

PLANNING COMMISSION MEETING AGENDA



City of Lake Stevens Vision Statement

*By 2030, we are a sustainable community around the lake with a vibrant economy,
unsurpassed infrastructure and exceptional quality of life.*

February 15, 2023 - 6:00 PM

In-person at The Mill's Sawyers room, 1808 Main Street or Via Zoom:

<https://us02web.zoom.us/j/83359324422>

1. **Call to Order**
2. **Roll Call**
3. **Guest Business**
4. **Action Items**
 - A. 2023 Comprehensive Plan Docket Briefing Russ Wright
 - B. Short-term Rental Update Jill Needham,
Russ Wright
5. **Public Hearing**
 - A. Shoreline Master Program Russ Wright
6. **Commissioner Report**
7. **Planning Director's Report**
 - A. Future Agenda Russ Wright
 - B. Climate Mitigation Plan Russ Wright
8. **Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION STAFF REPORT



Agenda Date: 2/15/2023

Subject: 2023 Comprehensive Plan Docket Briefing

Contact Person/Department: Russ Wright, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No formal action is required. The Planning Commission will hold a public hearing on March 1 and make a recommendation to the City Council regarding ratification.

SUMMARY/BACKGROUND:

Under the Growth Management Act (GMA), the city can amend its [Comprehensive Plan](#) and [Future Land Use Map](#) once per year through an [annual docket process](#). The city is proposing minor amendments to the Comprehensive Plan in 2023, as it prepares to complete a more thorough state-mandated periodic update that will incorporate updated information from the upcoming Housing Action Plan, transportation analysis, and infrastructure analysis as well as any new state legislation.

M-1 – The 2023 Docket will include a city-initiated map amendment to change the land use designation and associated zoning of the Cedarwood property, acquired by the city in 2021 for park purposes, to Public/Semi-Public to allow the redevelopment of the site (**Attachment 1a and 1b**). This property has already been identified as a special use park in the Comprehensive Plan.

M-2 – Staff would also like the Planning Commission to consider a modification to amendments made last year to the properties off 97th Drive SE and South Lake Stevens Road that were changed from Commercial to High-Density Residential. After the hearings were completed, staff learned the most western property had changed hands during the process. The new owner had purchased the property for commercial purposes and did not have knowledge of the pending

change affecting the property. This property borders South Lake Stevens Road and the remaining commercially designated properties. As a matter of order, the Planning Commission has deferred to property owners' wishes as a part of its decision-making when considering changes to land use designations. Staff is requesting that the Planning Commission consider recommending this parcel be changed back to Commercial (**Attachment 2**).

T-1 – Minor text amendments may also be considered if any projects identified in the Capital Facilities Plan need to be updated. Along with the above-defined text amendments, staff will also include standard administrative amendments including the Cover, Title Page, Table of Contents, Executive Summary, Introduction and Appendices (including SEPA Addenda).

Per [RCW 36.70A.470](#)(2), citizens have the opportunity to propose citizen-initiated amendments to the Comprehensive Plan as part of the annual docketing process. The city has received a citizen-initiated request to change the land use designation of parcels 00385500402200 and 00385500402202/ 00385500402203 to Medium-Density Residential with an associated rezone to R8-12 (**Attachments 3a through 3d**).

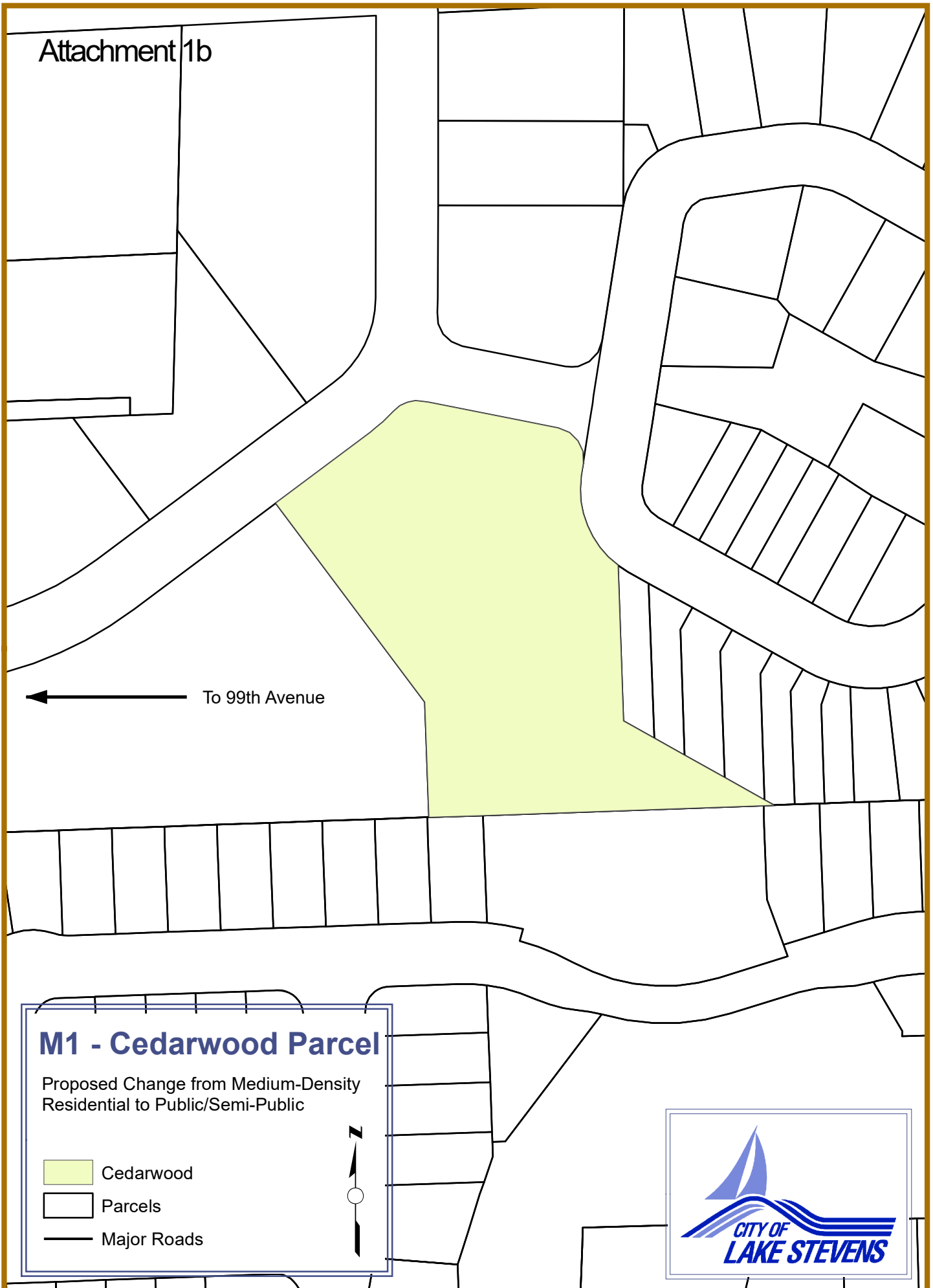
NEXT STEPS:

The Planning Commission will hold a public hearing on March 1, 2023, at the conclusion of which, they will make a recommendation to the City Council to ratify the 2023 Docket. Staff will complete the required public noticing in advance of the hearing and incorporate any proposed changes/additions to the docket based on Commission feedback. The public hearing packet will analyze each proposed amendment for consistency with the annual amendment and ratification criteria.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Cedarwood-M1-Attachment 1b
2. M1 - Attachment 1a Cedarwood Request_1-27-2023
3. SLS Parcel-M2-Attachment 2
4. 1.30.23_LUA2023-0016_Application
5. 1.30.23_LUA2023-0016_maps
6. 1.30.23_LUA2023-0016_Narrative
7. Chapman Rezone Chapter 1 Amendment Criteria



Attachment 1a

From: [Jill Meis](#)
To: [Russell Wright](#)
Cc: [Sarah Garceau](#)
Subject: Request for Comp Plan Designation
Date: Friday, January 27, 2023 4:36:55 PM

Hi Russ,

I am reaching out to place Cedarwood on the docket for rezone and comprehensive plan designation change to Public/Semi Public. This property was acquired for a recreation purpose and the zoning change is supported by the comprehensive plan goals and policies:

GOAL 5.5 MAXIMIZE PARK FACILITIES BY LEVERAGING, SHARING AND EFFICIENTLY USING RESOURCES.

Policies

5.5.1 Cooperatively plan for joint-use facilities, meeting and class rooms, athletic fields, and other facilities with the Lake Stevens School District, Lake Stevens Junior Athletic Association, Snohomish County Parks Department and other public or private providers of recreation services and facilities that are of mutual benefit to each agency and the users/participants in the city and its Urban Growth Area.

5.5.2 Create a comprehensive, balanced park, recreation and open space system that integrates city facilities and services with resources available from the Lake Stevens School District, Snohomish County and other state, federal and private park and recreational lands and facilities in a manner that will best serve and provide for area residents' interests.

5.5.3 Support continued cooperation between the city, non-profit organizations, the Lake Stevens School District and other agencies for continuation and development of recreation programming for youths, seniors and other segments of the population to avoid duplication, improve facility quality and availability, which reduces costs and represents area residents' interests through joint planning and development efforts.

5.5.4 Establish inter-local agreements between the city, county, school district and private non-profit organizations and other agencies to provide for athletic facilities to serve the needs of the city and the Urban Growth Area.

GOAL 5.7 THE CITY RECOGNIZES THAT LAND IS IN HIGH DEMAND AND THAT ACQUISITIONS MUST BE PURSUED AS QUICKLY AS POSSIBLE TO IMPLEMENT THE COMMUNITY'S VISION CONCURRENTLY WITH DEVELOPING AND IMPROVING EXISTING FACILITIES TO ACHIEVE A HIGH[1]QUALITY AND BALANCED PARK AND RECREATION SYSTEM.

Policies

5.7.1 Add capacity at existing parks by expanding or improving facilities to accommodate current and future populations and desired uses including walking/hiking trails, active recreation and passive recreation.

5.7.2 Acquire additional shoreline lands for trails, public docks, waterfront fishing, wading, swimming, boating and other water related recreational activities.

5.7.3 Cooperate with public and private agencies and with private landowners to set aside land and resources necessary to provide high-quality, convenient park and recreation facilities before the most suitable sites are lost to development.

5.7.4 Work with developers to identify additional parks, recreation and open space opportunities in redeveloping areas.

5.7.5 Prioritization for new park and recreation facilities shall take into consideration areas within the community that are under-represented by parks, types of desired facilities not presently available, availability of properties appropriate for a particular type of park and availability and opportunities for grants and other funding sources.

The property has been captured in the Capital Facilities plan as a future project. Please let me know if you have any questions.

Thank you,



Jill Meis, BSBM, PM, CPRP, *Parks Planning & Development Coordinator*

City of Lake Stevens | Parks and Recreation

1812 Main Street | PO Box 257

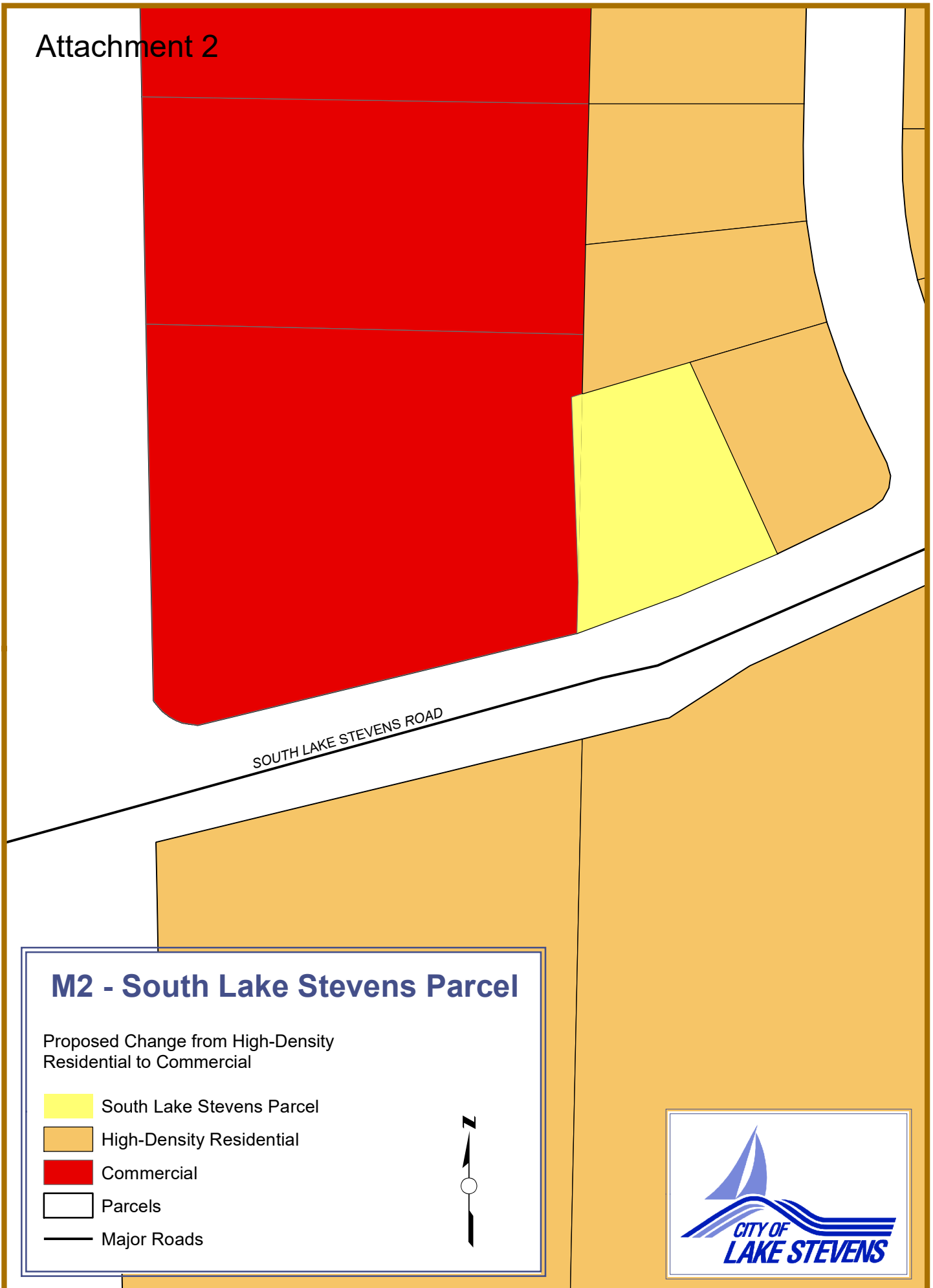
Lake Stevens, WA 98258

(425) 622-9431

jmeis@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

Attachment 2



**RECEIVED**

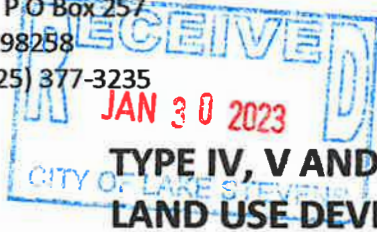
By Planning Department at 2:48 pm, Jan 30, 2023

Planning and Community Development

1812 Main Street, P O Box 257

Lake Stevens WA 98258

Phone Number (425) 377-3235

**To Be Completed By Staff**

Date of Application: _____

Staff Initials: _____

Permit Number: LUAD03-0016
TYPE IV, V AND VI - COUNCIL DECISIONS
LAND USE DEVELOPMENT APPLICATION
CHECK ONE**TYPE IV – Quasi-judicial**

- ☐ Essential Public Facility
- ☐ Planned Neighborhood Development
- ☐ Rezone – Site Specific Zoning Map Amendment
- ☐ Secure Community Transition Facility
- ☐ Type IV Other: _____

