

Jessica K. Thompson

From: Dylan O'Hearn <dylanp.ohearn@gmail.com>
Sent: Sunday, November 3, 2024 1:48 PM
To: CD Comment
Subject: Short-Term Rentals: Close Stehekin Exemption

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

Hi CD team,

I'd like to submit comments in advance of the 11/13 county meeting on short-term rentals (STRs). My concerns are mostly specific to the Stehekin exemption - my family is a Stehekin property holder - but some may be relevant when considering the STR issue generally for Chelan County.

I would like to see the Stehekin exemption immediately terminated. I understand this to be the position of a growing contingent in the valley. My concerns are as follows:

1. Stehekin needs more code and restrictions, not less because of the inherent limitations with its infrastructure (e.g., limited hydro power, waste collection).
2. Stehekin needs more STR code not less because of the outsized impact short-term rentals will have on a community of its size and wild nature. I.e., Even small amounts of unregulated growth in STRs will occur within a very small community, thus having a large impact.
3. Regulation concerning STRs in Stehekin needs careful study considering the factors above. Therefore, the longer this exemption exists the longer the community is vulnerable to potential irreversible impacts of negative consequence.

Lastly, I will say that I personally benefit from the abundance of STRs in WA. I love being able to feel as though I can experience any of our amazing landscapes/climes in an intimate way at relatively low cost. But as a user of the most popular platforms (AirBNB, VRBO) I also see the negative side. The soullessness of cheap development for the sake of STR income, local communities awash in global real estate dollars, the loss of local authenticity and value of place. Sadly, when browsing these platforms the images and listings often suggest more and more of the latter. I appreciate Chelan's efforts to look at this issue and urge action in Stehekin ASAP.

Thank you!
Dylan

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Dylan P. O'Hearn
109 NW 45th Street
Seattle, WA 98107

"A foolish consistency is the hobgoblin of little minds..." R.W.E.

November 7, 2024

Chelan County Community Development
Attn: Planning Commission Hearing Comments
316 Washington St., Suite 301
Wenatchee, WA 98801

RE: ZTA 24-328 - Proposed amendments to the Short-Term Rental provision in the Chelan County Code, specifically Section 11.88.290

Dear Planning Commissioners,

I am submitting these comments relative to the Planning Commission hearing on November 13, 2024, to consider potential changes to Chelan County Code (CCC) 11.88.290 (action ZTA 24-328). In looking at the final version of the proposed code changes posted for this hearing, it's disappointing to see some of the changes that have been retained and at least one that has been deleted from earlier versions of the draft code. I will address each of these below by subject and section number.

Purpose - 11.88.290(1)(A)

The draft code proposes to remove text from the code as follows:

Where excess rental units exist in residential communities, it has been shown to ~~be detrimental to the affordable residential housing inventory and~~ adversely affect the residential character of those neighborhoods.

It is unclear why the Planning Commission would recommend this. First, the statement is absolutely true and Residents Coalition of Chelan County (RC3) has provided numerous references as to why it is true. This is a fundamental reason why CCC 11.88.290 was needed in the first place. This deletion would betray that fact.

Second, this removal would be against the advice of the County's own prosecuting attorney, Marcus Foster. In an earlier draft of the code which included this proposed deletion, Mr. Foster commented:

I definitely believe this should be left in. It is one of our major justifications for the code. Deleting it undermines the idea of having caps.

Why would the Planning Commission make a recommendation in opposition to the advice of counsel?

If the rationale at all related to how "affordable housing" is defined, this could simply be reworded to instead reference "the affordability of residential housing", which, again, is absolutely true.

Purpose - 11.88.290(1)(C)

The draft code proposes to remove text from the code as follows:

The provisions of this chapter are necessary to promote the public health and safety by protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the nuisance impact of short-term rentals on adjacent residences ~~and by minimizing the detrimental impact of excessive short term rentals on the affordable housing supply.~~

This deletion should not be made for the same reasons discussed in the previous section of this letter.

STR Caps - 11.88.290(2)(B)(ii)(a)

The draft code indicates that the Planning Commission should “REVISIT/REASSESS ALL CAP NUMBERS - OR REMOVE - PC TO PROVIDE RECOMMENDATIONS”

As noted in the Staff Report for this hearing, changes to this code must comply with CCC 14.13.040, which requires in part that:

The amendment is necessary to resolve a public land use issue or problem.

The Staff Report does not indicate what issue or problem this code change is addressing. In a meeting with two RC3 board members, County Commissioner Gering did provide two reasons why she felt the STR caps should be revisited and possibly removed. I submitted a letter dated October 13, 2024, to the Planning Commission that explicitly addresses those two reasons (I’m attaching that letter here to make it easier to find).

As concluded in that letter, “*I believe that the discussion above completely negates the stated reasons provided by Commissioner Gering for revisiting or removing the STR caps in the STR code.*”

In addition, I would also note that when the County’s own prosecuting attorney, Marcus Foster, reviewed this suggestion, he commented:

This could create an issue in litigation. These numbers were negotiated at length. So far the only testimony to change caps I know of is Manson wanting to DECREASE their cap. Raising caps eliminates a large part of the purpose of the code.

Further, having this proposal as part of the draft code being reviewed for this hearing creates a State Environmental Policy Act (SEPA) issue as will be discussed in a separate section below.

Again, I would hope that the Planning Commission does not make recommendations for the code that are in opposition to the advice of counsel and do not meet the requirements of CCC 14.13.040.

Fire, Safety, Health, Short-Term Rental Standards, and Building Codes Compliance, and Inspections – 11.88.290(4)(H)(i)

In prior versions of the draft code prepared for previous Planning Commission meetings, the following changes to this section were proposed (bold font added for emphasis):

*Fire and Emergency Safety and Short-Term Rental Standards. Prior to approving the initial short-term rental permit **and prior to each renewal**, the ~~applicable fire district~~ Fire Marshal’s Office or community development personnel must perform a life safety and applicable short term rental or conditional land use permit standards inspection, ~~except as provided under subsections (4)(H)(iii) and (iv) of this section.~~*

In the version of the draft text prepared for the November 13 hearing, the key text in bold font (“and prior to each renewal”) has been removed.

I sat in on the September 12, 2024, Planning Commission meeting where Fire Marshall Chris Pederson addressed the commissioners concerning this particular section of the code. She adamantly supported the inclusion of annual life safety inspections. One commissioner asked if Fire Marshall Pederson was aware

of any historical fires at STRs in Chelan County. She indicated that she didn't know of any off the top of her head, but just because one had not occurred did not mean one could not occur in the future.

At that point, that commissioner became combative and argued with the Fire Marshall that he could not see a reason why annual life safety inspections should be required simply based on her professional judgement.

I strongly disagree with that commissioner, I support the statements made by Fire Marshall Pederson during that meeting and respect her professional judgement, and I am disappointed with the manner that she was treated at that meeting.

I would also like to point out that just over a month after that meeting, there was a fire at an occupied STR in Leavenworth that was caused entirely by the negligence of the STR owner. I am aware of this fire because my wife was one of the occupants of that STR at the time of the fire. I have also obtained the incident report for that fire which notes that the cause of the fire was the negligent placement of lumber against an external exhaust vent for the propane fireplace. If not for an observant neighbor who suppressed the fire with a garden hose, this fire could have been much worse than it was.

My wife has submitted a summary of this incident to the Planning Commission for this hearing, which I am also attaching here to make it easier to find, and I have provided those comments and the fire department's incident report to Fire Marshall Pederson.

The flippant attitude of one of the commissioners towards this issue now feels very personal to me. Although even annual life safety audits will not catch every unsafe set of conditions that might occur during the year, it shows that the County takes fire safety at STRs seriously and conveys this message to STR owners. I do believe that it would help create an appropriate culture of safety surrounding STRs, acknowledging that these are commercial enterprises run by owners who may otherwise treat life safety self-certifications as a set of boxes to check off without really taking the appropriate care and caution that is warranted by such a serious issue.

I request that the requirement for annual life safety inspections be added to this part of the code.

SEPA Determination Issue

As mentioned above, I believe that the proposal to reexamine/revisit/remove the STR caps presents a SEPA issue for the County and requires that this process be halted at this time. As part of the hearing agenda packet, and referenced in the Staff Report, the County issued a SEPA determination of non-significance (DNS) on August 14, 2024, for "minor text amendments" to CCC 11.88.290.

First, given that the code amendments include the possibility of removing, or significantly increasing, the STR caps, this can hardly be considered a "minor" text amendment. Such a change could result in hundreds, if not more than a thousand, new STRs in Chelan County. This would clearly have a major impact on housing-related issues, including housing affordability and the frequency of nuisance issues.

More importantly, in the context of SEPA, by issuing this DNS the County has not fully addressed this potential drastic increase in STRs in the county. In order to issue a DNS, the County must be able to demonstrate that the change will not cause a "probable significant adverse environmental impact" (WAC 197-11-340). Further, the SEPA rules define "environment" in this context to include housing (WAC 197-11-444(2)(b)(ii)).

