighborhoods, property boundaries and safety has been trampled on by those who call for owner rights to do what they want with their land. But property rights does not mean you can completely do what you want, because we are part of a society. Noise ordinances are in place because sound trespass can be an issue, adversely affecting property owners nearby. Your right to use your land ends when it negatively impacts those around you. You might choose to raise pigs and flocks of roosters on the property around your house, but there are regulations that prevent such use in some areas because of the smell and sound trespass to surrounding property. Sadly, it is this STR free-for-all by the County's sheepishness in failing to properly address and enforce problems that has passively permitted the same metaphorical noxious pig and rooster behavior to perpetuate in neighborhoods all over our county.

Enforcement or Bust. Having been adversely affected by nightly rentals in my neighborhood, I am troubled by the unrealistic belief that things will just get better by adding a few rules. Unless there is proactive enforcement, issues will grow exponentially. To date, the county has failed to demonstrate that they will enforce noise, trespass, and safety issues, even those on the books. So what is changing here? Unless there are adequate resources for county enforcement and the necessary funding for the same, along with consequences with bite, the rules will be broken with impunity for the offenders. I saw this happen for years in my neighborhood, and while the county enforcement officer wrote letters to the homeowner, the county had no stomach for prosecuting the homeowner. Guns being shot off, public urination by inebriated nightly renters, loud music and late parties all were seen as low priority for the sheriff's office. Not that they didn't care...rather, they didn't have the proper resources to care enough.

History repeats itself. I have attended countless county meetings and I have seen commissioners and county officials nod their heads. But have they personally been affected weekend after weekend by STRs? If not, then walking in those folks' moccasins will be essential in understanding the concerns of the breakdown in neighborhoods that they feel. They have experienced fully unsatisfactory enforcement and have seen no evidence of consequences. Why are we here today? Because the concerns were

RJ Lott

From: Jim Brown
Sent: Thursday, June 11, 2020 11:58 AM
To: RJ Lott
Subject: FW: [CD Planning]STRs
Attachments: str photo_n (1).pdf; IMG_3052.jpg

Jim Brown

Director
Chelan County Community Development
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From: Tracey Doherty <ttsvdoherty@gmail.com>
Sent: Thursday, June 11, 2020 10:55 AM
To: CDPlanning <CDPlanning@CO.CHELAN.WA.US>; Jim Brown <Jim.Brown@CO.CHELAN.WA.US>; CD Director <CD.Director@CO.CHELAN.WA.US>
Subject: [CD Planning]STRs

External Email Warning! This email originated from outside of Chelan County.

Dear Commissioners:

I am writing to you to express my concern over the current lack of codes and code enforcement for short term rentals in Chelan County! My husband and I purchased our home on Ski Hill Drive in Leavenworth over five years ago. We have worked really hard for what we have and are proud of owning a home in such a desirable area of Leavenworth. We are currently considered in the Urban Growth Area and at times feel like we are in enforcement purgatory- with neither city nor county enforcement codes available for us to rely on for mitigation of problem rentals in our neighborhood.

Our specific issue is with our next door neighbor. Our area is not zoned for short term rentals and yet he is choosing to operate an illegal short term rental and really does not screen his guests carefully. The owner does not live on site and unfortunately has not been responsive to our complaints. We have had constant issues with noise, overflowing garbage in the street, and profane encounters with guests. We have two young daughters and unfortunately, our front porch faces their backyard and our eldest daughter's room is parallel to much of the noise. She is routinely kept awake until 2am because of parties and we have had to call the Sheriff multiple times with noise complaints. Why should it be our responsibility to manage the activity of an illegal nightly rental?

Super bowl Sunday was a nightmare with over 15 people partying loudly and singing on a karaoke machine until 3am. Last year, during the week of the Leavenworth drive (the European car rally) there was yet again a large group of renters who chose to play music that was so laced with profanity that we wouldn't let our kids play outside. The week after that a bridal party rented the house and they showed up in a white van with penis's drawn all over it (see attached photo). I'm sure that is hilarious unless you live directly next to the constant debauchery. My kids have witnessed a ridiculous amount of public urination from our porch. Sadly, I could go on and on with more examples of behavior that is just not consistent with living in a family neighborhood.

All in all, we are not anti-short term rental as long as those rentals are regulated and located in the appropriate (non-residential) areas. There really needs to be a better process for code enforcement that ensures renters are being respectful of the area they are renting in. Or enables home owners to have some sort of recourse when someone is operating a short term rental where it isn't allowed. For example, if the commission had adopted codes that required a homeowner to be on site, I believe so much of our specific issues with noise and unruly behavior would be mitigated. Currently, we have no recourse!

Again, my husband and I have worked really hard for what we have. We love our home but on a consistent basis cannot enjoy it fully because of the issue of the short term rental next door. It feels extremely unfair to pay close to \$7500 a year in taxes to not have some sort of regulation and enforcement from the county that ensures our investment isn't so negatively impacted by an unlicensed rental. We specifically purchased our home in an area where nightly rentals were not allowed so we wouldn't have to deal with this very issue. As you proceed with developing the new regulations, I hope you take into account the concerns of the citizens whose lives and investments have been so negatively impacted by the lack of county codes and enforcement.

Thank you,

Todd and Tracey Doherty
10303 Ski Hill Drive
Leavenworth, WA 98826





Gretchen Daiber
Michael Heath
1535 Dempsey Rd., PO Box 967
Leavenworth, WA 98826

June 8, 2020

Chelan County Planning Commission
316 Washington St., Suite #301
Wenatchee, WA 98801

RE: Short Term Rentals

Dear Commissioners,

As 31 year residents, taxpayers and voters in Chelan County, we have many concerns regarding your proposal for regulating short term rentals. The question looms: is this county government managing for the health and welfare of its residents which make up our communities and neighborhoods or is it being managed for tourists and absentee land owners who are challenging the quality of life of our neighborhoods and larger community?

In the County's proposed Three Tier System only **Tier 1** should be considered with the **owners living on site**, even during festival times. Neighborhoods should belong to responsible neighbors, not irresponsible, loud party goers who have little or no regard for the safety, or peace and quiet of the community. When owners are present at all times the negative impact on the neighborhood is greatly reduced!

STR permits should not be transferable upon sale of property. New owners (or LLCs) must apply and be made aware of restrictions.

Residential zones should be for residents not commercial enterprises like STRs that greatly reduce the quality of life and safety of the neighbors. All STRs (existing and future) must be included in the density limit of 5% of the total homes in the 98826 zip code especially.

We have been asking the county for almost 19 years to address this problem. On our private dead end road one more home has just been turned into an **owner absent STR** making a total of three in a short 1 ½ mile road. Other owner present STRs on our road haven't presented nearly the problem.

Thank you for noting our concerns,

Gretchen Daiber and Michael Heath