TYPE V – Quasi-judicial

- ☐ Plat Alterations
- ☐ Plat Vacations
- ☐ Right-of-Way Vacations
- ☐ Type V Other: _____

TYPE VI – Legislative

- ☒ Comprehensive Plan Amendment, Map and Text w/rezone to RB-12
- ☐ Development Agreements
- ☐ Land Use Code Amendments
- ☐ Rezones – Area Wide Zoning Map Amendments
- ☐ Type VI Other: _____

ARE ANY LOWER LEVEL PERMITS REQUIRED? Yes ☐ No ☒ Describe: _____

Parcel #'s : 385500402200; 385500402202; 385500402203

Property Information	Site Address: <u>10311 Lundeen Parkway, Lake Stevens, WA 98258</u>			
	Assessor Parcel No: <u>see above</u>	Area of property	Square Feet:	Acres: <u>5.24</u>
	Land Use Designation: <u>Mixed Use</u>		Zoning: <u>MU</u>	
	Number of Buildings on Site/: <u>2</u>		Number to be Retained: <u>2</u>	
	Existing Impervious Surface Area: <u>N/A</u>		Proposed Impervious Surface Area: <u>N/A</u>	
Applicant	Name/Company: <u>Thelma L. Chapman</u>			
	Address: <u>10311 Lundeen Pkwy</u>		City/State/Zip: <u>Lake Stevens, WA 98258</u>	
	Phone: <u>(425) 334-5334</u>		Applicants relationship to owner: <u>same</u>	
	Fax: <u>N/A</u>		Email: <u>kjplus2@comcast.net</u>	
Primary Contact	Name/Company: <u>Kimberly Chapman</u>			
	Address: <u>10311 Lundeen Pkwy</u>		City/State/Zip: <u>Lake Stevens, WA 98258</u>	
	Phone: <u>(425) 903-2436</u>		Email: <u>kjplus2@comcast.net</u>	
	Fax: <u>N/A</u>			

Property Owner	Name/Company: <u>Thelma L. Chapman</u>				
	Address: <u>10311 Lundeen Pkwy</u>		City/State/Zip: <u>Lake Stevens, WA 98258</u>		
	Phone: <u>(425) 334-5334</u>		Email: <u>kjcplus2@comcast.net</u>		
	Fax: <u>N/A</u>				
Project Description	Grading Quantities <u>N/A</u>		Cut: <u>N/A</u>		Fill: <u>N/A</u>
	Proposed project/land use (attach additional sheets if necessary):				
	<u>N/A</u>				
Building Information	Gross Floor Area of Existing and Proposed Buildings: <u>N/A</u>				
	Bldg 1:	Bldg 2:	Bldg 3:	Bldg 4:	Bldg 5:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):				
	Use 1: <u>N/A</u>				
	Use 2:				
	Use3:				
	Use4:				

You may not begin any activity based on this application until a decision, including the resolution of any appeal, has been made. Conditions or restrictions may be placed on your permit if it is approved. After the City has acted on your application, you will receive notice of the outcome. If an appeal is filed, you may not begin any work until the appeal is settled. You may also need approvals from other agencies; please check this before beginning any activity.

This application expires 180 days after the last date that additional information is requested (LSMC 14316A.245)

If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS APPLICATION IS TRUE, CORRECT AND COMPLETE.

Thelma L. Chapman
Signature of Property Owner/Agent

1/27/2023
Date of Application

By affixing my signature I certify that I am the legal owner of the property for which this application is issued or an authorized agent of the owner.



Planning and Community Development
1812 Main Street, P O Box 257
Lake Stevens WA 98258
Phone Number (425) 377-3235

To be completed by staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

I certify or declare under penalty of perjury under the laws of the state of Washington that:

1. This application is authorized by the all the land owners with authority to bind the land/property;
2. That the developer is operating under the landowner's authority;
3. That the developer and/or landowner is either an individual or a duly formed and qualified corporation, partnership, or other legal entity; and
4. That the person signing all applications or other legal documents is authorized by the legal entity and/or landowner to do so; and
5. That the application and submittals are true and correct to the best of my information.

Applicant

X Signature: Thelma L. Chapman
Name: Thelma L. Chapman
Address: 10311 Lundeen Pkwy
Lake Stevens, WA 98258
Phone: (425) 334-5334
Email address: kjcplus2@comcast.net

Property Owner(s)

X Signature: Thelma L. Chapman
Name: Thelma L. Chapman
Address: 10311 Lundeen Pkwy
Lake Stevens, WA 98258
Phone: (425) 334-5334
Email address: kjcplus2@comcast.net

Signature: _____

Name: _____

Address: _____

Phone: _____

Email address: _____

NOTE ON ENTERING PROPERTY

The City of Lake Stevens may enter onto the property, which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday – Friday, for the sole purpose of inspecting the limited area of the property, which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the City employees or agents will contact applicant verbally or in writing at least 24 hours before entering.

LEGAL DESCRIPTION

See attached: Exhibit 1

[illegible]

That portion of "Tract O", Bailey's First Addition to Lake Stevens Sandy Beach Tracts, as per plat recorded in Volume 10 of Plats on page 55, described as follows: Beginning at the Southwest corner of Lot One (1), Block F, said Addition; thence Northerly along the West line of Lots One (1) through Six (6), inclusive, said Block F, a distance of 400 feet; thence West 200 feet; thence South 400 feet to the South line of said Block F; thence East along said South line to the point of beginning; SUBJECT TO Easement for electric transmission line and related rights as granted to Public Utility District No. 1, Snohomish County, Washington, recorded March 20, 1959, under Auditor's File No. 1327949.

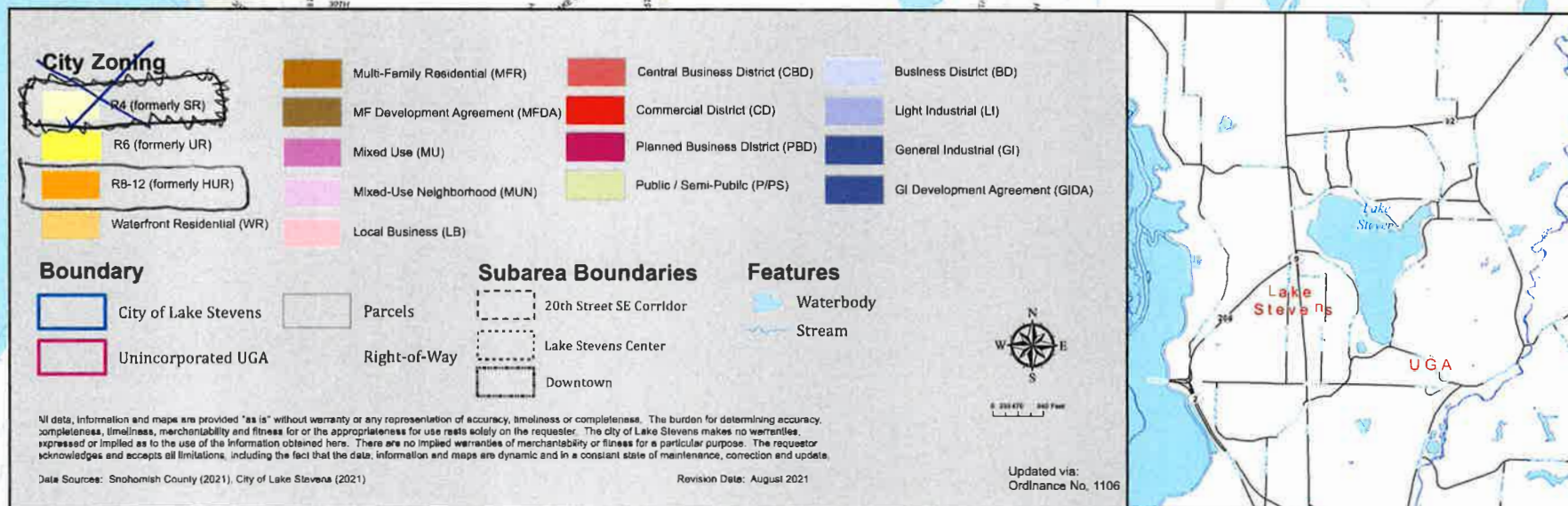
TOGETHER WITH that portion of "Tract O", Bailey's First Addition to Lake Stevens Sandy Beach Tracts, as per plat recorded in Volume 10 of Plats on page 55, described as follows: Beginning at the Southwest corner Lot One (1), Block F, run North 857 ft to South line, Lot Fourteen (14), thence West 275' thence South 838.6', thence East 275'; except that portion thereof described as follows: Beginning at the Southwest corner of Lot One (1), Block F of said addition, thence Northerly along the West line of Lots One (1), through Six (6) inclusive, said Block F, a distance of 400 feet, thence West 75 feet to the true point of beginning, thence continue West 200 feet, thence South 400 feet to the South line of said Block F, thence Easterly along said South line for 200 feet, thence North 400 feet to the true point of beginning.

Situate in the County of Snohomish, State of Washington.

EXHIBIT 1

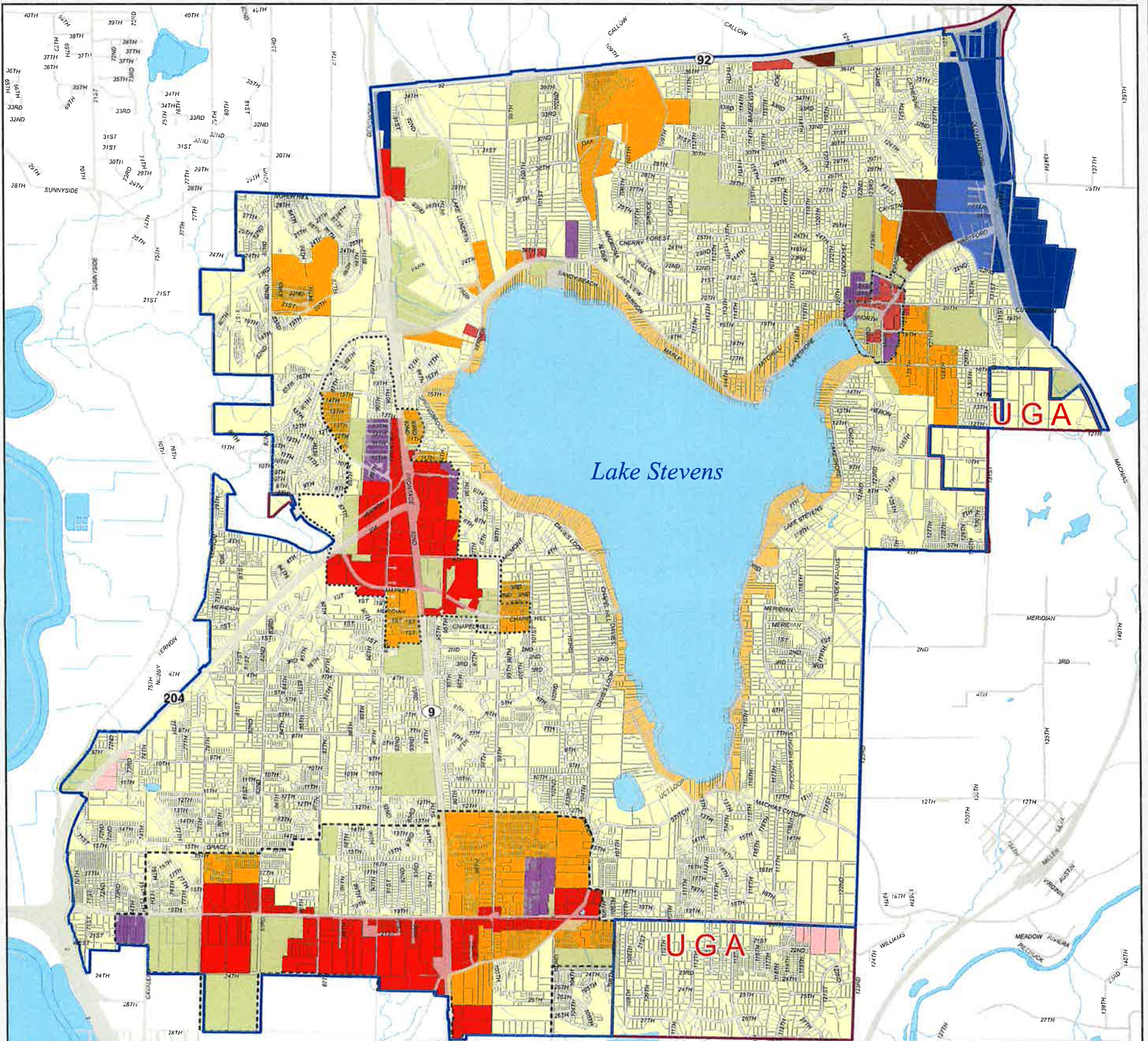
[illegible]

RECEIVED
By Planning Department at 3:02 pm, Jan 30, 2023





CITY OF LAKE STEVENS COMPREHENSIVE PLAN - LAND USE



2021 Comprehensive Plan Land Use Designations and UGA Predesignations

Land Use Designations

Med Density Residential (MDR)
Waterfront Residential (WR)
High Density Residential (HDR)

Local Commercial (LC)

Mixed Use (MU)

Commercial

Downtown / Local Commerce (D/LC)

Planned Business District (PBD)

Light Industrial (LI)

General Industrial (GI)

GI Development Agreement (GIDA)

Public / Semi-Public (P/SP)

Boundary

City of Lake Stevens
Unincorporated UGA

Parcels

Right-of-Way

Subarea Boundaries

20th Street SE Corridor
Downtown Lake Stevens
Lake Stevens Center

Features

Waterbody

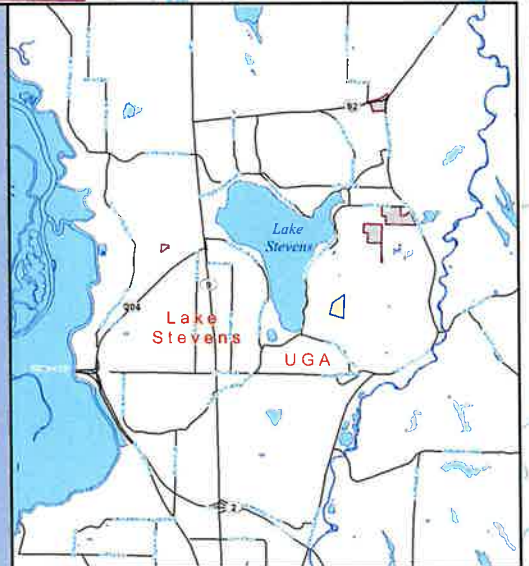
Stream



0 500 1,000 2,000 Feet

All data, information and maps are provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lake Stevens makes no warranties, expressed or implied as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts all limitations, including the fact that the data, information and maps are dynamic and in a constant state of maintenance, correction and update.

Data Sources: Snohomish County (2021), City of Lake Stevens (2021)



Attachment 3c

January 27, 2023



To: Russell Wright, Planning and Development, City of Lake Stevens
Brett Gailey, Mayor of Lake Stevens
Lake Stevens City Council members

From: Thelma Chapman and Kim Chapman
10311 Lundeen Parkway, Lake Stevens, WA 98258

Re: Request for a rezoning to R8-12 on property at 10311 Lundeen Parkway, Lake Stevens

Dear Mr. Wright, Mr. Gailey and Lake Stevens City Council members,

I am the resident and owner of a family home and 5.24 acres located at 10311 Lundeen Parkway, Lake Stevens. The attached proposal is for a land use designation and zoning amendment of three parcels from Mixed Use to **R8-12**.