Contemplating removing or significantly increasing the STR caps would certainly have a significant impact on housing in Chelan County, precluding the issuance of a DNS in this case. The Washington

State Supreme Court recently clarified this general situation in *King County v. Friends of Sammamish Valley*, No. 102177-1 (September 19, 2024) when new zoning code allowances are provided, particularly in situations where it is well known that the new allowances will be taken advantage of to a significant extent.

In the particular case being evaluated, King County created code changes allowing wineries, breweries, and distilleries (WBDs) on agricultural lands and it was known based on historical evidence that WBDs would proliferate if allowed. The situation with STRs is identical, since we have historical knowledge that STR growth will occur rapidly if allowed.

In this situation, the Supreme Court noted in reference to SEPA review of these code changes (bold font added for emphasis):

*The County must consider the likely environmental impact if **all the land located in the area is put to its maximum use under the new regulation** because it is very probable that the land in this popular winery destination area and other areas will be used in that manner.²² The Board expressly noted that the County must evaluate the potential impacts allowed by the changed designation where these "impacts are not merely hypothetical but can be known or **are reasonably foreseeable**." AR at 49412. As the Board found, "In sum, when a county amends its Comprehensive Plan or changes zoning, **a detailed and comprehensive SEPA environmental review is required to understand and evaluate the impact of the change in allowable uses.**" AR at 49413 (emphasis removed). We agree.*

The court upheld a previous decision to invalidate the parts of the code that allowed WBDs based on the improper DNS finding.

I conclude on this basis that the County's SEPA DNS is improper and either a) the proposed code changes need to be re-presented to the public without the proposal to reexamine/revisit/remove the STR caps, or b) the proposed code needs to be re-presented to the public with a more comprehensive SEPA environmental review that evaluates and addresses the impacts from the expected significant increase in STRs that would result from potentially removing or significantly increasing the STR caps.

Thank you for your consideration of these comments.

Sincerely,



Brian Patterson, Ph.D.
150 Kestrel Lane
Manson, WA 98831

October 13, 2024 Letter to Planning Commission

October 13, 2024

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

RE: Comments on Proposed Code Text Amendments – ZTA 24-328 - Proposed amendments to the Short-Term Rental provision in the Chelan County Code, specifically Section 11.88.290

Dear Planning Commissioners:

These comments are specific to the proposal to “Revisit/Reassess All Cap Numbers – Or Remove” pertaining to Chelan County Code 11.88.290(2)(B)(ii) as included in the agenda packet for your October 16, 2024, meeting. These are the caps on the maximum percent share of short-term rentals (STRs) in residential zones as part of total housing stock.

It was unclear to me why the Board of County Commissioners (BOCC) had proposed that the STR caps potentially be revised or even removed after the years of effort that went into developing the STR code, including these caps. When I recently met with Commissioner Gering,¹ she stated that it was not related to recent declines in lodging tax revenues, even though others have blamed this decline on the STR code coming into effect in 2021 (Residents Coalition of Chelan County has clearly demonstrated that the STR code is not the primary driver of these declines in a detailed presentation of lodging tax and total taxable sales data dated September 16, 2024).

Instead, Commissioner Gering said that, from her perspective, there were two reasons for the BOCC’s desire to revisit or remove the STR caps:

- 1) The burden of litigation that the County has endured defending the code, especially from STR owners who have been denied permits, is costing the County a lot of money. If the caps were increased or removed, many of these STR owners would be able to obtain permits and would be less likely to sue the County.
- 2) Since the Manson Community Council (MCC) had requested that the cap for the Manson Urban Growth Area (UGA) be reduced from nine percent to six percent, it was fair to reexamine all of the caps.

I would like to look at these two reasons in more depth.

The first reason was the proliferation of legal claims against the County by those who have been denied STR permits and the associated costs to the County of having to defend against those claims. I asked Commissioner Gering if it wasn’t true that the vast majority of those claims have already been

¹ As a representative of Residents Coalition of Chelan County.

adjudicated – she said she didn't know. I believe that the majority of these claims have already been addressed, so going forward, very few such claims would be expected as potential grandfathering issues get resolved. In other words, whatever associated expenses the County may have endured, they have already been spent and cannot be recovered at this point.

I would also note that making such a drastic change to the STR code would carry its own legal risk for the County. This risk was articulated by Marcus Foster, a prosecuting attorney with Chelan County, when he reviewed the proposed changes to the STR code in early August of this year. On the proposal to change the STR caps, he wrote *"This could create an issue in litigation. These numbers were negotiated at length. So far the only testimony to change caps I know of is Manson wanting to DECREASE their cap. Raising caps eliminates a large part of the purpose of the code."* I think Mr. Foster makes a very good point, which should be heavily weighed when considering whether or not to change the STR caps.

The second reason Commissioner Gering gave was that the BOCC felt that since the MCC was requesting a decrease in the nine (9) percent cap in the Manson UGA to six (6) percent, it was reasonable to review all of the cap numbers. At that point I noted how this requested change actually came about.

At the December 11, 2023, BOCC meeting, Community Development Director Deanna Walter brought up the issue of the nine (9) percent cap in the Manson UGA versus the six (6) percent cap for the 98831 (Manson) zip code. She noted that it made the math complicated having two different caps for two overlapping areas.

At this point in the BOCC meeting, one of the Commissioners suggested that maybe the cap for the entire zip code should just be changed to nine (9) percent for simplicity.

I then contacted Kari Sorenson with the MCC to review what had been discussed on this issue in the December 11 BOCC meeting. The general consensus between Ms. Sorenson and me at this point was that if the caps for the Manson UGA and the entire 98831 zip code needed to be the same, then it should be set at six (6) percent, not nine (9) percent. Since both the Manson UGA and the entire 98831 zip code have STRs well below six (6) percent currently, this made sense. The MCC subsequently indicated to the County that they would prefer a six (6) percent cap for the Manson UGA.

So, in fact, the potential change to the STR cap for the Manson UGA was really initiated by the BOCC, not the MCC. My recommendation is to simply leave the Manson UGA cap at nine (9) percent, and I suspect that the MCC would be supportive of this as long as the cap for the entire 98831 zip code is also left at six (6) percent.

I would like to point out that having a nine (9) percent cap on the Manson UGA and a six (6) percent cap on the 98831 zip code is really not that complicated. It just means that two separate requirements get applied to new STR permit requests in the Manson UGA. A new STR permit in that area can only be granted if both cap requirements continue to be met. In the regulatory world there are thousands, if not millions, of situations where two or more requirements apply simultaneously. This is neither complicated nor difficult to monitor and demonstrate.

I believe that the discussion above completely negates the stated reasons provided by Commissioner Gering for revisiting or removing the STR caps in the STR code.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Brian Patterson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Brian Patterson, Ph.D.
150 Kestrel Ln
Manson, WA 98831

November 1, 2024 Comment Letter on STR Fire

Jessica K. Thompson

From: Debra Patterson <dkpatters@gmail.com>
Sent: Friday, November 1, 2024 2:48 PM
To: CD Comment
Subject: Comments on ZTA24-328 Public Hearing

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

Planning Commissioners,

These comments pertain to the potential changes proposed to the County's short-term rental (STR) code.

One of these proposed changes includes requiring that the STR owner procure an annual life safety inspection from the Fire Marshall's office (or other authorized entity) instead of a simple self-certification. I support this change and believe having a professional inspection is essential for providing safe accommodations for STR occupants. Although these inspections only address certain points in time, they will help catch potential unsafe conditions and create a culture of safety around STRs.

I'm aware that at the September 12, 2024, Planning Commission meeting, Chelan County Fire Commissioner Chris Pederson provided input supporting this change. I also heard that one of the Planning Commissioners pushed back on Ms. Pederson's assertion that these inspections were important because he was not aware of any fire-related incidents at STRs in Chelan County. Ms. Pederson appropriately pointed out that just because something hasn't happened yet, it doesn't mean it won't happen in the future.

Along those lines, I want to share my recent experience renting an STR in Leavenworth on October 21, 2024.

First of all, the rental was actually two houses (main house and an add-on house) connected by an enclosed breezeway. I decided to turn on the gas fireplace in the living room of the add-on house, and another guest turned on a portable space heater in the adjacent bedroom, because it was quite cold and it wasn't obvious yet where the primary heat source was located.

Our group of seven women left all the doors open between the two houses and were having some dinner in the main house when one woman heard a very faint alarm in the other house so she went to investigate and came running back to tell us that smoke was building up in the downstairs bedroom of that house. We all rushed back, saw the smoke and panic ensued. A few of the guests tried to find the source of smoke with no success. I rushed outside and called 911, only to find out that the nextdoor neighbor had already noticed flames outside our house, called 911 and was spraying water on the flames with his water hose over a shared fence. I could hear the fire trucks approaching from a distance also. The rest of the group came outside, and heads were counted by a firefighter to make sure all were accounted for and safe. We all waited in the driveway for the firefighters to do their work.

