From:	Steve Milner
To:	Jill Milner
Cc:	CD STRComment; Martha and Ed Evatt; Dick Cheyne; Brian Thompson; Bob Manthey; Carl Komer
Subject:	Re: REVISED PUBLIC COMMENT FOR THE BOCC WORKSHOPS/PROPOSED CODE AMENDMENTS - Short term rentals
Date:	Wednesday, August 12, 2020 1:38:49 PM

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

The purpose of the second to last paragraph was to offer suggestions and justification for revising existing county law and policy in light of the state supreme court ruling. In essence .. grandfathers the exclusionary interpretation of the term "residential" to exclude rentals of structures built prior to the court's ruling. Nothing we can do about construction post dating the court's ruling.

Brighter minds no doubt have offered other solutions for revising the county code to prohibit rentals of residential zoned properties. My two cents worth.
Steve

On Wed, Aug 12, 2020 at 9:55 AM Jill Milner <healerjill@gmail.com> wrote:

> Looks good to me. Thanks for doing this not sure I understand the legal paragraph. Maybe u can explain.
>
> On Mon, Aug 10, 2020, 7:59 PM Steve Milner <steve.s.milner@gmail.com> wrote:
>
> > PUBLIC COMMENT FOR THE BOCC WORKSHOPS/PROPOSED CODE AMENDMENTS
> >
> > Dear County Commissioners.
> >
> > My wife and I became homeowners with primary residence in Chelan County in 2007. Our home is in the Chelan Ridge Community Assn. HOA. Prior to purchasing our home we asked several real estate agents questions concerning the nature of community life within the HOA. We were looking for a community where people lived, worked and sent their children to school here in Chelan County. We were consistently told prior to purchase by HOA representatives, residential and commercial real estate agents and prospective sellers that allowed uses of properties in Chelan Ridge Community were limited to "residential" purposes and that income earning uses such as rentals were prohibited by county code and HOA covenants under this property classification. We read the HOA covenants and confirmed that property use was limited to "residential" use.
> >
> > In 2017 several Chelan Ridge homeowners sought to sell their homes. One of these properties had been listed for over a year. Two others were listed with similar latencies. This was no doubt in part due to their expectations on sale price. However, a buyer approached one of these families with an attractive offer under the condition that the buyer could rent the property subsequent to purchase. That owner approached the HOA requesting that the covenants be revised to allow rentals. This matter was brought before the board for discussion. Subsequently, the board distributed a ballot to membership asking a single question. Should the HOA revise its covenants to allow property rental subject to a thirty day minimum term? The membership passed the measure in accordance with voting rules in the bylaws.

Shortly thereafter, the HOA's attorney advised the board that the Washington State Supreme Court ruled that the term "residential" included such uses as property rental and that our covenants were not sufficiently specific to prohibit rentals. Thereafter, the board advised members that the measure brought to us was advisory only. No amendment was made to the covenants.. Thereafter, that property and others sold to owners who proceeded to rent their properties on a short term basis. There are now at least four properties in our 40 member community that are routinely rented on a short term basis (typically weekend to one week in length) and I've been advised that several new home builders are considering renting until retirement.

Thereafter, I requested the board to ask the attorney to write an amendment prohibiting short term rentals that conformed to the Supreme Court's ruling which would then be brought forward for a vote. The board responded to the petitioners that the owners of rental properties would sue on the basis that the HOA would have unlawfully taken their right to rent. Those of us who do not rent responded that the owners of the rental properties had taken our right to enjoy the amenities of community living which were represented to us prior to purchase. The community is operating under the tacit understanding that our attorney is correct and therefore that rentals are allowed. Notwithstanding the Supreme Court's ruling, representations were made to prospective buyers of properties in the Chelan Ridge Community that renting was prohibited consistent with then common practice.

Therefore, we ask relief from the County Commission to revise its codes, policies and rules to define **real estate transactions of** residential property **past, present and future constructed** prior to the Supreme Court ruling conform with established practice and representations made prior to the Supreme Court ruling - ie. properties classified as residential may not be rented or leased. I argue that buyers and sellers of homes prior to that date understood this prohibition by their aforementioned conduct. I argue that buyers and sellers and their agents prior to the Supreme Court ruling could not have reasonably reviewed the law and come to the same conclusion of the jurists. I argue that the law prior to the Supreme Court ruling was ambiguous, and therefore, that common practice should prevail for all residential property **constructed** prior to the court's just ruling.

Finally, there have been numerous complaints to the Chelan County Sheriff and State Park Rangers and late night confrontations with renters violating burn bans, launching fireworks over the neighboring state park, littering, inappropriate handling of trash, repeated septic system alarms, prohibited uses of the members' private marina, failing to show required insurance prior to use of the marina, noise and other nuisances perpetrated by renters. We who live in Chelan Ridge year around are fed up and several have committed to selling and leaving what was once a close community. Please help us.

Sincerely,

Steve Milner
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