Mixed Use zoning seemed in alignment with the needs of the community in 2008 when we requested and received a rezone from Medium Density Residential. Over the years, we have entertained several offers for our land from a variety of local, independent, developers as well as large, regional, corporate developers but all have fallen through due to mandatory boundary setbacks and wetland restrictions. In addition to all the other mandatory requirements for this zoning (parking, etc.), the resulting usable footprint is simply too small for Mixed Use zoning and development. The fact is that without great personal expense and annual mitigation of our low lying land, the current wetlands may expand as development and water run-off continues around us.

In the meantime, my family's desire to remain in the home we have enjoyed since 1968 has solidified; my daughter would like to remain in our multigenerational home and my grandchildren would like the option to build their own homes on our land in the future. This request for a rezone to R8-12 is consistent with the Comprehensive Plan, is compatible with the zoning in the neighborhood, and will lessen the impact on public facilities, services and roads in the area.

I am 82 and fighting several forms of cancer and I would like to know that my grandchildren will be able to build on my land. Please grant my request for a rezone to R8-12. If you have additional questions, feel free to contact me or my daughter, Kim Chapman, at (425) 334-5334 or via email at kjcplus2@comcast.net.

Best regards,

Thelma K. Chapman

RECEIVED

By Planning Department at 2:59 pm, Jan 30, 2023

Attachment 3d

2015-2035 City of Lake Stevens Comprehensive Plan Chapter 1:

H. Ratification of Docket and Authorization Hearing

All amendment requests will require an authorization hearing before the City Planning Commission and a recommendation shall be forwarded to the City Council for consideration before a docket is ratified by the City Council. The purpose of the authorization hearing is to determine whether or not a proposal merits consideration.

The city shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program?
2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws?
3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances that support a plan or regulation change at this time.
4. Does the city have the resources, including staff and budget, necessary to review the proposed amendment?
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan OR
6. All of the following:
 - a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
 - b. The public interest would best be served by considering the proposal in the current year rather than delaying consideration to a later subarea plan review or plan amendment process.

Dear Staff,

The purpose of this narrative is to provide the City of Lake Stevens with information in support of the Applicant's request for a Rezone of the subject property from MU to R8-12.

GENERAL PROPERTY INFORMATION

1. Date of Application: January 27, 2023
2. Project Name: Chapman Rezone
3. Project Location: 10311 Lundeen Parkway, Lake Stevens, WA 98258
4. Tax Parcel Numbers: 385500402200; 385500402202; 385500402203
5. Total Parcel Size: 5.24 acres (228,254.4 +/- square feet)
6. Property Owner: Thelma L. Chapman
7. Applicant: Thelma L. Chapman
8. Contact: Kimberly Chapman, (425) 334-5334

PROJECT DESCRIPTION AND REQUEST

The Applicant is proposing a rezone for three parcels located at 10311 Lundeen Parkway, Lake Stevens, Wa. The proposed Rezone will change the zoning of the subject parcels from MU to R8-12.

I. Granting or Denial of Amendments For both city and privately initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.

The Applicant has submitted a Type, V and VI Land Use Development Application for a rezone from MU to R8-12. The information being provided herein is to demonstrate that the request for a rezone from MU to R8-12 satisfies the requirements of the Lake Stevens Municipal Code (LSMC) and is consistent with the Lake Stevens Comprehensive Plan. This request for rezone does not include development plans that would change the current physical, natural, economic, and/or social environments of the community.

2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods, including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.

Rezoning of the three parcels from MU to R8-12 will make them compatible with surrounding properties in the neighborhood. The rezone of these lots would create no pressure to change the land use

designation of other properties in the vicinity. In fact, the current MU zoning of the three parcels is currently incompatible with the majority of parcels that are zoned R4, R6 and R8-12 in the neighborhood.

3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.

The proposed R8-12 rezone is in an area where minimal increases to density would not increase the need for capital improvements as existing streets, sidewalks, utilities, etc. are either adequate or will be adequately contributed to at the time of any new development. Unsure of impact on traffic as no plan for development is in place.

4. The quantity and location of land planned for the proposed land use type and density.

5.24 acres on Lundeen Parkway, across from Lundeen Park; approximately 1.9 acres are too wet to build upon.

5. The effect, if any, upon other aspects of the Comprehensive Plan.

Per the City of Lake Stevens Comprehensive Plan Land Use Map, the subject property is currently designated as MU (high density) but, because of wetlands, setbacks, and parking requirements, the amount of buildable land is too small for MU development. A rezone to High Density Residential (HDR) will allow single family or attached housing which is part of the Comprehensive Plan.

The city may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws;

The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions.

2. The amendment must be consistent with the applicable County-wide Planning Policies;

Per the City of Lake Stevens Comprehensive Plan Land Use Map, the subject property is designated as Mixed Use (MU) and the proposed rezone would move it to High Density Residential.

3. The amendment must not be in conflict with the Community Vision or other goals, policies and provisions of the Comprehensive Plan;

The proposed rezone will provide additional detached, single-family housing options which are in conjunction with the City's existing population targets and actual development trends.

4. The amendment can be accommodated by all applicable public services and facilities, including transportation;

The proposed rezone is in an area where available infrastructure and services exist to support development of the site under the R8-12 zone.

5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents;

The land use designation and zoning call for attached and single family development, which is the character of the surrounding area. The proposed rezone will provide additional detached, single-family housing options which are in conjunction with the City's existing population targets and actual development trends.

6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

The requested rezone will allow for greater flexibility in future site planning, including smaller lot sizes resulting in more attainable housing for that segment of the population that is looking to buy a single-family or attached home.

Thank you for your consideration in our amendment and rezone request.

Owner Signature and Date:

Thelma L. Chapman, 1/27/2023

Existing Comprehensive Plan Site:



2021 Comprehensive Plan Land Use Designations and UGA Predesignations

Land Use Designations

- Med Density Residential (MDR)
- Waterfront Residential (WR)
- High Density Residential (HDR)

Local Commercial (LC)

Mixed Use (MU)

Commercial

Downtown / Local Commerce (D/LC)

Planned Business District (PBD)

Light Industrial (LI)

General Industrial (GI)

GI Development Agreement (GIDA)

Public / Semi-Public (P/SP)



Existing Zoning Site:



City Zoning			
R4 (formerly SR)	Multi-Family Residential (MFR)	Central Business District (CBD)	Business District (BD)
R6 (formerly UR)	MF Development Agreement (MFDA)	Commercial District (CD)	Light Industrial (LI)
R8-12 (formerly HUR)	Mixed Use (MU)	Planned Business District (PBD)	General Industrial (GI)
Waterfront Residential (WR)	Mixed-Use Neighborhood (MUN)	Public / Semi-Public (P/PS)	GI Development Agreement (GIDA)
	Local Business (LB)		

PLANNING COMMISSION STAFF REPORT



Agenda Date: 2/15/2023

Subject: Short-term Rental Update

Contact Person/Department: Jill Needham, Russ Wright, Community Development

Budget Impact:

Legal Review: Yes

RECOMMENDATION(S)/ACTION REQUESTED:

RECOMMENDATION(S)/ACTION REQUESTED OF THE COMMISSION:

1. Review revised Short-Term Rental code amendment
2. Provide a revised recommendation to the City Council

SUMMARY/BACKGROUND:

BACKGROUND/HISTORY:

The city adopted supplementary use regulations for tourist homes (commonly known as short-term rentals) in 1998 ([LSMC 14.44.064](#)). These regulations have remained unchanged even as the popularity of short-term rentals (STRs) has increased. As part of the Long-Range Work Program, staff has worked with the Planning Commission, City Council and a Citizen Advisory group to develop a set of clear and objective standards to balance neighborhood concerns and property rights.

The Planning Commission held three work sessions on the proposed code amendment in 2022. At its [March 16, 2022 meeting](#), commissioners reviewed public comments, a best practices guide, along with draft code language. Commissioners directed staff to make minor changes before holding the required public hearing. At the Planning Commission public hearing, held [April 20, 2022](#), five members of the public provided testimony. The majority of the Planning Commission supported hosted rentals. The Commission discussed amendments to allow local representatives in place of prohibiting unhosted rentals. Ultimately, the Planning Commission forwarded a recommendation to the City Council to approve the revised regulations.

On [May 3, 2022](#), the City Council held a work session to consider the Planning Commission's recommendation. Several councilmembers expressed concerns with elements of the proposed code, including the prohibition on unhosted rentals, party size limits and inspection requirements. Others were concerned that there had not been adequate outreach to operators of STRs. On May 13 staff notified 22 property owners, as identified from AirBNB and VRBO listings, soliciting feedback on the regulations recommended by the Planning Commission. Staff received three emails from current STR operators.

Staff provided all public comments received through June 1, 2022 to the City Council at its [June 7, 2022](#) work session. Staff provided a spreadsheet identifying concerns raised by the Council and potential options to address those concerns. Councilmembers reviewed these materials and felt there were still several unresolved issues. The City Council formed a three-member subcommittee, comprised of councilmembers Ewing, Frederick and Jorstad, to refine the regulations. The committee met between June 2022 and August 2022.

On [September 13, 2022](#), the City Council held a public hearing to consider the subcommittee's STR regulations. The packet included additional written public comment. Nine members of the public provided additional testimony at the hearing. Councilmembers deliberated the code amendment and continued the public hearing to allow an additional work session. Councilmembers requested information about emergency calls and incident reports related to STRs to assess the scale of law enforcement issues. Additionally, councilmembers wanted more information on the subcommittee process including materials reviewed and prepared by subcommittee members.

At the [October 4, 2022](#) work session, councilmembers reviewed LSPD data for existing STRs. Councilmembers reviewed the subcommittee's various iterations and other available information. Councilmembers directed staff to incorporate additional changes, re-notice the public hearing and allow additional public comment in advance of the public hearing.

At its [October 25 public hearing](#), City Council continued the public hearing and requested an additional work session. During the [November 1 work session](#), councilmembers reviewed and discussed the changes and directed staff to make additional revisions including changes to definitions; review process; adding insurance requirements; and changing the period an owner, with a revoked short-term rental permit, must wait to apply for a new short-term rental permit to one year. Council held an additional work session on [November 8](#) to review the changes in advance of the planned November 15 public hearing. Councilmembers supported the proposed changes and fees.

At the public hearing, 11 citizens testified. Council deliberated and considered amendments to the ordinance. No action was taken. Councilmember Daughtry made a motion to form an advisory committee comprised of citizens, planning commissioners and councilmembers. The motion passed.

The advisory committee has held four meetings between December 12, 2022 and February 6, 2023 (STR Committee Agendas are included as **Attachment 1**).

- At its December 12, 2022 meeting, the committee was briefed on basic growth management act principles, developed a project goal statement and discussed short-term rentals.
- At its January 9, 2023 meeting, the committee re-affirmed points including limiting corporate interest in neighborhoods, a preference for hosted rentals, prohibiting non-lodging activities in STRs. They received recent public comments, reviewed an updated comparison table of regulations from other jurisdictions and discussed a proposed code outline with a purpose statement and definitions. They debated several questions to guide development of a draft code.
 1. How much of the year should the STR operator live onsite?
 2. What permit process should STRs follow?
 3. What are appropriate occupancy limits?
- At its January 23, 2023 meeting, the committee received additional public comments. They discussed the draft code, which included different alternative sections to consider. They re-evaluated if unhosted rentals should be allowed, permit types and distance requirements for contacts. The code as presented and discussed blended elements reviewed by the Planning Commission and City Council and highlighted the direction of the advisory committee. Most committee members agreed on the following items:
 1. The definition of hosted should be changed to include a 24/7 contact within 10 miles
 2. The 'unhosted' definition should be removed
 3. Self-certification for safety with documentation (e.g., photos)
 4. Reference penalty for fraudulent or otherwise misrepresented applications
- At its February 6, 2023 meeting, the committee discussed the revised code, as reviewed by the city attorney for legal compliance. Refinements from the previous version follow.
 1. The revised code was reorganized and condensed for overall clarity
 2. Definitions were updated as needed for consistency
 3. A modification section was added
 4. Language requiring notice to adjacent properties was added
 5. A separation requirement was provided with optional cap language.

After its deliberation, the STR committee recommended the current draft be moved forward and appointed a spokesperson to present its work to the Planning Commission and City Council. The current draft in Attachment 1 includes the following changes:

1. A cap of 30 total STRs (10 maximum in the Waterfront Residential zone) was added.
2. Language was added requiring the owner/operator to provide updated contact info to neighbors and the city upon renewal.
3. Local contacts must be located within the city UGA instead of within a radius

measured in miles.

Several public comments have been submitted to date, originating from 27 unique commenters. Of those, nine were in favor of unhosted rentals and 18 were not in favor. Public comments received are included in Attachment 3.

The City attorney also provided commentary based on previous case law in the 5th Circuit Court of Appeals. The 5th Circuit ruling found that the owner-occupancy requirement for short-term rental in New Orleans was overly restrictive by requiring residency for owners. This is distinguished from a 9th Circuit ruling that upheld a regulation can require someone to live on the property full time, but that person is not required to be the owner of the property. Washington is within the 9th Circuit. The language proposed in the ordinance provides occupancy requirements, but allows the Short-term Rental operator to be the owner or the owner's representative, which would be consistent with both rulings. The proposed code draft has also been reviewed by legal and suggested language edits have been incorporated into the current draft.

DISCUSSION

Staff requests that the Planning Commission consider the draft short-term rental regulations as recommended by the advisory committee (**Attachment 1**); review comments included in the record to date (**Attachment 3**); and forward a recommendation to the City Council to approve the regulations as they are consistent with the Comprehensive Plan and the requirements of LSCM 14.16C.75 for code amendments as supported by the findings of facts and conclusions listed below. The proposed Short-Term Rental regulations, as presented, include items discussed by the Planning Commission, the City Council and the Advisory Committee with consideration of public comment. The purpose of the regulations, as defined in proposed LSCM 14.44.064 (a)(1), is to provide:

“Specific standards and reasonable limitations related to operating lawful short-term rentals are designed to minimize potential adverse commercial impacts in residential areas; protect against public nuisance activities; preserve the availability of housing stock and rental housing; allow property owners to efficiently use their properties and permit temporary accommodations.”

The staff report includes the following items for your consideration:

- STR Advisory Committee Draft Regulations (**Attachment 1**)
- STR Agendas (**Attachment 2**)
- Public Comments to Date (**Attachment 3**)

FINDINGS AND CONCLUSIONS

Per [LSCM 14.16C.075\(f\)](#), the City Council shall make the following findings when approving land use code amendments:

1. **The amendment is consistent with the Lake Stevens Comprehensive Plan**
-

- Land Use Element Goal 2.1: Provide sufficient land area to meet the projected needs for housing, employment and public facilities within the City of Lake Stevens
- Land Use Element Goal 2.2: Achieve a well-balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses
- Housing Element Policy 3.2.2: Support land uses and development regulations designed to increase housing opportunities for current and future residents, seniors, disable, or other special-needs populations in proximity to shopping, health care, services, recreation facilities and public transportation.

Conclusions – Adoption of the city-initiated amendment is consistent with the goals and policies of the city’s Comprehensive Plan. The proposed amendment aims to allow property owners to rent out their homes by utilizing a predictable and objective review process that also considers potential impacts on nearby properties.

1. The amendment complies with the Growth Management Act (RCW 36.70A.106)

- Code amendments are subject to review by the Washington State Department of Commerce.
- The city provided the required notice to the Department of Commerce on March 18, 2022. Commerce acknowledged the proposed amendment under Submittal ID 2022-S-3775.
- If approved by the City Council, staff will file the final ordinance with the Department of Commerce within 10 days of its adoption.

Conclusions – The proposed code amendment has met all Growth Management Act requirements.