The actual incident report indicated that the neighbor had put the bulk of the fire out with his water hose, but the fire had extended to the eaves, and the firefighters had to put that out. They also had to remove the upstairs bedroom ceiling sheetrock directly above the eave because high heat was detected during a Thermal Imaging scan. The report also said that the smoke detectors were hard wired with battery backup, but that hard-wired system failed due to the fact that none of the other smoke detector alarms were activated. The battery-operated detector that did work was faint, which wasn't mentioned in the report.

The fire department determined that the ultimate cause of the fire was from the exterior exhaust for the fireplace. It was determined that "Combustible materials stacked on and adjacent to the exhaust had ignited".

We are all thankful that the fire happened while we were not sleeping and that the neighbor saw what was happening and took action immediately. Had this happened during the night hours, who knows what the outcome would have been.

This recent event shows that fire-related life safety issues at STRs should be a concern for the County, and STR owners alone cannot be relied upon to ensure STR occupant safety. Although not a guarantee that future life safety events will not occur, annual inspections can help create the necessary culture of safety around STRs that will help protect occupants.

Thank you for your consideration.

Debra Patterson
150 Kestrel Lane
Manson, WA

Jessica K. Thompson

From: Sandy Walker <sandywalkerart@gmail.com>
Sent: Friday, November 8, 2024 12:39 PM
To: CD Comment
Subject: short term rentals

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

Dear Commissioners

I am writing as a property owner and long time (40 years) part time resident of Stehekin. I am responding to the lack of inclusion of Stehekin in any regulation or limitation to short term rentals in the Stehekin valley.

I am urging you to remove that exception of Stehekin to any limits on short term housing there. We need regulation and limitation to short term rentals since they can seriously effect the very nature of the valley while we all hope to preserve its very unique and special quality . As I am sure you know that Stehekin is a very unique place, remote by its very nature with limited access and closeness to the nature that surrounds it. Increased housing of the kind that short term rentals represent is a negative influence on the community if it is not limited. There are relatively few private properties relative to the open space. This is one of the special and unique qualities of the valley and community. One great need of the community has been its need for housing. If many, if not all, the available properties are allowed to become short term income businesses, that further limits the amount of housing for community members as well raises the average rent on each rental. This outcome has in fact already happened. Rents are too high as compared to the average local income, inhibiting community members ability to live there. I do not advocate expansion of zoning to allow for more development because that would negatively impact the nature of the valley itself with denser housing, more cars, impacts on the natural environment and so forth.

Personally I regret the influence that the short term rentals have had on the level of the rents now. I wish there was affordable housing in the valley for people who desire to live and work there year around. As it is , the rents are too high. That is largely because of the increased value of available houses due to the short term market which is booming in Stehekin as it is in other Chelan Co. locations.

Thank you or your attention. Please remove the exception to limits on short term housing in Stehekin and apply the same standards (percentages of properties able to be short term rentals) as you do in other parts of Chelan County. We need a fair and equitable balance, which limitations afford.

Sandy Walker
Box 307
Stehekin WA 98852

www.sandywalker.com

Jessica K. Thompson

From: Skip Claeson <skipclaeson@hotmail.com>
Sent: Friday, November 8, 2024 1:10 PM
To: Kevin Overbay; Shon Smith; Tiffany Gering; CD Comment
Cc: Skip Claeson; Cathy Mulhall
Subject: Revision of the STR regulations

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Subject: Short Term Rentals (STRs) in Chelan County

So you are stirring the pot again in hopes of expanding the STR #s in Chelan County. This issue was resolved only a few years ago after a very thorough review process, including hiring a consultant, & a great deal of thought & action by a large number of Chelan County residents & non-county businesses. Now you are trying to rush this change thru without a careful & thorough process. Frankly it pisses me off that you are wasting the time of yourselves & we residents by bringing this up again. This sounds like a good opportunity for a suit against each of you for wasting taxpayer time & money.

Please cease this foolish action immediately.

Skip Claeson

Jessica K. Thompson

From: Residents Coalition of Chelan County <info@coalitionofchelancounty.org>
Sent: Saturday, November 9, 2024 9:58 AM
To: CD Comment
Cc: Deanna C. Walter; Kirsten Ryles; Brian Patterson
Subject: RE: ZTA 24-328 - Proposed amendments to the Short-Term Rental provision in the Chelan County Code, specifically Section 11.88.290

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

Dear Planning Commissioners,

We are encouraged that progress has been made in preserving some of the key provisions of the County's existing STR code as a result of your workshop discussions so far. However, we still have concerns about some of the proposed changes.

Purpose - 11.88.290(1)(A)

The draft code proposes to remove text from the code as follows:

Where excess rental units exist in residential communities, it has been shown to be detrimental to the affordable residential housing inventory and adversely affect the residential character of those neighborhoods.

It is still unclear why this change is being made. First, this statement is a fact. Numerous credible studies from around the country have shown that excess STRs in residential zoning do have a negative effect on the availability of both affordable and market rate housing. New homes are not being built at a rate that would compensate for the removal of homes from the housing inventory. We suggest the Planning Commission reword the sentence as follows: "*Where excess short term rental units exist in residential neighborhoods, it has been shown to negatively affect **the availability and affordability of housing for full-time residents.***"

Purpose - 11.88.290(1)(C)

The draft code proposes to remove text from the code as follows:

The provisions of this chapter are necessary to promote the public health and safety by protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the nuisance impact of short-term rentals on adjacent residences and by minimizing the detrimental impact of excessive short-term rentals on the affordable housing supply.

Similar to the above comment, we recommend the last part of the sentence read as follows: "*and by minimizing the detrimental impact of excessive short-term rentals **on the availability and affordability of the housing supply.***"

STR Caps - 11.88.290(2)(B)(ii)(a)

The draft code indicates that the Planning Commission should “REVISIT/REASSESS ALL CAP NUMBERS - OR REMOVE - PC TO PROVIDE RECOMMENDATIONS”

As noted in the Staff Report for this hearing, changes to this code must comply with CCC 14.13.040, which requires in part that:

The amendment is necessary to resolve a public land use issue or problem.

The Staff Report does not indicate what issue or problem this code change is addressing. The caps were established because research studies showed that there were multiple detrimental effects from an excess of STRs in residential zoning. These effects include putting upward pressure on housing prices, reducing the inventory of housing units available for full time residents, and nuisance issues. STRs are a commercial use and, as such, their presence in residential zoning must be carefully controlled.

We would also point out that the County’s prosecuting attorney, Marcus Foster, stated the following about any change in the caps:

“This could create an issue in litigation. These numbers were negotiated at length. So far the only testimony to change caps I know of is Manson wanting to DECREASE their cap. Raising caps eliminates a large part of the purpose of the code.”

Fire, Safety, Health, Short-Term Rental Standards, and Building Codes Compliance, and Inspections – 11.88.290(4)(H)(i)

In prior versions of the draft code prepared for previous Planning Commission meetings, the following changes to this section were proposed:

Fire and Emergency Safety and Short-Term Rental Standards. Prior to approving the initial short-term rental permit and prior to each renewal, the applicable fire district Fire Marshal’s Office or community development personnel must perform a life safety and applicable short term rental or conditional land use permit standards inspection, except as provided under subsections (4)(H)(iii) and (iv) of this section.

In the version of the draft text prepared for the November 13th hearing, the requirement for a life safety inspection prior to each renewal has been removed.

This change has been made against the advice of the County’s Fire Marshall. RC3 also consulted with the Fire Safety Officer for Fire District 3 (Leavenworth area) and he supports the requirement for annual inspections.

Guests in STRs are unfamiliar with the unit they have rented and would be ill-prepared to respond to an emergency. For this reason, all STRs must be in compliance with safety codes for their own protection and that of adjacent residences. Again, it must be remembered that STRs are a commercial use and must meet more stringent standards than residential homes.

Not Counting Children Under 24 months of age

You have received testimony from the Chelan Douglas Health District and the Fire Marshall that existing regulations count all persons, including children under 24 months. It is a myth that children under 24 months do not contribute to wastewater flows—water is still used for food preparation and cleanup, washing clothes, and children need baths. It is also a myth that all the rental platforms do not count children under 24 months. For example, VRBO does count small children. And the listing information for an STR on any of the platforms

can provide clear information that the occupancy maximum includes children under 24 months. Not counting these children will result in higher occupancies in all three Tiers of STRs. Occupancies in STRs already far exceed the average occupancy in a residence in Chelan County which is 2.55 persons. Increasing occupancy is a safety and health issue and it further increases the basic problem of trying to make commercial lodging compatible in a residential setting.

SEPA Determination Issue

We believe that the proposal to reexamine/revisit/remove the STR caps presents a SEPA issue for the County and we request that this issue be discussed with the Prosecuting Attorney before any action is taken on the ordinance. As part of the hearing agenda packet, and referenced in the Staff Report, the County issued a SEPA determination of non-significance (DNS) on August 14, 2024, for "minor text amendments" to CCC 11.88.290.

Given that the code amendments include the possibility of removing, or significantly increasing, the STR caps, this can hardly be considered a "minor" text amendment. Such a change could result in hundreds of new STRs in Chelan County. This would clearly have a major impact on housing-related issues, including housing affordability and the frequency of nuisance issues.

We refer to the comment letter submitted by Brian Patterson dated November 7, 2024, for a more detailed explanation of why this is a legal issue that must be addressed.

Conclusion

We have recently completed a survey of residents concerning their views about STRs in residential zoning. The results of this survey will be presented at the public hearing on November 13th. The results show that the majority of residents strongly support the protections provided by the existing STR code.

RC3 does not object to the administrative cleanup of the code nor to the change that would allow parking in the setback area. We would object to any other weakening of the parking provisions.

In conclusion, we want to remind your Commission that the majority (72%) of the Tier 2 and 3 STR owners do not live in Chelan County. It seems only fair that the concerns of residents and local employers (whose employees need housing) be given higher priority than those of investors and people desiring second homes.

Thank you for your consideration of our comments.

Sincerely,

Board of Directors

Residents Coalition of Chelan County (RC3)

Jessica K. Thompson

From: Theresa Stone <theresa@hellomonster.com>
Sent: Saturday, November 9, 2024 4:00 PM
To: CD Comment
Subject: STR zoning restrictions

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

Hello Chelan planning commission -

I wanted to reach out to ahead of the meeting on Wednesday. We have owned our Chelan property since 2018 and were renting, using a property manager, paying the taxes, had insurance in place, etc. up until the STR regulations were put in place. We had everything submitted and in order but because of a building permit issue that the seller had lied and hid from us when we purchased the property, we were denied. We then had to go through a lengthy process to get the building permitted to a residence. Because of the time it takes to get contractor services in Chelan and the permitting process, we were 3 months shy of making the grandfathered-in date, despite actively working on the change from the moment we found out what happened. It was only when we resubmitted for our STR permit, after jumping through every hoop the county and STR team had asked us to, that they informed us they were denying us because of the R5 zoning rule. This is a seemingly arbitrary zoning rule that does not in any way go back to why the regulations were put in to begin with. We have complied in every way even before there were regulations in place to be a good neighbor (we literally have one neighbor who lives hundreds of feet away). We spent over \$30k to make the changes to get the permitting changed, had to get an attorney to take this to the county after being denied where we incurred another \$10k in legal fees. Prior to having our STR permit denied, we had been in the process of making plans to build so we could move to Chelan when we retire, and in the meantime rent the property so we could afford to do the build (we only have 7 years to go!). We love this property and I have been coming to Chelan my entire life, but it is a huge financial impact on us to be make two mortgage payments each month. I hope you will consider re-evaluating the zoning rules that have been in place. My understanding of the origins of the STR permitting was to regulate the process and not impact the residence of Chelan in a negative way, which we fully support. Again, we have done everything to do things the right way and feel like this is an unfair burden as a property owner to say we can't rent because we need to have 5 acres when we live on a legal nearly 1 acre piece of property. We purchased our property well before this was in place. The regulation of requiring someone to have 5 acres seems completely disconnected from the intent of the STR regulations and a substantial overreach of property rights by the county.

At the upcoming meeting, I hope you will consider our situation and the many other people that want to be part of the community in Chelan that these regulations impact.

Thank you for your consideration,
Theresa Stone
165 Winesap Avenue
Kirkland, WA 98033

Theresa Stone

Jessica K. Thompson

From: William Gardner <donnabillgardner@msn.com>
Sent: Saturday, November 9, 2024 7:44 PM
To: CD Comment
Subject: November13th Hearing. Comments

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

I am unable to attend the November 13th hearing in person or via Zoom so am submitting my comments via email. I appreciate you taking our comments.

Thank you for withdrawing the proposal to open Tier 1!
Thank you for keeping Tier 1 for owners who reside on the property.

Please keep the 6% limit.
We do not need more nightly rentals in our neighborhoods.

Children under 2 must be counted! The Fire Marshall regulations count them as do the Health District regulations. Those critical health based regulations need to be upheld! Health and Safety matter in these nightly rentals and in all of our regulations.

Sincerely,
William

Jessica K. Thompson

From: Michael Martin <Ma9martin@outlook.com>
Sent: Sunday, November 10, 2024 8:41 AM
To: CD Comment
Subject: STR Code Proposed Revision

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

Dear Commissioners,

I am writing today to urge you to consider reducing the number of STRs in Chelan County, not increasing the number allowed.

Doing so will reduce noise, traffic, and garbage issues. More importantly, it will keep houses for families and hotels/motels or existing STRs for visitors.

Chelan County is experiencing a housing crisis. We have a shortage of home for sale or rent and a severe shortage of affordable homes for sale or rent.

Please keep our neighborhoods free of any additional STRs.

Sincerely yours,
Michael Martin
Leavenworth UGA
360-901-4932

Jessica K. Thompson

From: Carolyn McConnell <mcconnellmotherload@gmail.com>
Sent: Sunday, November 10, 2024 9:05 PM
To: CD Comment
Subject: Short-term rental code

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

Thank you for giving the public the opportunity to comment on the county's short-term rental code.

I am a third-generation Stehekin property owner. The most critical need regarding the short-term rental code is to eliminate the exemption of Stehekin from the code. The exemption states that Stehekin Valley is a remote portion of Chelan County accessible by only horse, foot, water, and air travel. That is absolutely true, which makes regulation of short-term rentals especially urgent in Stehekin. Stehekin's remote location, small land area, and wildness mean that short-term rentals are having a drastic effect on the community and on the wild beauty that brings visitors to the valley. Infrastructure, including the off-grid electric power system run by Chelan PUD, is being stressed by the growth of short-term rentals. Because Stehekin is not accessible by outside roads, short-term rentals all come with vehicles, adding traffic to the valley's few, narrow roads. It is also fracturing and stressing the community fabric, as some reap wealth from short-term rentals while others experience only the costs of power outages, traffic, noise, and increased housing prices.

Rather than leaving short-term rentals unregulated while they transform the valley, I urge you to close the Stehekin exemption and then conduct a study of the nature of short-term rental business in Stehekin and the effects of short-term rentals there. With data, then the county can assess what additional regulations may be necessary to protect Stehekin's community fabric and the wild beauty that supports its economy.

Sincerely,
Carolyn McConnell

Jessica K. Thompson

From: Shari Campbell <campbellmarcom16@gmail.com>
Sent: Monday, November 11, 2024 7:02 AM
To: CD Comment
Subject: No changes to STR

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

I'm writing to ask you to please make no additional amendments or changes to the current short-term rental code, particularly in neighborhoods.

As a resident of Leavenworth, I've seen how increasing STRs changes the fabric of our community and, importantly, changes our neighborhood. Quiet residential streets, where kids play and folks stroll, have changed. Whether it's too many cars with no place to park, late night noise or the loss of affordable housing in areas that were previously residential, additional changes will only further harm our community.

While I certainly understand the "property rights" position of a homeowner, I don't think this should supersede the rights of many, nor should it allow neighborhoods to change fundamentally. Additionally, I don't support the proposed change, allowing children 2 and under to "not count" in the occupancy limits. Again, this allows a large number of people to stay in what previously was a quiet neighborhood.

Thank you for your consideration. I urge you to carefully weight the comments and input of residents and keep STRs as they are now.

Sincerely,

Shari Campbell
227 Park Avenue
Leavenworth

Jessica K. Thompson

From: Andy Day <andyday208@gmail.com>
Sent: Monday, November 11, 2024 9:13 AM
To: CD Comment
Cc: Chris Pedersen; Mike Smith
Subject: Fire, Safety, Health, Short-Term Rental Standards, and Building Codes Compliance, and Inspections – 11.88.290(4)(H)(i)

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

Commissioners:

I was concerned to recently learn that the proposed requirement for annual life safety inspections of short-term rentals had been removed from the draft code.

My understanding is that this provision was removed largely due to concerns about the requirement being overly burdensome on the STR owners. As a 40+ year fire service professional, I'd like to add some perspective on the issue with the request that you reconsider. My experience in both conducting thousands and life safety inspections and responding to multiple fatality fires has firmly convinced me of the value of these inspections to building owners, occupants, and the community as a whole.