1. The amendment serves to enhance the public health, safety and welfare

Conclusions – The recommended amendment will simplify and streamline the review process for short-term rentals included in LSMC 14.44.064. Proposed code language addresses a variety of topics including parking requirements, good neighbor guidelines, and code enforcement. Short-term rentals will also be subject to health and safety standards identified in RCW 64.37.030.

Public Notice and Comments

- Land use code amendments are reviewed through the city’s Type VI legislative review process identified in [LSMC 14.16B.605-660](#), which requires the Planning Commission to hold a public hearing and make a recommendation to City Council.

- The city has provided legal public notices for the Planning Commission and City Council public hearings.

All available public comments have been provided to the Planning Commission and City Council for consideration.

Conclusions – The city has met all public notice requirements per Chapter 14.16B LSMC.

State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC)

- The city determined that the proposal is categorically exempt from SEPA under WAC 197-11-800(19)(b) and issued a notice of SEPA exemption on April 9, 2022.

Conclusions – The proposed code amendment has met all local and state SEPA requirements.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Code Draft (Attachment 1)
2. Public Comments (Attachment 3)
3. Agendas (Attachment 2)

LSMC 14.44.064 – Short-Term Rentals

(a) Purpose and Restrictions

- (1) Short-term rentals allow transitory lodging in residential dwelling units for less than 30 days for direct or indirect compensation. Specific standards and reasonable limitations related to operating lawful short-term rentals are designed to minimize potential adverse commercial impacts in residential areas; protect against public nuisance activities; preserve the availability of housing stock and rental housing; allow property owners to efficiently use their properties and permit temporary accommodations. This section does not authorize any property owner to violate any covenants, conditions or restrictions applicable to the owners' residential dwelling unit.

(2) Restrictions

- i. It shall be unlawful for any person to offer or to rent a short-term rental without obtaining a valid short-term rental permit issued by the department of Planning and Community Development.
- ii. Only one short-term rental is permitted per parcel, which may be in the primary dwelling unit or an accessory dwelling unit, but not both.
- iii. Short-term rental permits are not transferable to another operator or location.
- iv. Use of the short-term rental for weddings, banquets, parties, charitable fundraising or other gatherings other than transient lodging for direct or indirect compensation is prohibited.

(b) Licensing and Registration

- (1) Short-term rentals are allowed in the zoning districts identified in Table 14.40-I of Chapter 14.40 LSMC.
- (2) Short-term rentals shall be separated by at least 500 feet between parcel boundaries, as confirmed by the city, based upon the Snohomish County Assessor's parcel data. Distance shall be measured using the shortest possible straight line from the closest edge of the parcel boundary on the same side of the street.
- (3) The maximum total number of short-term rental licenses allowed at any one time shall be 30, with no more than 10 short-term rental licenses allowed within the Waterfront Residential zoning district.
- (4) Short-term rentals require a Type I application per Table 14.16-A-I, applicable fees and a written description of the proposed short-term rental identifying the following:
 - i. The name, phone number, email address and postal address providing valid current contact information for the owner and the operator (see definitions) and any other local contact. Any changes to the name or telephone number(s) of contact(s) must be submitted to the department of Planning and Community Development and adjacent property owners within 14 days of the change.;
 - ii. The address of the structure where the short-term rental use will occur;
 - iii. The area to be rented, including number of bedrooms, to overnight guests; and
 - iv. The initial short-term rental permit fee and renewal fee shall be established by resolution of the City Council.

- (5) Short-term rental operators shall obtain and maintain a city business license per Chapter 4.04 LSMC.
- (6) Short-term rental owners/operators shall maintain current insurance per RCW 64.37.050.
- (7) The short-term rental operator shall provide written notification, on a form provided by the city, to adjacent property (see definitions) owners of their intent to operate a short-term rental. The short-term rental operator shall provide a completed copy of the notice and signed statement made under penalty of perjury of the adjacent property provided the notice to the department of Planning and Community Development, as part of the review process.
- (8) The short-term rental operator shall attest that the short-term rental unit provides basic health and safety standards for rental parties and provide photographic and/or video documentation to the department of Planning and Community Development as part of the review process and annual renewal.
 - i. Basic health and safety standards mean the short-term rental is equipped with working fire extinguishers, smoke detectors, carbon monoxide detectors and clearly marked exits within the unit.
 - ii. The city reserves the right to conduct inspections of the short-term rental in response to health and safety complaints, subject to any fees identified in the current Fees Resolution.
- (9) The Planning and Community Development Director or designee will evaluate short-term rental applications for compliance with the requirements of this section, other applicable sections of the Lake Stevens Municipal Code and Chapter 64.37 RCW.
- (10) Duration of Approval and Renewal
 - i. Short-term rental approvals shall be valid for a period of one year, with the effective date running from the date of issuance.
 - ii. Short-term rentals must be renewed annually with the department of Planning and Community Development, provided all the approval criteria continue to be met.
 - iii. It is the owner's / operator's responsibility to ensure that the short-term rental remain in substantial compliance with all applicable codes and laws.
 - iv. It is the owner's / operator's responsibility to verify or update current contact information annually, upon renewal of the license, for the owner, operator and local contact to be provided to the city and adjacent property owners.

(c) General Operating Requirements

- (1) Short-term rentals must be occupied by the short-term rental operator as a primary residence at least 240 days a calendar year unless the owner/operator has a primary residence within the Lake Stevens Urban Growth Area. When not onsite or absent from their primary residence and unavailable for contact by the rental party or city employees during a short-term rental, the operator must designate an available local contact.
- (2) Short-term rentals shall be located within a permanent, legal conforming residential dwelling units. No structures located overwater, either partly or wholly, shall be rented as a short-term rental for lodging and sleeping. Rental of temporary structures, open land and recreational vehicles as a short-term rental is prohibited.

- (3) No more than two guests, excluding children under six years old, are permitted per bedroom.
- (4) No more than two short-term rental parties can occupy the short-term rental at any time.
- (5) The short-term rental operator shall post a set of “good neighbor guidelines” in a conspicuous place in the short-term rental unit, on a form provided by the city, with the following information:
 - i. Contact information for the operator and designated local contact who is available 24-hours a day and seven days per week;
 - ii. Emergency and non-emergency contact information for medical, police and fire services;
 - iii. Quiet hours are between 10 pm and 7 am.
 - iv. The location of the rental’s designated parking space(s);
 - v. The location of emergency shut-offs, fire extinguisher(s), fire exits and escape routes;
 - vi. The location of trash, compost and recycling containers; and
 - vii. Guests must follow all applicable local, state and federal regulations.
- (6) A minimum of one off-street parking space shall be provided per bedroom rented.
 - i. Per LSMC Table 14.72-I a minimum of two off-street parking spaces shall be provided for the dwelling unit.
 - ii. Parking of boat trailers and recreation vehicles is only allowed when adequate parking is provided onsite.
- (9) Short-term rental operators must remit all applicable local, state, and federal taxes and other assessments per RCW 64.37.020 for the short-term rental.
- (10) The short-term rental operator must comply with Chapter 64.37 RCW. When the standards of this section and Chapter 64.37 RCW differ, the stricter standards shall apply.

(d) Permit Modifications

- (1) The Director of Planning and Community Development, or designee may modify the operational requirements, based on site-specific circumstances for the purpose of allowing reasonable accommodation of a short-term rental.
 - (2) All requests must be in writing and shall identify how the strict application of the operational requirements creates an unreasonable hardship to a property or property owner, and if the requirement is not modified, reasonable use of the property for a short-term rental would not be allowed.
 - (3) Any hardships identified must relate to physical constraints to the subject site. Such hardships cannot be self-induced or economic.
 - (4) In addition, any modification to the operational requirements cannot further exacerbate an already existing problem.
- (e) Nuisance Activity – It shall constitute a public nuisance for any short-term rental operator to allow rental parties to create raucous noise or host unruly gathering at a short-term rental in violation of Chapter 9.56 LSMC and other applicable sections of the Lake Stevens Municipal Code.

- (1) A raucous noise may include but is not limited to yelling, screaming, shouting or the transmission of any loud or amplified noise, which unreasonably interferes with the peace and quiet of the nearby residents or members of the public.
 - (2) A loud and unruly gathering may include but is not limited to exceeding the number of allowed occupants; activities of rental parties that create raucous noise that may be heard by nearby residents or members of the public; and/or occupants and/or guests engage in disorderly conduct that disturbs the public peace.
 - (3) The short-term rental operator shall, upon receiving notification from the city, Police Department or any other means, that any rental party has created a public nuisance, engaged in disorderly conduct or committed violations of the Lake Stevens Municipal Code or applicable laws must promptly respond to the complaint and document corrective actions taken. Failure to respond to complaints in a timely manner may be grounds for penalties as set forth in this section. It is not intended that the short-term rental operator or local contact place himself or herself in an at-risk situation.
- (f) Complaints and Enforcement
- (1) Complaints and enforcement are subject to the processes identified in Chapters 4.04 and 17.20 LSMC including any applicable fines and penalties.
 - (2) Multiple violations of the short-term rental code will result in progressive enforcement as identified in LSMC 17.20.030.
 - (3) A new short-term rental permit will not be issued to the short-term rental operator of a revoked short-term rental permit and business license until one year from the time of revocation has passed.
 - (4) Permits issued based on applications containing misrepresented or misleading information may be revoked.

14.08 Definitions

Adjacent property means any property contiguous to a property on which a short-term rental location is located.

Boarding house means a residential use consisting of at least one single-family dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house does not include adult family homes, clean and sober facilities, rest homes or convalescent homes and is distinguished from a short-term rental in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Local contact means the person designated by the owner or operator who is the point of contact for the short-term rental; who is available 24 hours per day, seven days per week; and who can respond to complaints and take remedial actions.

Long-term rental means the rental of a room or dwelling unit for residential use as a permanent or semi-permanent for a period of 30 or more days.

Primary residence means a person's usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation and insurance purposes, including, without limitation, income tax returns, medical

service plans, voter registration, paycheck stubs, lease or rental agreement, mortgage agreements, bank statements, driver's licenses, valid state identifications, and/or vehicle registrations.

Short-term rental means a residential dwelling unit, in which all or part of the structure including an accessory dwelling unit is rented to a rental party, on a nightly or weekly basis for transient lodging of less than 30 days, subject to the standards identified in LSMC 14.44.064. Short-term rentals do not include bed and breakfasts, inns, hotels and motels.

Short-term rental party means an overnight guest or group of renters renting the short-term rental for a specified period of one or more nights but less than 30 days and visitors of the overnight occupants.

Short-term rental owner means the owner of the short-term rental who has an interest in the property as provided for in the property deed. All persons listed in the deed that have an ownership interest are required to sign the short-term rental permit application. If the property is held in a trust or is part of a limited liability company (LLC), the trustee or the general member of the LLC must sign the short-term rental permit application. If the property is held in a corporation's name, the corporation's duly authorized agent shall sign the short-term rental permit application. Each owner shall be held jointly and severally liable for any violations of this chapter.

Short-term rental operator (or operator) means the owner, property management company, or another entity or person designated by the owner to act on their behalf as the main contact for rental parties responsible for day-to-day operations of the short-term rental, addressing any complaints and to ensure compliance with the requirements of LSMC 14.44.064.

Table 14-16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
TYPE I Administrative without Public Notice	• Shoreline Exemptions • <u>Short-Term Rentals</u> • Signs	None	Open Record	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record

Table 14.40-I: Table of Residential Uses by Zones

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply. P – Permitted Use; A – Administrative Conditional Use; C – Conditional Use (See Section 14.40.070 for explanation of combinations)															
NAICS Code	Use	R4	WR	R6	R8-12	MFR	LB	MU ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
MISCELLANEOUS AND ACCESSORY USES															
<u>N/A</u>	<u>Short-Term Rentals¹</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>							
<u>N/A</u>	Tourist homes	A	A	A	A	A		A							

TABLE 14.72-I: TABLE OF PARKING REQUIREMENTS

¹ Subject to Type I review and requirements of LSMC 14.44.064.

Rooming and boarding houses	1 space for each bedroom.
<u>Short-Term Rentals</u>	<u>1 space per bedroom rented plus 2 spaces for owner / agent when occupied</u>

Sincerely,

Kathy Nysether

kathycn@hotmail.com

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Monday, February 21, 2022 12:39 PM
To: lsplanning
Subject: Tourist Home vacation rentals

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10429 E Davies Loop Rd
Lake Stevens, Wa 98258

February 21 2022

Dear Lake Stevens Planning Commission:

We are writing regarding amendment of the city's Tourist Home, Short Term Rental code and have recent experience we hope you will take into consideration.

Approximately 2 years ago the lakefront property next to us sold to the Birch family who also own and operate STB Rentals LLC. They introduced themselves as a family from Bellevue very excited to live on Lake Stevens.

After several months of remodeling the home they informed us they intended to rent the house on VRBO.

The first rental occurred on July 4, 2020 with approximately twenty young men and women partying and setting off fireworks throughout the day and night. We observed probable underage drinking, Roman Candle like fireworks being discharged into our yard and being directed toward boats as they drove by. At the end of the night people were up on the roof setting off projectile fireworks within 25-30 feet of our home.

Despite several neighbors complaining to the property owners we continued to encounter trespassing, illegal parking and cars driving at excessive speeds down our private road, unleashed dogs defecating on our lawn, and the stench of marijuana causing us to remove ourselves and our guests from our beachfront on multiple occasions.

We decided to appeal to the city for advice after the Birch's approached us asking if they could pay us to provide parking for weddings at the house.

We learned we had been naive assuming the Birch's had obtained a permit to operate their VRBO. We were informed this matter required a complaint and quickly submitted a code enforcement request on behalf of ourselves and two of our neighbors.

After the Cease and Desist letter there were continued violations. We contacted the city Code Compliance Inspector who asked us to provide photo documentation of these violations.

On November 21, 2020 we believe we were victims of retaliative behavior after hearing a series of obscenities being shouted in our direction from the Birch's yard. Later that same night we heard banging on metal sound and a loud voice shouting and chanting. We observed the homeowner naked and dancing around a large bonfire in his yard.

We called 911 requesting an anonymous welfare check.

After the police responded Officer Wells called to tell us he suspected this was possibly drug induced, psychotic behavior and asked if we wanted to press charges. He suggested because this had been going on for hours already the neighbor would likely be exhausted and go back inside sooner than later. We did not press charges but the behavior persisted until almost 2 am.

We appreciate our experiences may be extreme but we appeal to you to take them into account before you open the door to these for profit, VRBO and unhosted Air BNB businesses in our residential neighborhoods.

It was proven to us from the outset that VRBO owners and their unhosted guests do not comply with rules and have little interest in being a good neighbor.

Regarding enforcement of violations, we believe the current protocol places unfair onus on homeowners surrounding these properties to report and provide documentation for inevitable violations and code enforcements. We imagine the city's law enforcement will also be impacted if more of these businesses are allowed to operate in our neighborhoods.

The Birch's are currently compliant with long term renters in the home.

Thank you for your time and attention considering our concerns.

Aileen and Todd Spradlin

David Levitan

From: Nikki Odegaard <nikkioodegaard55@gmail.com>
Sent: Wednesday, March 2, 2022 9:57 PM
To: lsplanning
Subject: Att: Planning Commissioners re. AirBNB and VRBO rentals on Lake Stevens - input for the next planning meeting

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Dear Commissioners,

We are writing to ask that you not change the existing codes for short term rentals to allow AirBNB and VRBO rentals in residential areas. Our family has lived on the Lake for four generations and seen much growth over the past about 80 years! However, it has always been a residential haven - and the existing short term rental codes allow at least a somewhat controlled way for some families to make an income from their home.