For the building/business owner, instead of being a burden, I would strongly suggest that annual life safety inspections could more accurately be framed as a benefit. Specifically, as we all struggle to acquire and maintain fire insurance at a reasonable cost, annual inspections can help identify and mitigate potential fire risks that might result in injuries or death to occupants, and or result in a loss of insurance or increased costs for insurance due to the loss. A recent fire at a STR on Icicle Road illustrated the risks presented by STRs and the potential benefits of ongoing inspections. If it were not for the early detection of the fire during waking hours and the quick actions of bystanders and Fire District 3, an easily identifiable fire hazard could have resulted in far worse outcomes. Effective inspections are, at their best, public education visits which help owners maintain the viability and safety of their businesses.

For the occupants, the benefits of ongoing life safety inspections are clear - improved personal safety. Visits to STRs are, by definition, transient in nature and thus present increased risk to the occupants due to a lack of familiarity with the layout and operation of the occupancy. Ongoing life safety inspections, with their focus on providing and maintaining effective exit paths, would greatly improve occupant safety.

Lastly, for the community, providing annual life safety inspections not only supports a fundamental role of the government of ensuring public safety, but also fulfills an ethical responsibility we all have to safely welcome visitors in our tourism-focused home.

We can do better! Please restore the requirement for annual life safety inspections of short-term rental occupancies.

Thank you,
Andy Day
340 Prospect, Unit C4
Leavenworth, WA 98826

Jessica K. Thompson

From: robert kendall <beethovenhiker@yahoo.com>
Sent: Monday, November 11, 2024 7:25 PM
To: CD Comment
Subject: short term rentals/Stehekin

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

RE: Stehekin short term rentals

Stehekin should not be exempt from the short term rental code. Stehekin's unique attributes must be better preserved. Hyper commercialization has been eating away at Stehekin's character at an increasing rate in recent years. Some (many!) things are MORE IMPORTANT than profit. The problems caused by short term rentals generally are worse at Stehekin. Tourists who want comfort and convenience have many other places to choose from; there is only one place like Stehekin. Please do your part to protect what is left of the valley's quietude.

Robert Kendall
428 S. Douglas
Omak, Washington 98841
beethovenhiker@yahoo.com
509-322-3167

Jessica K. Thompson

From: Jonathan Rosenblum <jonathanr4212@gmail.com>
Sent: Tuesday, November 12, 2024 2:35 AM
To: CD Comment
Subject: Close the loophole on short term rentals

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

Dear Chelan County officials:

As a Stehekin property owner, I urge you to immediately close the loophole exempting Stehekin from the county's short term rental code, and also adopt strong regulations on future short term renting in our community. This is necessary in order to undo the harm that years of county non-regulation has caused.

Short-term rentals are having a dramatic, negative effect on the Stehekin community. The recent growth of short term rentals in Stehekin is overstressing off-grid electric power system run by Chelan PUD - just look at PUD data over the last ~10 years. Because there are no outside roads, short-term rentals all come with vehicles, adding traffic to the valley's few, narrow roads.

While some of our Stehekin neighbors offer short term rentals to meet their own basic economic needs (which I wholeheartedly support), a few others are simply in the business of accumulating wealth through their speculative short-term rental businesses. That harms the rest of us, in the form of power failures, increased traffic and noise, and increased housing prices.

That is why I urge you to close the Stehekin exemption and then take measures to prevent the speculative profiteering that the county's years of ill-considered non-regulation has unfortunately caused.

Sincerely,

Jonathan Rosenblum
Company Creek Road,
Stehekin

Jessica K. Thompson

From: E Sall <easall@gmail.com>
Sent: Tuesday, November 12, 2024 8:53 AM
To: CD Comment
Subject: Comment on Proposed Changes to STR Regulation

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

Honorable Planning Commissioners and Commission Staff,

I am writing to **oppose the proposed changes that would increase the ceiling of STRs in Chelan County** beyond the current 6% cap.

My family resides in Leavenworth, where our son attends Alpine Lakes Elementary. One of the primary reasons we live in Leavenworth is because of the social fabric of residents of all ages, backgrounds and family shapes that live here – including our seasonal workers who staff the recreational opportunities that we all love and use, the retail establishments that help our tax base, and our farm and orchard workers who grow the food we eat.

Our son, and every student at Alpine Lakes Elementary, receives lunch for free at school – not because we cannot provide it, but because of the high percentage of students eligible for free and reduced lunch (just under 50%, source: OSPI). As you can easily see from reports at the [WA OSPI website](#), Alpine Lakes is not an anomaly as many many students across Chelan County live in households which qualify for free and reduced lunch at rates as high as 85% for one school district.

I mention this because I want to square the proposal of increasing the STR cap of 6% with who it will affect. I see posts on facebook in our school community all the time from families who want to stay in our school district, but who cannot find housing they can afford with full time jobs in our town. They are piecing housing together bit-by-bit to make sure they don't have to remove their kids from the carefully woven social fabric that supports us all. [Upper Valley Mend](#), our community non-profit, **served a record number of families last year including with rental assistance to keep families in their homes**. They and others are working tirelessly to build more affordable housing, but it (and the resources for it) has not kept pace with demand due to increased interest rates (which are often passed on to renters) and the lack of entry- and missing-middle housing available housing stock among other economic realities. **Now is not the time to think about imposing additional burdens on residents who are already housing insecure.**

STR Limits Work. Make no mistake, the ability of an investor outside of this community to finance their vacation home with STR rentals has a big effect on their decision-making as to if they purchase a 2nd home. I was almost one of those investors – thinking that maybe we would live in Leavenworth part time. Instead, STR limits rightfully forced us to choose: *should we live here or there?* so that we weren't taking up housing supply in both locations. STR limits not only change the ownership and availability of housing, but the character of it as well. There are only so many construction and tradespeople in the valley, and ideally they can remain focused on constructing homes for people who live here rather than mansions built for STRs. And finally, homes that are situated for STRs tend to be less concerned with the environmental realities of Chelan County. They are often sited to maximize viewpoints and beauty rather than wildfire hardiness and snow safety.

Note that I understand the critical role that the tourism industry plays in our communities and their tax basis. When I was a tourist here, I personally preferred to stay in one of the beautiful STRs down the icicle valley. But I didn't understand the impact that my preference had on the families of people who were serving me pretzels. Given the chance, I would have easily chosen to make sure they had stable housing over my being able to wake up looking at mountain views from an STR as opposed to one of our many hotels or B&Bs.

Sincerely,

Elizabeth Sall
Scholze St, Leavenworth

Jessica K. Thompson

From: kyle fisher <kyledeanfisher51@gmail.com>
Sent: Tuesday, November 12, 2024 11:57 AM
To: CD Comment
Subject: STR's

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

After reading over and following the STR policies that Chelan County Commissioners passed a couple of years ago I had a few thoughts. The first thing is that I think the permit process is great and was desperately needed to legitimize the process and also have government oversight to make sure that the STR's that were being rented were, are, and remain safe for the occupants and surrounding homes. I also like the idea of a fee attached to the permit. The permit fee is currently \$500 annually. The percentage of short term rentals allowed is 6% in each region. The thought behind this, from what I can gather, was to reduce the cost of housing in the region for people that live in the area. I can definitely see the reason for this, but unfortunately it does not seem to be having that effect. There are numerous things that affect the housing market and make things cheaper. Most of these things can not be controlled without drastic measures such as controlling who can buy property, controlling interest rates, and telling builders what their profit margins are allowed to be. I am not in support of the government regulating things this drastically. I think limiting the STR market like this has taken away the opportunity for many to earn a living. Everything from the Midway store in Plain to contractors and restaurants across Chelan County. I would propose that Commissioners look at the unintentional effect that the STR policy has caused and make some changes. Some changes could be

#1 increasing the permit fee to \$1000-\$1500 annually to create more funds for providing some sort of housing solution. I feel like The County is leaving a lot of money on the table that could be used to put some really innovative ideas and plans in place. If structured correctly, these funds could be used for housing short falls, social resources, roads, parks, and education. These funds could also be used to build a more robust permitting department for STR compliance.

#2 With the above being said The Commissioners could adjust or drop the 6% allowed to be STR's to generate more funds for the above listed items.

Thank you so much for your time and taking our concerns seriously. Please reach out if there are any questions or if there are other things I can do. I would like to be part of the solutions and not just a complainer. 😊

Best regards, Kyle Fisher.

Jessica K. Thompson

From: Yubikey <Yubikey@protonmail.com>
Sent: Tuesday, November 12, 2024 12:26 PM
To: CD Comment; yubikey@protonmail.com
Subject: Short-Term Rental Code Request for improvement

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

CONFIRMATION OF RECEIPT OF THIS MESSAGE IS REQUESTED, PLEASE SEND A REPLY

Hello,

This email is from Arthur Barnes, 9777 Moon Canyon Road, Leavenworth, WA 98826, ph:503-481-9392

I am a property owner, resident, tax payer and voter in Chelan county. I am writing to relay perpetual ongoing crimes, threats to public safety and general nuisances created by the (3) short-term rental properties surrounding me (STR 297, 306 and 554)and to request improvements to existing county code.