Our issue with the proposed expansion into AirBNB and VRBO rentals is that there is simply not enough oversight on the activities of totally unsupervised renters. There is a history of them often being used for basically days-long parties with unchecked noise and unsafe behavior. That stretches throughout the summer. We have experienced this ourselves! There is apparently not the man-power to have law enforcement control this. Our legendary Lake Stevens 4th July parties are one thing - but that behavior throughout the entire rental season would literally change the lives of regular lakeside residents.

Another aspect that is very concerning is that of parking. Many of the houses along the lake shore have very limited parking. Turning single-family homes into multi-person holiday spots will likely make for some very dangerous parking situations.

All in all, we would ask that the Commission NOT expand the current regulations which keep the property owner as on-site hosts. The proposals would change the very nature of our family-friendly, residential lake - and not for the better. Please don't sacrifice that for the sake of a relatively small number of potential business opportunities which would have an outsized effect on their neighbors and neighborhoods. Many communities have come to regret their opening up to this form of rentals and it is not easy to backtrack once that decision has been made and shown to be a bad one. Thank you for your consideration.

Bruce and Nikki Odegaard

Sunday, March 13, 2022

Dear Lake Stevens Planning Commission,

My name is Brad Nysether and I have enjoyed living in the Lake Stevens area since 1985. I have, of course, seen a lot of changes (some good and some bad) with a current topic of discussion of the Commission of easing up short term rentals in my opinion being a bad change.

My wife and I had the unpleasantness of what we believe was an illegal short-term rental start up in our residential neighborhood and would like to thank code enforcement for reaching out to the owners to stop the activity.

Although, not all short-term rentals are the same our experience has always been more noise, more traffic, trespassing and then all the stuff related to "more partying". About the only person that benefits from short term rentals is the owner of the property due to monies received. However, the owner(s) are typically "blackballed" by the rest of the property owners in the near vicinity due to the intrusion on the neighborhood and it becomes a real uncomfortable situation.

I believe the Commission is starting the process of drafting up code and I am curious to see how that reads like but some of my thoughts are if short term rentals have to be then they need to be hosted, have sufficient onsite parking for renters and their guests, maximum occupants based on square footage or number of bedrooms/bathrooms, full operating license required and proper additional taxes collected on what would be considered a profit producing business.

There will also be some impact to the city; code enforcement personnel, safety inspections (fire alarms and smoke detectors etc.) and other operating businesses impacts. Ketchum, ID has recently analyzed and "firmed up" their short-term rentals with the City Council just voting to enact a \$527 fee per property for owners of short-term rentals to cover the additional impacts to the city for short-term rental compliance.

Here is a link to their ordinance <https://www.ketchumidaho.org/administration/page/short-term-rentals>

Respectfully,

Bradley M Nysether

David Levitan

From: Nikki Odegaard <nikkiodegaard55@gmail.com>
Sent: Monday, March 14, 2022 10:16 AM
To: David Levitan
Subject: Re: Att: Planning Commissioners re. AirBNB and VRBO rentals on Lake Stevens - input for the next planning meeting

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Hi David,

Thank you so much for your reply and all the info attached. I was happy to see that the rules proposed in the package look to address all our concerns very well! Thank you to the Planning Commission! Is there a need to have voices such as ours at tomorrow's meeting, or does this represent a final agreed draft by your committee, which is essentially good to go to City Council? I'm no pro at Zoom!

Hopefully by the time the City Council has to approve the final result, we will be back to in-person meetings!

All the best,

Nikki

On Monday, March 14, 2022, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Hi Nikki and Bruce:

Thanks for taking the time to provide your feedback on the proposed short term rental code amendment. They have been included in the packet for the March 16 Planning Commission meeting ([find meeting packet here](#)), where commissioners will discuss short term rentals.

Planning Commission meetings are still being held [via Zoom](#) (we are working on transitioning to hybrid online/in-person meetings), if you would like to attend.

Please let me know if you have any questions.

David

David Levitan

From: Jeremy Korst (korst.org) <jkorst@korst.org>
Sent: Tuesday, March 15, 2022 5:44 PM
To: David Levitan
Subject: Re: Short Term Rental Input

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David, thanks for the prompt and thoughtful response. I look forward to learning more as this matter progresses. One of the reasons we like Lake Stevens is because of its differentiated and valuable qualities that are unlike some of those cities listed below. Our community really is a gem - and while it faces many of the growth, housing, traffic and other challenges that face so many cities, I believe we can successfully navigate these issues to come out even better and stronger. Thank you for all of your personal work in this regard!

Thanks again!
Jeremy

From: David Levitan <dlevitan@lakestevenswa.gov>
Sent: Tuesday, March 15, 2022 4:54 PM
To: Jeremy Korst (korst.org) <jkorst@korst.org>
Subject: RE: Short Term Rental Input

Hi Jeremy:

Thanks for taking the time to comment on the short-term rental code amendment. I have forwarded your comments on to the individual commissioners.

I wanted to clarify that tomorrow night's meeting is a work session, and not a public hearing. The Planning Commission will be reviewing the draft code language for the first time, after being introduced to the topic and sample codes from other cities at previous meetings, most recently on February 16. Over the last month, we did look at several other lakefront communities, including Kirkland, Sammamish, Issaquah, Mercer Island and Bellevue. Some of that research has been incorporated into the draft code, which in its current form does not propose amending our regulations to allow unhosted rentals. I would anticipate a robust discussion tomorrow night with the Planning Commission, if you would like to tune in via the [Zoom link](#).

The [meeting packet](#) for tomorrow night can be found on the [Agenda and Minutes page](#); use the drop down for March 16 Planning Commission to find the packet if the direct link I provided doesn't work.

Please let me know if you have any questions.

David



David Levitan, *Planning Manager*



City of Lake Stevens | Planning and Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9425
dlevitan@lakestevenswa.gov

David Levitan

From: Jeremy Korst (korst.org) <jkorst@korst.org>
Sent: Tuesday, March 15, 2022 4:32 PM
To: lsplanning
Subject: Short Term Rental Input

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Planning Commission:

I recently learned that there is a public hearing tomorrow regarding potential changes to short term rental codes in Lake Stevens. Unfortunately, I will be unable to participate; however, I wanted to provide some input into this process.

My family purchased an older home on Lake Stevens several years ago and we are now in the process of building a new home on the property. We currently reside in Issaquah and were attracted to Lake Stevens due to the residential nature of the community, as well as it being located near Everett where our family business is located. We love the area, and our hope is to relocate to the new home on Lake Stevens after it is complete.

I was a bit surprised to learn that there is consideration to allow an expansion of short-term rentals in Lake Stevens. In the past, we have owned vacation properties in communities that allow these types of rentals (eg, Suncadia and Winthrop), and we are frequent Airbnb/VRBO renters for our family vacations. Based on my experience and opinion, the Lake Stevens community is incongruent with a material expansion of short-term rentals. Communities that have successfully embraced short term rentals tend to be more vacation and/or tourist destinations - that also have related tourism support infrastructure - not suburban residential communities like ours. Further, the need to ensure continued stewardship of our watershed and our beautiful lake (which has been affected by neglect in the past), requires a level of stewardship that is unlikely to be embraced by short-term-renters or absentee owners.

I appreciate that this topic is being investigated, and I was able to quickly review the Planning Department's evaluation of other cities and their respective treatment of short-term rentals. But, I noticed only one city that is a suburban, residential, lake-centric community: Lake Oswego, OR. In my opinion, we should expand the geographic consideration set and include a review of more similar peer communities. This will help us better understand how these similar residential, lake-centric communities are balancing some owners' desire for short term rentals while trying to minimize the potential negative impacts of these properties. For example, perhaps our peers mitigate some of these negative impacts by requiring the property to be owner-occupied, ensuring the owner is onsite to "host" the renters, requiring reasonable licenses/inspections/fees, and setting requirements for parking (including boat trailers) and occupancy limits, etc.

Thank you for taking the time to consider my input, and I look forward to learning more as this matter proceeds. Hopefully, we can chart a course that balances owners' rights while preserving the primarily residential nature of our lake community.

Thank you,

Jeremy Korst
jkorst@korst.org

David Levitan

From: kathy nysether <kathycn@hotmail.com>
Sent: Tuesday, April 19, 2022 3:33 PM
To: lsplanning
Subject: Short term Rental hearing

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Hello Commissioners!

I'm sorry that I am unable to attend or zoom in to your meeting tomorrow.

Thank you for listening to us and coming up with a comfortable update to this code!
I appreciate the work that you have done on this and feel it is good. Maybe as time goes on we will need to re-visit it, but this is great for now!

Kathy Nysether

David Levitan

From: jennifer soler <jennifersoler125@hotmail.com>
Sent: Wednesday, April 27, 2022 6:19 PM
To: David Levitan
Subject: Regarding the updating of the Tourist Home Code

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Attn: David Levitan

Dear City Council,

I am a resident of Lake Stevens and I am very concerned regarding the impact of short-term rentals of rooms / houses in our area.

The language in the current code that requires the host to be in residence during the rental time period and that the host must provide off street parking for tenants, needs to be kept in the code as is and enforced. This will prevent the impact of a "Party House" from decreasing property values and from negatively impacting the community. Due to the housing density of my neighborhood a short-term rental without a host would more likely be booked as a Party House and would have a negative impact on my neighborhood and the community.

I strongly suggest that residences used for rental should have to be registered and inspected to ensure they are meeting the code that is outlined. I am also curious if these "short term rentals" are paying taxes for the use of our city facilities.

If you need further information, please contact me at Jennifersoler125@hotmail.com

Thank you for your attention to this matter.
Jennifer Soler

David Levitan

From: kathy nysether <kathycn@hotmail.com>
Sent: Friday, April 29, 2022 10:44 AM
To: David Levitan
Subject: For May 10th mtg re: Short Term Rental Code

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Attention City Council Members!

I have been following the Planning Commission's discussions on the Short Term Rental Code. I am very comfortable with what they have proposed as the new code. I hope you will agree with the work they have done and approve it as is.

The biggest concern to me is keeping these businesses as Hosted. We had a very uncomfortable few months with an unhosted short term rental in our neighborhood. I feel as long as these rentals are hosted it will curb most of the unwanted noise and daily disruptions that you hear of and keep our community livable. The planning commission has come up with a good plan!

I will keep this short as you can read my previous letter sent to the planning commission for the rest of the details.

Sincerely,

Kathy Nysether

kathycn@hotmail.com

425-238-7631

Just to be clear, the Planning Commission's approved code revision:

LSMC 14.44.064 – Short-Term Rentals

(a) Purpose – the purpose and intent of requiring specific standards for short term rentals (rentals of 30 days or less) is to ensure that their location and operation is consistent with the existing residential character of the surrounding area in terms of appearance, traffic levels and other development standards.

(b) Applicability and General Requirements – the following requirements shall apply to all short-term rentals.

(1) Short-term rentals are allowed in the zoning districts identified in Table 14.40-I.

(2) Short-term rentals are limited to owner-occupied residences and subject to any additional

covenants and restrictions on individual properties.

(3) The owner, authorized agent or property manager shall live on the premises for the entire duration of any short-term rental agreement.

(4) No short-term rental can be rented to more than two separate parties, per facility, or exceed eight total individuals at any time.

(5) The total number of guests covered by a short-term rental agreement shall not exceed two per rented bedroom and six total individuals.

(6) A city business license shall be submitted to the city with the short-term rental application, which shall be evaluated for compliance with the provisions of this section and approved by the Planning Director or designee.

(7) As part of the review process for the initial application, the building official or designee in coordination with the fire marshal shall perform a safety inspection of the property. It shall be the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building, health, safety and other relevant laws and regulations. The premises may be subject to safety and compliance inspections as part of the annual business license renewal.

(8) Prior to submitting a short-term rental application, the property owner shall provide written notification to the owners of properties located within a 300-foot radius of the boundaries of the subject property of their intent to operate a short-term rental, and include a copy of the notification and distribution list with their application.

(9) Any non-residential activities beyond the short-term rental of rooms shall require approval of a Home Occupation permit and be subject to LSMC Section 14.44.015.

(10) A short-term rental owner must maintain primary liability insurance consistent with RCW 64.37.050.

(11) Applicable lodging taxes must be paid to the State of Washington, and those payments are the responsibility of the property owner.

(c) Development Standards

(1) A minimum of one off-street parking space that meets all requirements and standards of LSMC Chapter 14.72 shall be provided per rented bedroom in addition to the minimum parking requirement for the residence (see Table 14.72-I). Parking of boat trailers may be allowed so long as an adequate off-street parking area, beyond the minimum requirements detailed above for personal vehicles, is provided and the additional parking

does not conflict with provisions of Chapter 14.48 LSMC.

(2) Approved accessory dwelling units(both attached and detached) may be utilized as short1[1]term rentals subject to all other requirements of this section, including the maximum

number or rental agreements for the property.

(3) Signage shall be limited to four square feet in area, consistent with LSMC 14.68.020.

(4) The property shall give no outward appearance or exhibit characteristics of a business that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.

(5) Meal service shall be limited to overnight guests. Separate kitchens shall not be allowed in individual guest rooms unless part of an approved accessory dwelling unit (ADU).

(d) Complaints and Enforcement

(1) Complaints and enforcement are subject to the process identified in LSMC Chapter 17.20, with the city's Code Enforcement Officer serving as the main contact for responding to complaints and investigating potential violations.

(2) Penalties levied may include warnings, fees, or the revocation of the applicable business license.

14.08.010 Definitions of Basic Terms.

Boarding House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist homeshort-term rental in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Tourist HomeShort-Term Rental. A hosted residentialsingle-family structure where the owner, authorized agent or property manager lives on the premises, in which individual rooms are rented by the day or weekfor a period up to thirty (30) days, subject to the standards identified in LSMC 14.44.064.

May include but not limited to facilities commonly known as bed and breakfasts, tourist/vacation rentals, Airbnb, VRBO, etc.

April 30, 2022

To the Lake Stevens City Council Members,

Kim Daughtry
Gary Petershagen
Shawn Frederick
Mary Dickinson
Anji Jorstad
Steve Ewing
Marcus Tageant

I've been following the Planning Commission's recent work regarding management of Short Term Rentals and I'm sure you are aware that many cities and counties are reassessing their Short Term Rental (STR) regulations, just as the City of Lake Stevens is, due to the increasing popularity of VRBO and Air BNB businesses.

Many communities are reviewing regulations and codes because in some cases few, if any, regulations and/or little or no oversight existed.

Residents are upset and complaining to their city councils about safety, noise, traffic, parking and garbage. Complaints have surfaced about increased housing costs in areas with a strong STR presence and investors purchasing these properties for profit with little or no regard for the community itself.

Chelan County is currently revisiting their regulations regarding increased numbers of STRs existing in residential neighborhoods and how to best manage complaints.

Lake Tahoe has designated individual districts surrounding their lakefront. Some districts prohibit STRs in Residential zoned areas but allow them to operate in Commercial and Tourist zoned areas.

The city council in Whitefish, Montana is studying ways to "ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long term residents."

The Honolulu City Council has aggressively curtailed STR business. They have increased the minimum number of days for STR to 90.

Below is a copy from a city ordinance that was passed in 2021:

RELATING TO TRANSIENT ACCOMMODATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose. Short-term rentals are disruptive to the character and fabric of our residential neighborhoods; they are inconsistent with the land uses that are intended for our residential zoned areas and increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets. The City Council finds that any economic benefits of opening- up our residential areas

to tourism are far outweighed by the negative impacts to our neighborhoods and local residents.

I appreciate the cities' careful consideration of this important matter and I agree with the recommendation for the "owner occupied" requirement which is being presented by the Lake Stevens Planning Commission as the best course of action for our community.

The owner's presence would be preemptive for many problems occurring in the first place whereas no complaints would be reported and no intervention would be necessary.