I believe it is incumbent and an obligation upon county officials to protect public safety and remedy abuses caused by customers of (3) county permitted short-term rentals surrounding my property. These rentals are also the source of perpetual non-stop safety hazards and community abuse.

Here are suggestions for STR code improvements as well as background for the request:

1: TRESPASSING

STR customers show a blatant disregard and disrespect for neighboring properties. These customers behave as if they own the entire county. If STR customers abuse neighboring properties by trespassing, I have been told by county employees to call the Sheriff.

STR owners should be required to inform their customers of what land is part of the rental and that violating neighboring properties is a criminal offense.

I believe the County has a responsibility, not just to react to trespassing violations via law enforcement, but the County should take a proactive stance to prevent repeated perpetual offenses by penalizing the STR owner via fines and or suspension or revoking the permit for trespassing events.

2: WEBSITE MAPPING

STR 297 continues to identify my property as the location of his STR. This constantly causes multiple car loads of his customers per week to enter my property due to his incorrect map on his web sites. I have tried to get him to correct through personal requests, via the Deckard complaint form, (ID 37), and a direct phone call to Russell. Despite my efforts, Ali Mastan continues to show my property as the location of his rental. The map clearly shows my land as his rental.

<https://www.vrbo.com/9449045ha?pwaOverlay=whats-around-map>

I request the county to implement code that revokes, suspends or imposes a daily fine on STR operators until they get their web site mapping correct. Getting a map to correctly locate the rental on all web sites for the rental and also written driving directions should be mandatory.

3: SPEEDING

Access to STR 297 is only viable by using my land and my private dirt/gravel road. STR customers and those that support the STR (i.e. garbage pickup, house cleaning, pool service, pest control, others) do not respect the posted speed limits. When I have tried to stop the speeders, they have tried to run me over and were laughing while doing it, I have been threatened with murder by STR 297 customers for asking them to slow down and I have witnessed one customer intentionally run over a group of wild turkeys.

High speeds and reckless driving damage the road, create enormous dust in the summer making the air unbreathable for an hour or more, create a public safety hazard and kill wildlife.

I have filed many complaints with the county and have been told, call the sheriff (it's a private road so the sheriff refuses to respond) and was finally told by Zach in code enforcement there is no code for speeding on private roads so he can't do anything either.

I am requesting the county to create, implement and enforce compliance of posted speed limits on private roads by STR customers and those that are servicing the business. Infractions should result in fines, suspension of the STR permit or revoking it. I would be more than happy to help the county generate additional code.

4: ON SITE SUPERVISION

In addition to the violation of my rights and property described above, I have also had customers from STR297 hit golf balls at my house and also harass me and my girlfriend with a drone. STR 306 and 554 customers constantly use my clearly marked private property as their own personal dog park and toilet.

"Short-term rental" is just a newly concocted term to avoid calling it what it really is. Short-term rentals have no functional difference from a hotel. These STR hotels house multiple families or groups like a hotel, are required to have a commercial business license like a hotel and pay a lodging tax like a hotel.

I am requesting that the county implement code mandating full time on site supervision of customers just like hotels do. As I have stated previously, STR customers perpetually abuse my property and the community and create a public safety hazard while traversing my property to reach the hotel. STR customers need supervision because they perpetually demonstrate complete disregard for the neighbors and community.

Finally, I would recommend reviewing my complaints that have many videos and photos of STR customers abusing my property.

Complaint ID 36, 37, 39, 41, 42, 46, 51, 53, 55, 56, 57,58, 59, 60, 61, 62, 63, 64, 65, 66, 72

Thank you,
Art Barnes

Sent from [Proton Mail](#) for iOS

Jessica K. Thompson

From: Sean Lynn <sean@loveleavenworth.com>
Sent: Tuesday, November 12, 2024 1:57 PM
To: CD Comment
Subject: Comments for Planning Commissioners 11/13/24

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

Dear Planning Commissioners,

Thank you for your time and effort on making recommendations to amending sections of 11.88.290. Overall I am in support of the recently revised recommendations and strikeouts from the last workshop. There are a few areas that I would like to highlight that could be considered for more discussion:

(4)(I)(ii) and (iii) Transfer of Ownership

If memory serves me correctly the Director indicated in the last workshop that permitted STR owners would be able to transfer ownership under certain conditions. Director Walters please correct me if I misunderstand as I never want to speak for others.

The proposed language as written does not indicate that there are exceptions and it is very important to clarify. Permitted STR owners may want to change the legal ownership designations for a variety of reasons such as Trusts or LLCs changes. The option to make these changes should be protected and written into code as the next Director may interpret them in a different manner. I also support the County ensuring that all loopholes are closed so the public may not try to add new owners using this process.

Example- A couple owns a home that has an STR permit. The permit and the title are in the couple's name. They receive legal advice that for liability protection it is advised to create an LLC or Trust and place the property into the LLC or Trust still with both homeowners as the managing members 50/50.

If I am interpreting the proposed code language correctly the home owners would not be allowed to transfer the Title name into an LLC without jeopardizing their STR permit by creating an unauthorized transfer of person to entity.

Recommendation: Modify language in (4)(I)(iii) to allow for a transfer of the STR permit to occur between any combination of entities or persons so long as the principles remain the same.

(3)(B)(ii)(a) Tier 1 Occupancy (Error or no Error)

There is a very subtle one word change that was inserted by Community Development on the first amendment document that I just caught on the last revision that I feel is pretty problematic.

The current, codified occupancy language for this section is: "Tier 1: a total of eight persons including children."

The proposed change is: "Tier 1: a total of eight persons including **owner(s)** and any children over 24 months of age."

The word "owner(s)" added effectively makes Tier 1's a maximum of 7 or less for STR occupancy because the owner must live onsite. This change was not requested by the Board of Commissioners and actually changes

the current code quite a bit. If the word owner(s) was added erroneously then it should be removed if it was added intentionally Community Development should explain why they are requesting to change maximum occupancy of a Tier 1 from the existing 8 to 7 or less.

(3)(G)(i) Sign Amendments

In the revised sign language there is no language to protect existing signs that do not meet the revised language should it be adopted from being required to replace. Existing signs that meet the current code criteria should be protected until they need to be replaced.

3(C)(i) and (ii) Parking

I am encouraged by the proposed changes but would ask to consider further changes. Recently the Board of Commissioners re-iterated their desire to encourage the planning commissioners to get creative on their resolutions of this issue. I want to bring the table again to a potential resolution.

My solution/recommendation is along with current proposed changes amend Table 11.90-3 in section 11.90.060 seen below.

Bed and breakfasts, guest inns, and Tier 1 and Tier 2, and Tier 3-overnight-lodging use-only, short-term rentals	1 space per bedroom and 1 space for any on-site manager
--	---

Amend highlighted area to allow for more flexible solutions such as:

1 space per two or three bedrooms

Or

Remove STRs from the chart and use the SFR required off-street parking requirements.

CAP Changes

In watching the previous workshop it is understood that the Planning Commission does not have a desire to have a larger discussion on CAP changes. I would ask the Commissioners to recommend to the Board of Commissioners that once more Chelan County specific comprehensive tourism and housing studies are done that the CAP issue should be revisited once more solid data is available.

In closing thank you for your time and effort and as always feel free to reach out if you have any questions.

Sean Lynn

Owner of Love Leavenworth Vacation Rentals and Vice Chair of STRACC

Jessica K. Thompson

From: BRIAN Shugrue <shugruebf@msn.com>
Sent: Tuesday, November 12, 2024 3:49 PM
To: CD Comment
Subject: Comments for Public Hearing on Revised STR Code Proposal

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

I am a small business owner, a member of the Leavenworth Chamber of Commerce, an Advisory Board Member of Residents Coalition of Chelan County (RC3) and a Chelan County resident for well over 20 years. I also participated in the original STR draft code discussions several years ago as a member of Residents United for Neighbors (RUN) and have worked closely with Bob Bugert and Jim Brown back then. I am hence quite familiar with the history of these STR regulations and have continued to track and observe the implementation of them.

I therefore find it very odd that there is an attempt here to quickly open up new discussions of STR code changes at this present time. With the departure of Tiffany Ghering and the recent election of Brad Hawkins to replace her, it makes more sense to table any discussions until after he takes office this coming January. This will provide more transparency and allow time for Commissioner-elect Hawkins to become officially involved in this very important discussion.

On top of that, in discussions with Shon Smith this past year have I have learned that these STR regulations have been working very well, and are continuing to evolve successfully.

Additionally, RC3 recently conducted a survey of our constituents and almost 1,000 responded with an emphatic "no" to any proposed STR code changes at this time.

I actually like some of the proposed changes so I am not against them in principle, but I am strongly against the timing of this attempt to make any changes until after Brad Hawkins takes office this coming January.

Best regards,

Brian Shugrue, Innkeeper



Mobile: 509-881-4647

E-Mail: shugruebf@msn.com

Website: www.cashmeremountainbandb.com

Facebook Page: <https://www.facebook.com/pg/cashmeremtnbandb/posts>



**ASSOCIATION
OF LODGING
PROFESSIONALS**

ADVOCACY - LEARNING - PARTNERSHIP

Jessica K. Thompson

From: Rigpa Sword <snowinolympia@gmail.com>
Sent: Tuesday, November 12, 2024 3:41 PM
To: CD Comment
Subject: Short Term Rentals in Stehekin

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

Dear Chelan County Commissioners,

I am a 4th generation Washingtonian and a Stehekin property owner and have been associated with the community there for many years. My view is that unregulated short-term rentals (STRs) are rapidly degrading Stehekin, disrupting the fabric of our small, remote, and fragile community.

I urge you to end the STR exemption for Stehekin. The few who benefit from STRs are the property owners who run them while the majority of the community must live with the negative consequences of constant visitors who, although they bring revenue to local businesses (again benefiting the few), are not part of the community and who create congestion, noise and traffic, increased loads on our overtaxed PUD, and a shortage of housing. Housing is already hard to find in Stehekin, and STRs make it a lot worse.

Increasing zoning density in my view is not the answer to this problem. Stehekin STRs are already about 6% of the available homes. It is time Chelan County held Stehekin to the same standard for STRs as everyone else. I speak for the majority of our community who have settled in Stehekin because of its wild beauty, silence, spaciousness, and relative lack of congestion. STRs are slowly eating away at these reasons we all love our valley.

Please end the exemption now.

Sincerely,

Blaine A. Snow

Jessica K. Thompson

From: Ted Alway <alwaytedc@gmail.com>
Sent: Tuesday, November 12, 2024 3:10 PM
To: CD Comment
Subject: Proposed changes to STR Code

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

Commissioners,
I have lived in Peshastin for over 40 years as both an orchardist and nurseryman. I have seen and experienced the sharp increase in home prices in the Upper Valley over this period. Second homes and STR's have contributed to these high prices, making it more difficult, if not impossible, for employees, including my own, to find a place to live closer to their work. I understand there is a proposal to increase the 6% cap on STR's in residential areas. This cap was put into place after much discussion and input from the community and I see no need to increase it.

Respectfully,

Ted Alway
9584 Derby Canyon Rd.
Peshastin

--

=====

Ted Alway

"Judge each day not by the harvest you reap but by the seeds you plant" RL Stevenson

Jessica K. Thompson

From: Barbara Gross <bgrossoly@gmail.com>
Sent: Tuesday, November 12, 2024 6:40 PM
To: CD Comment
Subject: Comment on Chelan County Code for STRs

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

Nov. 12, 2024

Dear Chelan County officials:

I am a property owner in Stehekin with a 40+ year tie to this remote and special place. I am concerned that the proposed changes to the STR code for the County will allow increased numbers of STRs. STRs should be limited and regulated as per the initially adopted rules. Changing the requirement from owner to, basically, anyone who can be put in charge undermines the intent of the code. As you know, too many STRs negatively impact the communities in which they are located. I urge you to leave the code as it was developed after a rigorous process.

My one exception is the exemption for Stehekin with regards to STR regulation which must be ended now (11.88.290 (1) (B) (i)). STRs have proliferated in Stehekin over the past years. They negatively impact Stehekin in the same way they negatively impact all communities: too many STRs disrupt the fabric of the community. Because of Stehekin's remoteness and limited infrastructure, more—not less—regulation is needed.

A number of full-time residents have built STRs, which makes sense as a way to augment income. On the other hand, a number of new houses have been built as STRs by people who are not full-time residents for the express purpose of making money. The only people who benefit from these STRs are those owners and other business owners while everyone else in Stehekin experiences the impacts such as higher costs, more people, increased need for diesel fuel to run the electrical plant, more vehicular traffic, and more noise. Housing for people who might want to move to the community is both limited and expensive.

The number of STRs in Stehekin needs to be limited and regulated. Increasing zoning density is not a good answer. Please eliminate the exemptions for Stehekin STRs. Then, if needed, begin a study of existing STRs and their impact on all aspects of Stehekin life and infrastructure.

Thank you for your consideration.

Sincerely,

Barbara Gross

**Mark and Nina Schulz
3695 Ridgeview Pl
Wenatchee, WA 98801**

November 12, 2024

**Chelan County Commissioners
316 Washington Street
Wenatchee, WA 98801
CDPlanning@Chelan.County.WA.US**

RE: Proposed Changes to Short-Term Rental Regulations

Dear Board of County Commissioners:

Thank you for providing this opportunity to comment on the proposed changes to the short-term rental regulations. We are permanent residents of Chelan County and have lived here since 1990.

- 1. Thank you for retaining the requirement that Tier 1 STRs must be owner-occupied. We do not need or want additional STR tourist commercial facilities to be injected into our neighborhoods. This will also help minimize conflicts and enforcement actions.**
- 2. Keep (or preferably reduce) the 6% rental cap on STRs.**
- 3. All people, including children under 2, must be included in the occupancy count. Please do not change this code.**

Please protect our health, safety, and welfare by voting "NO" on these proposed code changes.

Sincerely, _____

Mark and Nina Schulz

Jessica K. Thompson

From: Steve Buckingham <buck_steve@yahoo.com>
Sent: Wednesday, November 13, 2024 8:34 AM
To: CD Comment
Cc: Mike Buckingham; David Buckingham
Subject: STR parking

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

Thank you for considering revising the current parking requirements for Short term rentals.

We have been renting our lake home in Manson bay for over 50 years. Our turn around driveway can fit upwards of 8 to 10 vehicles. It was a shock to hear after all these years that we now couldn't continue renting our vacation home because the STR codes adopted a 25' commercial setback. To date no one has been able to tell us why this 25' setback is in commercial codes? Do cars need to be that far away from the street to make a business parking safe?

Upon appeal, we were able to prove that we can fit 2 vehicles. This now allows us to rent our home to 4 people. Our home is a 4 bedroom home and many of our guests bring two families with children to enjoy the greatest lake in the world! It's hard to explain to these long time guests that our parking isn't adequate. They do not understand.

Most cars fit 4 or more people. Please consider changing the codes to truly represent this. Allowing 2 cars that fit 8 people is better for the community, and the environment than asking folk to drive 4 cars with 2 people per car.

I'm sure this got over looked in the first go around and is why revising codes every few years is logical, and fair to home owners and visitors to our beautiful lake.

Steve Buckingham

- Give back to Jessica

Jessica K. Thompson

From: bmpayne@nwi.net
Sent: Wednesday, November 13, 2024 4:06 PM
To: CD Comment
Cc: gwilson@nwi.net
Subject: Short Term Rental Code Changes

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

Thank you for your efforts to clarify the Short Term Rentals Codes.

As you move forward, I urge you to you caution.

I am aware thru my work with a Fire District that the rentals are not being properly inspected for fire dangers. Recently at a structure fire in a Short Term Rental, the electrical power to the house was turned off. Within a few minutes, the ac powered battery backup smoke detectors started chirping because the batteries were dead. Thus if a fire had started during a power outage, the smoke detectors would not have alerted the occupants

This clearly shows that the Fire Inspections of STRs are inadequate at current STR levels. The number of STRs shouldn't be expanded without a major increase in safety inspections.

Mike Payne
12369 S Shugart Flats Road

Jessica K. Thompson

From: Jennifer Mullins <jmullins548@hotmail.com>
Sent: Wednesday, November 13, 2024 3:44 PM
To: CD Comment
Subject: Concerning the Short-Term Rental Code

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

Due to the extreme housing shortage in our county, I believe it is prudent to restrict short term rentals greatly so that they do not replace housing stock. I live in Leavenworth. I have met Stevens Pass employees who live in hotels because they can't find a place to live. It is truly a shame that they have to do that while vacationers who could stay in hotels take up housing suitable for local employees. I am also quite familiar with the loss of families in our valley due to the loss of housing stock. The Methodist church has no families at all any more. Both the families at the Baptist church here are housing insecure having lived at the KOA through previous winters with 3 to 4 children in a trailer. Rates are higher in the summer so they scrounge for places to park their trailers. The only way the Baptist pastor can afford to rent a real home for his family now is through the help of others outside the church and that is not expected to last more than a year.

Therefore, I am glad that you are limiting short-term rentals. I ask that you do not allow any increase in them until the housing shortage is resolved, which is unlikely to occur anytime soon.

In light of that I approve your decision not to allow Tier 1 STR's which are not owner occupied. The cap on STR's needs to continue at no more than 6% in the 98826 zip code. Please take any increase off the table. Also, in order not to encourage STR's it is important that strict occupancy caps in accordance with fire marshall regulations be honored. These regulations do not exempt children under age 2 and neither should the county. Current occupancy limits should not be changed for Tier 1, 2 or 3. Families always have the option of staying at a hotel or camping in-season. We should not be sacrificing our housing stock to them and forcing out our own families.