There was a suggestion at the last Planning Commission meeting that a representative could be hired as an agent of contact for the STR but would not be required to live onsite. My contention is by the time the agent is contacted, the disruption would have already taken place making for very unhappy neighbors. Currently there is one code enforcement officer in the city of Lake Stevens who would, most likely, not be available on that evening or weekend and may well be alerted after the renters have already left the premises. I believe police would be called instead of the agent, putting more strain on the Police Dept.

Please retain the "owner occupied" regulation for Lake Stevens STRs and keep our neighborhoods more neighborly.

Sincerely,
Todd Spradlin

David Levitan

From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Sunday, May 1, 2022 9:17 AM
To: David Levitan
Subject: City Council meeting 5-10 STRs

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Dear City Council members,

Our family has lived in Lake Stevens for 65 years. We are privileged to call many other city residents our friends. Our home is in a quiet neighborhood off the Davies Loop Road and we have enjoyed good relationships with our neighbors except for our experience living next door to a unhosted VRBO through the summer 2020.

During that time my husband and I encountered 1 or 2 new groups of renters each week with noise, cars coming and going all hours of the day and night, speeding on our private road. We've endured property damage, illegal parking, trespassing, dogs barking and pooping on our lawn. The stench of marijuana being smoked within several feet of us made it impossible to enjoy our patio/beachfront. Renters used VRBO provided kayaks and paddle boards ignoring watercraft regulations. On July 4 approximately 20 young men and women partied. We observed probable underage drinking, projectile fireworks were discharged onto our property and toward boaters.

We and several of our neighbors complained to the owner on numerous occasions and were placated and told our expectations for safety and privacy were unrealistic simply because we live in Lake Stevens.

When the VRBO owner asked us to provide parking so they could book weddings we learned they were professional property managers. We inquired with the city and requested a code enforcement.

After receiving the cease and desist order, the homeowner embarked on a 10 hour episode of harassment including vulgar obscenities and indecent exposure and ending with police intervention. We installed 3 security cameras surrounding our home.

I have been following the Planning Commission's deliberations closely and appreciate their thoroughness researching how these businesses are being managed in other cities, including waterfront communities, and their acknowledgment that vacation rentals will exponentially impact neighborhoods surrounding the lake especially during summer and fall.

I strongly agree with their recommendation to allow owner occupied short term rental in our residential neighborhoods. The owner must be onsite to assure rules and regulations are being observed for the safety of their guests and the safety, security and privacy of neighboring properties. Speaking from experience, unhosted owner/manager oversight of our neighborhood VRBO failed miserably.

Lake Stevens has become a hugely attractive recreational hotspot and I expect there will be properties offering unhosted rentals under the radar. I fear our single code enforcement officer will be overwhelmed and I believe enforcement will be integral to the success of this new code.

Thank you for your attention and for considering how this code amendment will impact the citizens who live in and support the community of Lake Stevens.

Aileen Spradlin

Sent from my iPhone

David Levitan

From: Susan Green <sgreen@coastalbank.com>
Sent: Wednesday, May 4, 2022 12:32 PM
To: David Levitan
Cc: Susan Green (sgreen92691@aol.com)
Subject: Statement for support of owner occupied short-term rentals
Attachments: STATEMENT OF SUPPORT FOR OWNER OCCUPIED.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let this correspondence acknowledge my support for the attached statement.

Thank you,

Susan Green
816 E Lakeshore Drive, Lake Stevens WA 98258
Sgreen92691@aol.com

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1-4 Family Appraisal Notice: We may order an appraisal to determine the property's value and charge you for this appraisal. We will promptly give you a copy of any appraisal, even if your loan does not close. You can pay for an additional appraisal for your own use, at your own cost. In your letter, please give your name and your mailing address.

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STATEMENT OF SUPPORT FOR OWNER OCCUPIED SHORT TERM RENTALS IN THE CITY OF LAKE STEVENS

Lake Stevens is a picturesque community which is conveniently located approximately 30 miles north of Seattle. It has become increasingly popular as a recreational destination for fishing, boating, and a variety of water sports. As such, it is an attractive location for temporary vacation rentals.

The City of Lake Stevens is currently considering how to best manage short term rentals, like Airbnb and VRBO, and issues surrounding them such as noise, privacy, traffic, parking, garbage, and safety.

In an effort to maintain Lake Stevens as a highly desirable residential community, after hearing input from community members, the Lake Stevens Planning Commission has recommended short term rental facilities be “owner occupied”. This recommendation is designed to prevent the purchase and rental of property in this community by individuals or corporations for the sole purpose of profit from short term rentals, with little or no accountability to residents impacted by the renters.

The Lake Stevens City Council is meeting May 10, 2022 to consider the Planning Commission's recommendation and to take input from the community regarding this issue. Please sign this statement of support for the Commission's recommendation that short term rentals be "owner occupied". If possible, your attendance at the meeting will be greatly appreciated.

[illegible]

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Thursday, May 5, 2022 4:24 PM
To: David Levitan
Subject: Re: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date

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Hi David,

Thank you for sending the YouTube, very interesting discussion and I appreciate the council members concerns for fairness.

Since unhosted vacation rentals have not been permitted in our city I'm wondering how you will be able to demonstrate police complaints associated with them. I have a police complaint from 11-21-2020 if it would be helpful. My husband and I and at least 4 other people can testify to the encounter, I'm certain Officer Wells remembers it.

I hope you can demonstrate how other waterfront communities have recognized the need for additional regulation in Chelan County (Leavenworth-Peshastin area, Lake Wenatchee, Manson, Chelan) and Bellingham (Lake Whatcom Watershed and shoreline areas).

Concerning VRBO and Airbnb doing a good job policing their rentals, how is it we have at least 28 operating under the radar, unlicensed in our city? Additionally, I hope the City Council will recognize by the time these companies are able to address complaints the renters are long gone making for pretty miserable real time living conditions for the surrounding property owners.

And perhaps, in fairness, the city should also reach out to the homes surrounding our "out of compliance" short term rentals to get neighborhood feedback.

I can't say all of the renters next door to us were problematic but overall it was an unpleasant experience and made us feel less secure in our neighborhood. I have talked with as many people I can think of about this matter just to make them aware and am encouraging them to write letters and attend the public meeting. I was curious why the council members didn't have our letters in their workshop packet.

Thank you for your presentation to the City Council, it was very thorough. I appreciate being kept informed and updated regarding this work and your availability for questions.

Aileen Spradlin

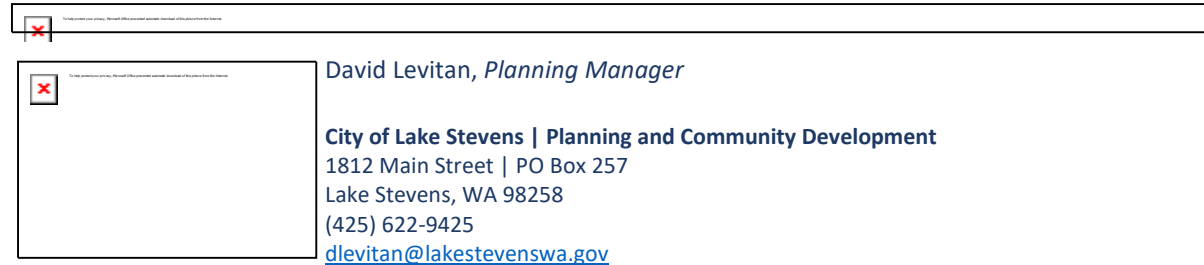
On May 5, 2022, at 10:08 AM, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Hi Aileen:

Thanks for reaching out. Among other things, councilmembers had questions about the parking requirement (one additional space per rented bedroom), the maximum rental party size, the proposed safety inspection (including whether it should be annual), the 300 foot noticing requirement, and the hosted rental requirement. They also requested that we expand our outreach, including property

owners that are currently operating short-term rentals. Here is a link to the [YouTube video](#), if you would like to watch.

David



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From: Aileen Spradlin <aileenspradlin@gmail.com>

Sent: Thursday, May 5, 2022 9:45 AM

To: David Levitan <dlevitan@lakestevenswa.gov>

Subject: Re: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date

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Thanks for the update, David.

Are you able to tell me what were the comments necessitating additional research and what changes to the ordinance did the council want to explore?

Aileen

Sent from my iPad

On May 5, 2022, at 7:34 AM, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Good Morning:

During their May 3 workshop meeting, the City Council reviewed and provided a number of comments on the proposed short-term rentals ordinance recommended by the Planning Commission. At the conclusion of the meeting, the Council requested that staff conduct additional research and outreach, explore a number of changes to the ordinance, and hold an additional work session with Council before bringing the ordinance forward for a public hearing. As such, the May 10 public hearing is cancelled and will be rescheduled for a future date.

Please let me know if you have any questions.

David

From: [Steve Ewing](#)
To: [Kelly Chelin](#)
Subject: Fwd: Short Term Rentals
Date: Tuesday, June 7, 2022 2:32:23 PM

From: Steve Ewing <sewing@lakestevenswa.gov>
Sent: Tuesday, May 17, 2022, 7:40 PM
To: 'Rick Trout' <rkt trout98034@yahoo.com>
Subject: RE: Short Term Rentals

Rick:

Thank you so much for taking the time to email the Council about this short-term rental matter under consideration and for taking the time to talk to me. It's great to have engaged citizens like you who make our community a better place to live.

Best regards,

Steve



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From: Rick Trout <rkt trout98034@yahoo.com>
Sent: Tuesday, May 17, 2022 11:14 AM
To: Kim Daughtry <kdaughtry@lakestevenswa.gov>
Cc: Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sf Frederick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>
Subject: Short Term Rentals

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Dear council members.

I would like to give you some personal information on my experience running our short-term rental on Airbnb.

I thought this would be helpful because most of the public discussion at the Planning Commission meeting focused on the potential problems and did not really touch on the existing benefits to the city.

Here are some of the details about our place.

We went live on Airbnb July 28th, 2020.

Our place is right next to the boat launch in downtown Lake Stevens. Here is the link if you want to see how we have it set up. It is about 670sq ft.

<https://airbnb.com/h/lakestevensnorthcovebeachouse>

For every guest that stays with us I always provide them with locally sourced fresh flowers, snacks, beer or wine, fruit and juice. Many of my plants and decorations are things that I have purchased from our Farmers Market. I even keep a poster advertising the market for my guests. The beer glasses are from Norms, and my Airbnb guidebook lists, Jays Market, Franciscos, Buzz Inn, Chicken Drive-in, Contos Pizza & Pasta, Subway, Midori Teriyaki, South Lake Pizza, Biscuit & Bean, LJ's Bistro, The Pines, Lake Stevens Brewing Co., and Rustic Cork Wine Bar. I always include a \$5 gift card for my guests to Biscuit and Bean. All of my guests shop local, and they often ask for food recommendations.

I wish I had a way to quantify how much business a small, short-term rental like mine brings to this community, but I don't. All I can say is that it's a lot. The owners of Franciscos have had family from California stay with us. Two different neighbors have used our place for their visiting family. I have had local families stay with us while their house was being remodeled. This was great for them because they had three little ones, ages 7, 5, and a 6-month-old, and they did not want to rent a hotel room in Everett. I had a couple from Virginia visiting during Covid because they wanted to see their first grandchild but didn't want to risk living in the same house with their kids and the new baby. I had a divorced dad from Chicago stay with us because his son was graduating from LSHS last year. The people that run the BUDU triathlon are going to stay at my place this September instead of a hotel in Everett. The reason I am telling you all of this is because a lot of the talk at the planning commission meeting was about people complaining about the potential of big parties happening at Airbnb's. But this is Lake Stevens, not Lake Chelan, or Hawaii. People who visit here are here because they have a connection to this community, either through family, or because they are here for one of the many events that happen throughout the year.

I find it hard to believe that someone would rent a place here just to throw a big party. I am not saying it wouldn't happen, but you are just as likely to have a homeowner do the same thing every once in a while, and this is not a destination town like Crescent Bar. We live right next door to the boat launch where lots of summertime craziness goes on. I think my wife is on a first name basis with the dispatcher at the non-emergency police line. The boat launch is something that we will have to deal with for as long as we live here. At least with a short-term renter, you know they will be gone soon.

Another thing is that Airbnb has some great systems in place to weed out those guests that might cause trouble.

The first is the rating system. Whenever I am using Airbnb as a guest, I try to do everything possible to maintain a 5-star rating. This means following all house rules, being respectful to other guests that might be staying in the Airbnb at the same time, following the rules for quiet times, and adhering to all requirements for the check-out process. This is by no means a perfect system, but it is only one part of a larger program to ensure that hosts, and their neighbors, are protected.

Another system in place with Airbnb is their "Global Party Ban". Here is a notification that I received from

Airbnb recently.

Following the announcement of our [global party ban](#), in 2021 we introduced a new product over the 4th of July aimed at trying to stop unauthorized parties. Similar initiatives had been previously piloted over Halloween 2020 and New Year's Eve 2020. The system focuses on blocking certain one-night reservation attempts and redirecting certain two-night reservation attempts for booking guests who do not have a history of positive reviews.

It worked. The 4th of July weekend in 2021 was quiet and we saw a substantial decrease in reports of disruptive and unauthorized parties. Overall, over 126,000 guests without histories of positive reviews were impacted by this anti-party system over the 4th of July weekend in 2021.

Therefore, we're building on this success and re-instituting these strict anti-party measures for the 4th of July 2022. And for this year, we're expanding this anti-party system to include Memorial Day weekend for the very first time.

Here are the steps they are implementing to help this initiative succeed.

- **For one-night reservations** — Guests without a history of positive reviews on Airbnb will be prohibited from making one-night reservations in entire home listings.
- **For two-night reservations** — As July 4 approaches, we will deploy more stringent restrictions on certain two-night reservation attempts. For example, we will leverage and amplify our technology that restricts certain local or last-minute bookings by guests without a history of positive reviews on Airbnb.
- Guests who have a **history of positive reviews** on Airbnb will not be subject to these restrictions.
- We will also be introducing **anti-party attestations** to guests attempting to make local reservations, in which they must affirmatively attest that they understand that Airbnb bans parties and if they break that rule, they may be subject to legal action from the company

We do not take these measures lightly. Both Memorial Day and the 4th of July are meaningful weekends that allow our Hosts to facilitate all kinds of responsible travelers including families. This is why our anti-party system

and policy allows exceptions on these bookings for those who have a history of positive reviews and have earned that trust through Airbnb. We also understand that the simple fact of not yet having reviews does not mean that a guest is trying to throw a party — this is a trade-off we are willing to make in the interest of trust and safety.

But this isn't all that they are doing. Here is the newest feature that is aimed directly at helping neighbors, living near Airbnb's, that may have concerns.

We are also working to raise awareness of our Neighborhood Support Line, which provides a forum for neighbors to flag for Airbnb in real-time if they spot a party in progress at a home that they believe is listed on Airbnb. In these cases, Airbnb's highly trained Safety team will work to support the neighbor, work with law enforcement where appropriate and take action against the people responsible for the party. The Neighborhood Support Line is accessible at airbnb.com/neighbors and includes a 24/7 hotline in the US.

Call the Neighborhood Support team directly at +1 (855) 635-7754.

We will continue working with local law enforcement, neighbors and our community to try to stop unauthorized parties, and we look forward to sharing announcements along these lines in the coming months.

On a final note. I have recently left my 29-year career in pharmacy for reasons related to my health. I ended up having to have a minor heart surgery and I am doing much better now. My wife is still working but as for me, our Airbnb is my sole source of income at this time. It is something that I very much enjoy doing and I am really good at it if I do say so myself. I enjoy it so much that I would be willing to discuss, in person, any future plans or requirements the council may be thinking about implementing.

Thank you for your time.

Rick Trout
206-427-9152

David Levitan

From: dubuinc@gmail.com
Sent: Saturday, May 21, 2022 12:45 PM
To: David Levitan
Subject: Short-Term Rental Regulations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Levitan,

Item 3 – Most Short Term Rentals do not have owners, authorized agents or property managers living on the premises for the duration of the rental period. I personally would not rent one under those conditions. That is not a realistic expectation. Many short term rentals are from people who own vacation property and like to rent their property when they're not using it to help cover expenses. I could see requiring a contact person in the area to be available while property is being rented.

We are also against limiting the number of days rented to 10 consecutive and 30 days in one calendar year. We only rent our place out to cover the expenses of owning the property: property taxes, insurance and the mortgage. 30 days wouldn't even cover the property taxes. We would be forced to sell our home if these regulations are enforced.

Sincerely,
Concerned STR Property Owner

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Tuesday, May 24, 2022 5:36 PM
To: David Levitan
Subject: Re: Lake Stevens STR

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Thanks for the update, David.

I've been thinking about their last workshop discussion and comments about the Planning Commission's proposal being lopsided and someone having the ear of somebody at City Hall.

I had the impression they weren't taking our public comments seriously, as verifiable data pertinent to this discussion.

Will you be sharing additional and more detailed information about our neighborhood experience with the VRBO in 2020?

Aileen

On May 24, 2022, at 10:36 AM, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Hi Aileen:

Thanks for checking in. City Council will be holding a work session on the topic at their June 7 workshop meeting, where staff will address topics raised during the May 3 Council work session.

David

-----Original Message-----

From: Aileen <aileenspradlin@gmail.com>
Sent: Tuesday, May 24, 2022 9:23 AM
To: David Levitan <dlevitan@lakestevenswa.gov>
Subject: Lake Stevens STR

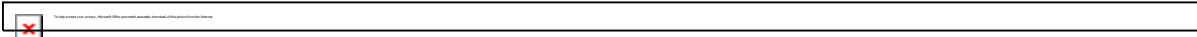
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,

Can you update me regarding the city's continued outreach and research into consideration of short term rentals requested by City Council?

Thank you.

Aileen Spradlin



David Levitan, *Planning Manager*

City of Lake Stevens | Planning and Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9425
dlevitan@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

May 27, 2022

The Lake Stevens City Council
1812 Main St.
Lake Stevens, WA 98258

RE: **Proposed regulations regarding short-term rental properties.**

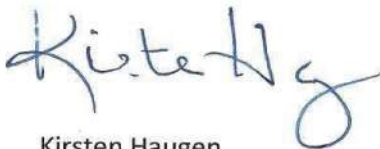
Dear City Council Member:

I am writing to indicate my strong support for the Councils' adoption of the Lake Stevens Planning Committee's recommendation that short-term rentals be owner-occupied. I am attaching three documents to support my opinion regarding this issue:

1. Questions and Answers About Short-Term Rentals;
2. Nine articles reporting homicides which occurred at non-hosted short-term rentals;
3. The Economic Policy Institute's report on The Economic Costs and Benefits of Airbnb

As this is an important issue impacting many citizens of Lake Stevens, I thank you for your attention to these materials and request your written confirmation that you have had an opportunity to review it. You can confirm by email at kirstenjh15@gmail.com. If you have any questions regarding this matter, or need further information, please do not hesitate to contact me.

Best,

A handwritten signature in blue ink that reads "Kirsten Hg". The signature is stylized, with the first name "Kirsten" written in a cursive-like font and the last initial "Hg" written more simply.

Kirsten Haugen

9917 N. Davies Rd
Lake Stevens, WA 98258
425.239.1915

QUESTIONS AND ANSWERS ABOUT SHORT-TERM RENTALS

Question: It's my property, why shouldn't I be able to do what I want with it?

Answer: The establishment of residential zoning districts has long been recognized as a valid exercise of a municipality's power. In fact, it is the responsibility of a municipality to establish and maintain appropriate zoning regulations to protect its citizens. The establishment of residential zoning serves to insulate areas intended for residential living from increased noise and traffic, protect children and others living there, ensure residents ability to utilize quiet open places for play and exercise, and to maintain the residential character of the neighborhoods. There are many things you can't do on or with your residential property. For example, you can't operate a pig farm as it would negatively impact your neighbors. Likewise, you should not be able to operate what is essentially a small hotel in a residential neighborhood without expecting sufficient regulation to protect your neighbors. No other business operating in Lake Stevens is allowed to be regularly operated while unattended.

Question: Do short-term rentals hurt residential neighborhoods?

Answer: Yes. Aside from obvious issues regarding noise, trash, and parking, short-term rentals artificially inflate rental rates and reduce available rental space for longer term tenants. For example, Venice Beach, CA consists of an area of 3.17 square miles. It currently reports between 1000-1500 short-term rental listings, all of which are illegal and unavailable to longer term residents. Young couples, families with children, students, and people of color are disproportionately impacted by fewer rental opportunities and higher rental rates.

See attached independent study from the Economic Policy Institute (2019).

Question: Should the City of Lake Stevens be concerned with short-term rental owner's compliance with city codes and regulations?

Answer: Yes. Occupancy rates, fire codes, parking regulations, etc. are in place for people's safety. Short-term rentals need to be licensed and regulated to ensure the safety of renters and others. According to comments made by the Lake Stevens Planning Commission at a recent meeting, a cursory review of available short-term rental listings in the Lake Stevens area revealed 28 listings. Only one of those properties listed was licensed with the city. It is safe to assume most listings are not likely to be in compliance with fire and safety code for public use,

nor are they paying transient occupancy taxes or business license fees. Enforcement of the payment of appropriate taxes and fees would provide much needed funds which could be used to monitor compliance with applicable codes and regulations.

Question: Doesn't Airbnb, Vacasa, Vrbo, HomeAway, Craigslist, Facebook Marketplace, etc. monitor compliance of homeowners with local codes?

Answer: No. Materials listed online by these organizations regarding subscription for these services clearly state the responsibility for compliance with State, county, and city codes and regulations is squarely on the backs of the individuals using the services. That means the property owners and renters are responsible to know the regulations in the community the rental exists. It is unreasonable to assume vacation renters will spend time sifting through the current Lake Stevens Municipal Code or watercraft safety rules to determine what is expected of them related to noise, parking, occupancy, and other safety issues. It is imperative the City of Lake Stevens codify the rules and regulations related to short-term rentals into one area of the code that is easily accessible by property owners, renters, and neighbors.

Question: Do short-term rentals constitute commercial use of residential property?

Answer: Arguably yes. Courts across the country have addressed this issue with mixed results. Many of the cases analyze land use in HOA communities, which rulings remain specific to the particular set of covenants/restrictions involved. The issue has not yet been addressed by the courts in Washington.

The Supreme Court of the State of Pennsylvania addressed this issue in a case that was widely followed by rental sharing businesses nationwide and has been cited by courts in other jurisdictions. The court ruled that *non-hosted* rentals involve purely commercial use in a residential area where all residents/tenants of the rental are purely transient. See: *Slice of Life, LLC. V. Hamilton Township*, (PA 2019).

Question: Won't HOAs monitor houses in their communities?

Answer: Conceivably yes. People who own homes in HOA communities with short-term rentals have the added authority of enforcement with their neighborhood's particular covenants. Unfortunately, very few homeowners on Lake Stevens live in an HOA.

Question: If you are a bad renter, won't you just get a bad review so you can't come back and reoffend?

Answer: You might, but there is nothing stopping one of your other friends or family from making the next reservation or engaging with a different home-sharing business.

Question: Do short-term rentals attract disruptive visitors?

Answer: Sometimes. In Lake Stevens, it is widely believed negative experiences by neighbors of short-term renters will disproportionately be borne by persons living on or near the lake. It is likely that persons renting short-term on the waterfront are doing so to enjoy the lake. It is not a stretch to assume that would include other friends and family members in a celebratory manner. Absent landlords and short-term renters have no stake in the community and therefore little incentive to care how neighborhoods may suffer from their activities. Zoning codes keep hotels out of residential neighborhoods for a reason, despite having management and staff to monitor customer behavior.

People who reside on the lake already bear the brunt of those who come to “party” in their watercraft. There are regularly (pretty much daily) boats on the lake about 5 months per year, at all hours, blasting music of all kinds (some very inappropriate), rafting together and using the lake as a public restroom. There are existing ordinances which would prevent this behavior but they are nearly impossible to enforce. Noise not only carries over the water, it is often amplified. The noise from partying in one spot on the lake is shared by many others. After dark, it would be very difficult to determine with any specificity where the noise is coming from in order to call in a complaint. Unfortunately, law enforcement frequently has more important calls to respond to than noise complaints or boating violations.

Attached are multiple reports of incidents involving homicides that occurred at short-term rental events. Many more examples exist online. Fortunately, these incidents are rare in comparison to the overall number of rentals that occur. A review of these reports indicates a common thread in that they all occurred at un-hosted rentals and were in violation of the rental contracts agreed to by the renters. Obviously, even one of these incidents in our community is too many, and would appear to be easily preventable with a requirement that rentals be owner occupied.

Question: Why should the interests of remote landowners and renters, who have no connection to the community, outweigh the interests of local residents?

Answer: They shouldn't. The City of Lake Stevens should be focused on protecting the rights of its citizens who contribute to the community. The people who volunteer here, pay taxes here, raise their families here, attend school, and work here deserve the protection to enjoy their neighborhoods. Lake Stevens is a highly sought after residential area. Years of commitment by citizens to building and supporting schools, parks, trails, playgrounds, businesses, and homes have made Lake Stevens a premier place to live. Short-term rentals do not build

neighborhoods. Allowing a neighbor complaint driven rental system does not make for good neighbors. It only addresses problems after they have occurred and the problematic renters are long gone. Hosted or owner-occupied rentals protect the rights of our citizens and prevent problems before they arise.

An online review of issues surrounding short-term rentals reveals literally hundreds of states, counties, and municipalities attempting to address this issue. In every instance it appears communities are trying to curtail problems that have arisen in regards to traffic, parking, noise, garbage, and safety.

Question: Whatever codes and regulations are ultimately adopted, how does the City of Lake Stevens intend to enforce them?

Answer: If the City of Lake Stevens decides to authorize non-hosted short-term rentals, there needs to be effective enforcement measures in place. It is not helpful to deal with problems after they have occurred and disrupted the lives of members in this community. The city needs to commit to sufficient code enforcement and law enforcement personnel to ensure problems can be dealt with as they arise. If the city cannot commit to the personnel required to regulate short-term rentals, including licensing and related compliance, as well as rapid response and resolution of alleged violations, it should adopt a code structure that is most likely to prevent problems in the first place. This should include accountability for rental property owners, a rapid system for adjudication of disputes, significant fines for violations, and license revocation for repeat offenders.

From: Magda and David Hopt
1003 Stitch Rd.
Lake Stevens, WA 98258
(206) 930-3497

To: Stevens City Council Members &
Planning Manager David Levitan
dlevitan@lakestevenswa.gov

Date: May 29th, 2022

RE: LSMC Section 14.44.064

Mr. David Levitan

Thank you for reaching out to us regarding LSMC Section 14.44.064. We were late in receiving your letter dated May 12th as we were out of state for a memorial of a dear friend and followed by family vacation over Memorial Weekend. We do have few concerns about the proposed amendments and would like to present information and our experience with long-term and short-term rentals that may be helpful. I have had phone conversations with a couple of council members and would love to have an opportunity to speak to the council or workshop at the next meeting, as I was not informed of the last public hearing. In addition, I have put together some other useful information based on my marketing data that I would like to submit at or prior to the meeting. If you allow me, I can send it to you tomorrow as I am having trouble editing at this late hour upon our return this evening

My husband and me, with our five children and widowed elderly father, relocated to Lake Stevens in 2013 into a home that would accommodate our large family and because it is close to our business in Everett. We also invested in a recreational and retirement investment property which recently was annexed into the City of Lake Stevens. After we became empty nesters, and my father died, our five-bedroom home and a one-bedroom mother-in-law attached apartment not only felt empty but excessive for the two of us; however, we did not want to give up the joy of living in our waterfront home. We were not

interested in long term tenants as our previous experience with long term rental investment properties were tenant problematic and required long and expensive eviction processes. After some research we elected to try Airbnb since it would allow us to have more control over our property and the impact upon our neighbors while having the ability to be more selective of temporary guests that are prescreened via reviews. As responsible “super-hosts” and with our 178 reviews and 4.9 ratings we feel confident that the system is working for us and without a negative impact on our neighborhood; and that we can be a reliable source of information to the city of Lake Stevens. Most importantly, hosting has given us a sense of community involvement and that we are contributing to visitor’s positive experience of Lake Stevens while adding a positive economic impact on local business.

Our Lake Stevens seemed like a wonderful place to provide less privileged people (who cannot afford to live on the lake) access to the same enjoyment we have, and a friendly clean and safe place (regulated by our strict rules and reviews) that people can stay when visiting friends and family or attending events. We see that there are very few options for accommodations in Lake Stevens, especially since it is a tourist destination located at the foothills of the Northern Cascades and the largest natural lake in Snohomish County.

“Since mid-1920s, the entire shoreline of Lake Stevens had been divided into small lots and tracts for **summer homes and resorts**.^[12] Following the demise of the Rucker mill, Lake Stevens was primarily a resort community that drew 3,000 visitors on busy days to fish, swim, and water-ski on the lake”.

Limiting or over-regulating short term accommodations will put a hardship on property owners (suffering from increasing tax rates) and visitors coming to Lake Stevens. With over 178 visitors we found a majority were visiting family/friends while others are work related, real estate related, outdoor athletics and hikers accessing the Northern Cascades and Mountain Loop Hwy Hikes. Then there are those who simply want to get out of the rat race and enjoy few days on our lake. Simply put are no motels or hotels in Lake Stevens and limited accommodations even with Airbnb 28 listings (I will send you data from AirDNA data research site) It seems unfair to the rights of the public and creates a privileged class atmosphere, while infringes on owners’ property rights to use their property in

reasonable ways after paying high taxes. My husband and I are under the impression that tourists are welcomed in Lake Stevens and that our property rights allowed the freedom to share our property. We hope that our city council considers the impact of their decisions and considers all the factors involved in determining the best approach to current and future short term renting needs by not making it nearly impossible for property owners to exercise their property rights and limiting them to the potential problems of long-term renting.

I look forward to contacting you tomorrow and your acceptance of my research data tomorrow though it is nearly past midnight on the 30th of May.

Sincerely,

Magda Hopt
206-930-3497

June 1, 2022

Lake Stevens City Council and Mayor
1812 Main Street
Lake Stevens, WA 98258

Dear Council Members and Mayor

I am writing to you regarding Short Term Rentals' (STRs) code and regulations in Lake Stevens. I have researched the experience of other cities to better understand the issue of STRs and concluded that the Owner Occupied STR is the only reasonable means of providing short term rentals in residential areas of Lake Stevens.

We are first and foremost a residential community, not a tourist town. The city has worked hard and invested carefully to create a city where families can live, work and play in safe residential neighborhoods. Major efforts and investment have been made to develop commercial areas to stimulate local employment and provide goods and services to those living here. The city has invested significantly in up-dating parks, creating quality recreational facilities and places for families and friends to meet, and has hosted many activities that attract people from areas outside the city to visit and enjoy our special environment. Our boat launches support water sports of all kinds ranging from rowers and fishers to water skiing and surfing.

Lake Stevens is indeed a unique residential community. It is all about the residence who live here now or chose to live here in the future.