Thank you for your consideration of these points.

Jennifer Mullins
234 Mine Street
Leavenworth WA 98826

Jessica K. Thompson

From: buford@tumwater.net
Sent: Wednesday, November 13, 2024 2:37 PM
To: CD Comment
Cc: Shon Smith
Subject: Revised STR Code

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

My wife and I live at 187 McMahan Rd outside Leavenworth. Our neighborhood has six STRs, two of which abut our property. One is a tier 1 and the other is a tier 2. We have had no problems with the tier 1, but have had some noise and parking problems with the tier 2. There have been many noise, traffic, and parking problems with the tier 3 STR up the hill from our house.

We appreciate the fact that the Planning Commission will recommend continuing owner occupation for tier 1.

Our neighborhood has about 40 homes, a quarter of which are second homes. Only one of the homes (an ADU) has a long-term rental. In short, there is no affordable housing in our immediate area.

Since Leavenworth's economy relies on tourism and its respective workers, there is an obvious need for affordable housing. Raising the cap allowing more STRs will only exacerbate the lack of affordable housing.

We urge you to maintain the current STR rules especially the 6% cap.

Buford Howell
509-433-1476

Jessica K. Thompson

From: Mary Gallagher <marywillardgallagher@live.com>
Sent: Wednesday, November 13, 2024 11:44 AM
To: CD Comment
Subject: comments on Short-term rentals code changes meeting tonight, Nov 13

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

Hi,

I just found out about this public meeting and will try to attend via Zoom. I appreciate that Zoom is an option.

I want to thank the Planning Commission for protecting the requirement that Tier 1 STRs must be owner occupied.

Some changes to parking requirements needs to be addressed.

I live up near Lake Wenatchee in the Kahler Glen Community. I chose to live in a resort as a full-time resident, even though I am not a golfer, because I wanted to hike, bike, xc ski and snowshoe out my door. I can accept short term rentals here BUT for most of Chelan County residents they live in regular neighborhoods and STR need to be regulated.

Quality of life is critical for those who live and work full time in Chelan County. The County Commissioners need to address the needs of full time residents, not developers and out of county investors. Housing costs and availability is critical to our work force, especially young families.

Please do not change the current cap on STRs.

Thank you,
Mary Gallagher
206-650-7511

20679 Miracle Mile
Leavenworth, WA 98826

Jessica K. Thompson

From: stanton.sm <stanton.sm@protonmail.com>
Sent: Wednesday, November 13, 2024 11:20 AM
To: CD Comment
Cc: Shon Smith; brad.hawkins@co.chelan.wa.us; Kevin Overbay
Subject: STR changes

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

To the members of the planning commission:

We are not happy about the continual issues that impact our neighborhood due to the Planning Commission and county's support of short-term rentals in residential neighborhoods.

Now this committee wants to change rules again, in favor of an absurd rationale that children under 24 months should not be counted as "people" because they have no impact on usage at a STR! Maybe the members of the commission should recognize that "fire and safety codes" make sense as all transient visitors are people and impact resources.

Moreover, safety codes should be consistent and not provide "special treatment" for any "special interest" groups.

The planning commission members should respect input from the county's fire marshal and the health district. They are hired to "protect" neighborhoods!

We are also against the planning commission changing the 6% cap on STR's in Leavenworth's residential neighborhoods. If anything, it should be lowered! Housing costs here are no longer manageable for young families. There's a four-bedroom house near us that sold for under \$7 thousand, four years ago, and has been remodeled just for the STR market and is now valued at over 1.3 million!

Please recognize the fact that residents add more economic value to any community and keep commercial lodges etc. in commercial zones. Stop forcing residents to "police neighborhoods" because real estate companies etc. just want to flip houses continually to benefit the "few".

STR's hurt school districts and endanger neighborhoods everywhere. Problems arise daily. Renters have little respect for rural neighborhoods. They are looking for places where they can act recklessly.

The Wenatchee River is overcrowded in August-September and the nearby mountains are littered with trash and human feces!

In my neighborhood, owners do not follow or maintain their acreage in a "fire-wise" manner.

All residents of Chelan County are stewards of a most unique location in Washington and we all need to do our part in protecting our resource.

One more thing, dogs. No where in the county's "Good Neighbor" posting does it mention that dogs need to be leashed and under control at all times. Dogs chase wildlife.

Thanks for listening and please think of residents first!

Suzanne and Thomas Stanton
46 McMahon Rd
Leavenworth

Sent from [Proton Mail](#) for iOS

Here we are again trying to convey to the two parties above that “ We The People” do not believe that you are voting in the manner that the local residents want in the matter of Small Scale Resorts and STR code changes.

We have been voicing our opinions for over a year and the issue keeps finding it’s way to moving forward with small orchards and farms being able to sell to developers to create more unneeded development. It is not just one or two venues, but the threat of all the future development that will occur if you all vote to allow this to continue.

It feels like one or two of the above members have private agendas that these changes of the Codes may benefit them or family members in the near future. Is that the type of members we can entrust our community with?

Code revisions to the STR effects every person in our Chelan Valley Community if they know it or not. The biggest change will be to the safety of all who travel Hywy 150 and the fear of how to manage the Fire and Rescue and Water needs of all the future developments. There are so many STR’s currently, making it easier for developers will only increase the below noted concerns:

- Driving up local rents
- Limiting the availability of long-term residential rentals
- Attracting an influx of tourists
- Creating excessive noise
- Increasing noise, crime, and trash
- Straining available parking and roads infrastructure
- Changing the character of a neighborhood
- Decreasing the supply of long-term rentals and single family homes

Why can we not put into effect a moratorium on all STR and Venue development and see how the next few years rolls out. The Valley can only take so much tourism before our poor infrastructure starts to crumble. And do all of you really want to be noted as letting this happen while on your watch?

Please be concerned with the future of our Chelan Valley and do not allow these Code changes to occur.

Remember: We have not inherited the earth from our fathers. We are borrowing it from our children.

Tracey Hepner

Jessica K. Thompson

From: Chris Clark <imbikin@gmail.com>
Sent: Friday, November 15, 2024 10:29 PM
To: CD Comment
Subject: Revised STR code

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

To the members of the Planning Commission,

Thank you for reverting the requirements for tier 1 category back to requiring owner occupied for this level.

Please retain the 6% cap on STRs. I live in Leavenworth and we have been inundated with businesses in our residential neighborhoods. Residential zones are where people live in their own residence. This is a basic tenet of living in neighborhoods. In the past, I have had friends who lived on a road where they were the only home on the street that was not an STR. They had no neighbors. No one to chat with, no one to ask to take in their garbage bin, nothing but tourists partying in their neighborhood. They finally sold their home (to a business that bought homes and started another STR) and moved away. There must be a cap on the number of STR's in a tourist town like Leavenworth. In Leavenworth, it is very difficult to find a home for a new teacher moving to the school district or for a new medical employee at the hospital, as well as every other business in town. There simply are not homes available for people to move here and live here and work at a local business or enjoy their family or retirement. This is a critical issue for Leavenworth. Until the regulations were put in place business owners were snapping up every home that went on the market and immediately turning them into STR's. This cannot happen again. The people starting these STR's are most often not local residents. They are people from out of town who are simply running a business. Please do not allow this to change.

Finally, the issue of believing that children under two do not count as guests is wrong. The Health District and the Fire Marshal both understand that a human being is a human being no matter how old they are. It is unsafe to have multiple toddlers with their parents in a bedroom designed for two. Children under the age of two use resources, water, sewer, and they make noise just like any other human. Please do not change this rule.

Thank you very much,
Chris Clark
288 Cooper's Hawk Ln.
Leavenworth

Sent from my iPad

Jessica K. Thompson

From: Jennifer Moraski <jmoraski@gmail.com>
Sent: Wednesday, November 13, 2024 8:54 PM
To: CD Comment
Subject: STR regulation feedback

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

County Commissioners,

I am a resident of Wenatchee as well as an STR owner in Leavenworth. I'd like to give my strong support for the recommended change to not include babies under 2 in occupancy limits. As others have noted, Airbnb does not include infants in occupancy which makes for difficult discussion with guests who have booked my cabin and are over the max occupancy of 6 due to infants. Infants do not have the same impact to septic as adults and do not take up as much space either. We all want to encourage more families to visit Leavenworth and this is one way to do that. I work hard to ensure my STR complies with the regulations, have excellent relationships with my neighbors and appreciate continuing to offer alternative lodging options for the many visitors to the area.

My STR address:

75 Bjork Creek Lane, Leavenworth

My home address:

618 Hawthorne St, Wenatchee

Thanks,
Jennifer Moraski