With respect to Short Term Rentals (STRs), the question is how will they affect the nature of our community? Many jurisdictions have found that non-owner occupied STRs (commercial STRs) do not fit the nature of residential neighborhoods and are now attempting to "unwind" the negative impact of this commercial enterprise using "grandfather" clauses and non-conforming use designations and requiring property sellers to give written notice that the property may not be used as an STR. Many more cities and counties are grappling with this question where it has grown unregulated. Some are starting out just like Lake Stevens, others are attempting to bring order and sensibility to a commercial

activity that has gotten out of hand. The preamble to a recently adopted code by the City and County of Honolulu says it well:

Related to Transient Accommodations

Section 1. Findings and Purpose. Short-term rentals are disruptive to the character and fabric of our residential neighborhoods; they are inconsistent with the land uses that are intended for our residential zoned areas and increase the price of housing for Oahu's residential population by removing housing stock from the for-sale and long-term rental markets. The City Council finds that any economic benefits of opening-up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents.

(Ordinance 22-7, adopted by City and County of Honolulu Council on April 13, 2022, and signed by the Mayor on April 26, 2022)

Closer to home; Bellingham and Chelan County have recently adopted regulations to limit and regulate the use of short-term rentals in residential areas. Their findings of fact and conditions coincide with the same conclusions that the City and County of Honolulu reached:

Bellingham:

The regulations are intended to balance the economic opportunity created by STR's with the need to maintain the city's housing supply and protect the rights and safety of owners, guests and neighbors. (Bellingham Municipal Code Section 20.10.037)

Chelan County

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. (Chapter 11.88.290, Section C Supplementary Provisions and Accessory Uses)

When we look to tourist-oriented jurisdictions, we find the same concern over the impact of STRs. Tahoe Nevada and Mammoth Lakes, CA are just two examples.

Washoe County Nevada (Lake Tahoe)

To date, most of the HOAs in the area have banned vacation rentals. (add cite)

Mammoth Lakes California

Chapter 17.20 – Residential Zoning Districts

The purpose of Residential zoning Districts are to: reserve appropriately located areas for residential use at various ranges of dwelling unit densities and types consistent with the general plan and sound standards of public health, safety, and welfare.

- ***RSF (Residential Single-Family) District. Transient occupancy or rental, hotels and motels, bed and breakfast, and group living quarters uses are not permitted in this zone. Only those uses are permitted that are complementary to and can exist in harmony with a residential neighborhood.***
- ***RMF-1 (Residential Multiple-Family) District. Transient occupancy or rental and hotel and motel uses are not permitted, Bed and breakfast uses are permitted.***

Clearly, the experience in these cities and communities of converting residential housing in residential areas to short term rentals creates significant problems for the neighborhood, removes housing from the for-sale and long-term rental markets and utterly changes the nature of a residential neighborhood and community.

Short term rentals without owner occupancy are, in-fact, layering a commercial zone on the top of a residential zone which undermines the whole purpose of creating land-use zones that eliminate incompatible land-use activities.

Is There a Middle Ground

Yes, there is a middle ground; It is Owner Occupied Short-term Rentals with a clear set of regulations specifically tailored for this use. It is how a balance can be achieved, not by allowing commercial STR's to layer over the top of residential zoned neighborhoods.

The Benefits of Owner Occupied STRs

1. Owner Occupied STRs will not disrupt or become a nuisance to neighborhoods and the community.

2. Owner Occupied STRs in Lake Stevens would make the city even more accessible to others to enjoy the lake, to participate in sporting and other activities and events and to produce income for the homeowner and perhaps do business in Lake Stevens.
3. A well-regulated Owner Occupied STR system will encourage good neighbors and investment in neighborhood homes. To be successful; regulations need to be specific to the STR's. Neighbors and the city need to be assured compliance with health and safety standards, fire codes, parking requirements, (lake regulations), noise and nuisance restrictions and other "good neighbor" standards. These regulations create a safe and appropriate environment for the renter who would expect the rental unit to be safe and welcoming.

Rules and regulations are needed up front. Many of the communities cited in this memo as well as others have experienced the difficulty of imposing standards after the fact. Lake Stevens can take a lesson from these other jurisdictions.

In a well-regulated Owner Occupied STR system the owner carries the burden of ensuring a safe environment that fits into the residential neighborhood. An Owner Occupied STR is the first line of responsibility to assure compliance and to minimize or avoid shifting this to city code enforcement or the police. Expecting city code enforcement or police to be an effective first line is not realistic, nor should it be their priority.

Bellingham is a good example of regulations required of STRs.

Bellingham's key regulations include:

- In residential Zoning Districts, STRs are limited to one per operator
 - >The dwelling unit, including accessory dwelling units, hosting the STR must serve as the primary residence of the owner or long-term renter (with at least a 270-day

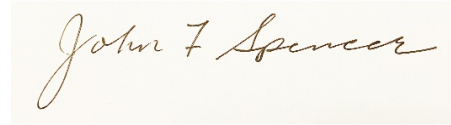
lease) for at least 270 days/year and the whole unit may be rented no more than 95 days/year.

- In single-family zones, STRs are not permitted in detached accessory dwelling units.
- In Commercial and Urban Village Zoning Districts:
 - >There is no limit on the number of STRs per operator
 - >STRs may be located in primary or nonprimary residences
 - >For STRs in nonprimary residence, there is no limit on the number of days/year the unit may be rented.
- In all Zoning Districts:
 - >STRs are not allowed in the Lake Whatcom Watershed or shoreline areas.
 - >STRs are not allowed in units subsidized by the multi-family tax exemption program or other housing subsidy programs.
- No more than 5 bedrooms in a dwelling unit.
- Only one off-street parking space during guest stay.
- Operator responsible for enforcing nuisance codes (noise, lighting, garbage and refuse, etc.).
- Good neighbor guidelines must be posted.
- No events for compensation in residential zones (i.e. wedding receptions, etc.)
- Owner responsible for compliance with safety requirements established in city code, inspected by city and attested to by owner.
- Proof of business license
- Proof of liability insurance.

While more research and information are needed to assess the impact of STRs on a community; it is clear by the experience of other jurisdictions that Owner Occupied STRs, when well-regulated, can fit into residential zones and create benefits for the community.

Please preserve and protect our residential community for those who live here now and may choose to live here in the future.

Thank you.

A handwritten signature in brown ink on a light beige rectangular background. The signature reads "John F. Spencer" in a cursive script.

John Spencer
9925 N. Davies Rd
Lake Stevens, WA

CC: Gene Brazil, City Administrator
Russ Wright, Director

From: kjhaugen15@gmail.com
To: [Kelly Chelin](#)
Subject: Documents for Special Counsel Meeting 6/7/22
Date: Monday, June 6, 2022 10:49:03 AM
Attachments: [Cover Letter and Questions and Answers.pdf](#)
[Cover Letter and Questions and Answers.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Chelin,

Please find attached documents for the upcoming special council meeting regarding the issue of short-term rentals which I previously emailed to the council members individually. Unfortunately I neglected to send a copy to you or to Mayor Gailey. I would appreciate your assistance in making sure copies are distributed appropriately and also made available for public review.

If you have any questions, please do not hesitate to contact me at 425.239.1915. Thank you for your attention to and cooperation with this request.

Kirsten Haugen
425.239.1915

From: [Magda Hopt](#)
To: [Mary Dickinson](#); [Marcus Tageant](#); [Kim Daughtry](#); [Shawn Frederick](#); [Anji Jorstad](#); [Steve Ewing](#); [Gary Petershagen](#)
Cc: [Brett Gailey](#); [Caitlin Weaver](#); [DeputyClerk](#)
Subject: LSMC Section 14.44.064 Special Council Meeting June 7th
Date: Tuesday, June 7, 2022 12:30:55 AM
Attachments: [AirBnb Party Policy.pdf](#)
[AirDNA Market Mine Everett.pdf](#)
[AirDNA Market Mine Lake Stevens.pdf](#)
[Community Advisory Committee Lake Stevens, WA - Official Website.pdf](#)
[COMPARING TYPES OF RENTALS.docx](#)
[Jaime's Review - Airbnb April 2022.pdf](#)
[June 7th LK Council Meeting Presentation.docx](#)
[Mark's Review - Airbnb.pdf](#)
[Mary's Review - Airbnb April 2022.pdf](#)
[Printed from our Airbnb Site Rules and Booking Requirements.docx](#)

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June 6th, 2022

Good morning Everyone,

Most likely it is morning by the time you read this. My name is Magda Hopt and I host Airbnb guests in Lake Stevens (more information about me is included in the main document). I was happy to responded to the notice David Levitan kindly sent out in May regarding LSMC 14.44.064 Short-Term Rentals/ Tourist Homes. Though I was unable to meet or speak with everyone I truly appreciate the time I did have with those that I could reach. I also have had conversations with hosts (property owners' of short-term rentals), but not all 20 (28) of based on AirDNA Short-Term Rental Data (www.airdna.co) My goal was to be more informed of other hosts' experiences and their thoughts while encouraging them to attend the meeting either in person or by Zoom. Not everyone is comfortable speaking in front of a group (or coming out in the open), so I hope to represent their thoughts as well as ours. I wanted to send these documents for your review at an earlier date and especially prior to the meeting tomorrow, but was unable to send as we had internet (StarLink) issues at our remote cabin.

With limited time before the meeting, I bring your attention to the main word document listed in the above attachments as "June 7th LK Council..." The remaining attachments are supplementary material. I plan to bring copies to the meeting on the 7th, but as you will see the three minutes allotted me would not be enough to cover all the material (given more time I would be happy to prepare a more formal power point presentation upon request). I put extensive effort in researching and preparing information for our City Council's Special meeting, and hope the information included will give you additional insight from research data, the hands on experiences of hosts, and the type of visitors we accommodate. If we understand the language correctly, then it appears that currently proposed amendments to the our city regulation may have an adverse affect on property owners' short-term rentals and the supply available to visitors. Thank you everyone for making the subject of short-term rentals a priority and giving us residents and property owners of Lake Stevens a voice. Forgive me for being informal as it is a late hour. I look forward to meeting everyone. If anyone would like to contact me I can be reached by cell phone 206-930-3497.

Magda Hopt
1003 Stitch Rd.
Lake Stevens, WA 98258
206-930-3497
mhopt2@gmail.com
mhopt@dmhie.com
WWW.DMHIE.COM

Sent from [Mail](#) for Windows

David Levitan

From: Nikki Odegaard <nikkiodegaard55@gmail.com>
Sent: Monday, June 6, 2022 7:02 PM
To: David Levitan
Subject: Re: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date
Attachments: A2670D24-F4D7-40F3-A5BB-97EFFF1E5C9.jpeg; 6A96C85A-097E-466E-AB2B-589FB0BA9DCC.jpeg

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Hi David,

I'm not sure if you're the person I should send these to before tomorrow's Special Council Meeting but in the hope that you are, I wanted to get these signatures of support to you today. I had planned on doing much more and sooner but have had some all-consuming disasters taking all my time and energy. I know, judging from the reception I got from those I approached- (lake lovers, friends and total strangers I talked with while walking my dog to visit the friends I knew were like-minded!!) this is very strongly supported.

I hope these can be added to the package for the meeting- I will bring the originals to the meeting tomorrow. All the best,
Nikki

On Thursday, May 5, 2022, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Good Morning:

During their May 3 workshop meeting, the City Council reviewed and provided a number of comments on the proposed short-term rentals ordinance recommended by the Planning Commission. At the conclusion of the meeting, the Council requested that staff conduct additional research and outreach, explore a number of changes to the ordinance, and hold an additional work session with Council before bringing the ordinance forward for a public hearing. As such, the May 10 public hearing is cancelled and will be rescheduled for a future date.

Please let me know if you have any questions.

David



STATEMENT OF SUPPORT FOR OWNER OCCUPIED SHORT TERM RENTALS IN THE CITY OF LAKE STEVENS

Lake Stevens is a picturesque community which is conveniently located approximately 30 miles north of Seattle. It has become increasingly popular as a recreational destination for fishing, boating, and a variety of water sports. As such, it is an attractive location for temporary vacation rentals.

The City of Lake Stevens is currently considering how to best manage short term rentals, like Airbnb and VRBO, and issues surrounding them such as noise, privacy, traffic, parking, garbage, and safety.

In an effort to maintain Lake Stevens as a highly desirable residential community, after hearing input from community members, the Lake Stevens Planning Commission has recommended short term rental facilities be "owner occupied". This recommendation is designed to prevent the purchase and rental of property in this community by individuals or corporations for the sole purpose of profit from short term rentals, with little or no accountability to residents impacted by the renters.

The Lake Stevens City Council is meeting May 10, 2022 to consider the Planning Commission's recommendation and to take input from the community regarding this issue. Please sign this statement of support for the Commission's recommendation that short term rentals be "owner occupied". If possible, your attendance at the meeting will be greatly appreciated.

Printed Name	Signature	Address	Date
Bruce ODEGAARD	Bruce Odegard	11130 Vernon Rd #C, Lake Stevens	5/24/22
NIKKI ODEGAARD	Nikki Odegard	"	5/27/22
Laurie Olliges	Laurie Olliges	824 E Lakeshore Dr, Lake Stevens	5/27/22
Barb Erickson	Barbara Erickson	11120 Vernon Rd LS	5/30/22
Roger Erickson	Roger Erickson	11120 VERNON RD LS	5/31/22
STEVE MILLER	Steve Miller	11212 VERNON RD LS	6-6-22
JULIA MILLER	Jr	11212 VERNON RD LS	6-6-22
Jennifer Morton	Jennifer Morton	11222 Vernon Rd. LS	6-6-22
Jill Cochran	Jill Cochran	11314 Vernon Rd LS	6-6-22
THOMAS L. HART	Thomas Hart	1818 118 th AVE NE	6-6-22
WENDY CHART	Wendy Hart	1818 118 th AVE, NE	6-6-22
Genethinehart	Genethinehart	11603 N Lakeshore DR	6-6-22
LINDA WILSON	L. Wilson	" " "	6-6-22
Sherrie Weaver	Sherrie Weaver	11401 N. Lake Shore Dr.	6-6-
Kristin Odegard	Kristin Odegard	11130 Vernon Road	6-6-

**STATEMENT OF SUPPORT FOR OWNER OCCUPIED
SHORT TERM RENTALS IN THE CITY OF LAKE STEVENS**

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[illegible]

From: [Gary Petershagen](#)
To: [Kelly Chelin](#)
Cc: [Brett Gailey](#)
Subject: Fw: Recusal of Marcus Tageant
Date: Wednesday, June 8, 2022 7:36:51 AM

Kelly,

I am forwarding emails that I have received to make sure the correspondence is included in the official records.

Thanks,

Gary Petershagen

From: kjhaugen15@gmail.com <kjhaugen15@gmail.com>
Sent: Tuesday, June 7, 2022 10:23 AM
To: Kim Daughtry <kdaughtry@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>
Cc: John Spencer <jfspencer2015@gmail.com>; Aileen Spradlin <aileenspradlin@gmail.com>; kjhaugen15@gmail.com <kjhaugen15@gmail.com>
Subject: Recusal of Marcus Tageant

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Gailey and Council Members,

I am writing on behalf of some concerned citizens of Lake Stevens regarding the Councils' upcoming consideration regarding regulation of short-term rentals. As owner of Task Properties and Impact Property Management, Mr. Tageant appears to have a clear conflict of interest in the propagation of regulations and/or restriction of rental properties in Lake Stevens. As Mr. Tageant's income is directly related, in part, to the sale and management of rental properties, he has a financial interest in maximizing the opportunities for rental properties in this area. Although many vacation rental owners manage their vacation rentals themselves, many do not and have their properties managed by professional property management companies. This creates a conflict of interest for Mr. Tageant. It is my belief Mr. Tageant should recuse himself from consideration of all issues surrounding regulation of short-term rentals in the City of Lake Stevens. Thank you for consideration of this issue.

Sincerely,
Kirsten Haugen



Gary Petershagen, *Council Member*

City of Lake Stevens | City Council

1812 Main Street | PO Box 257

Lake Stevens, WA 98258

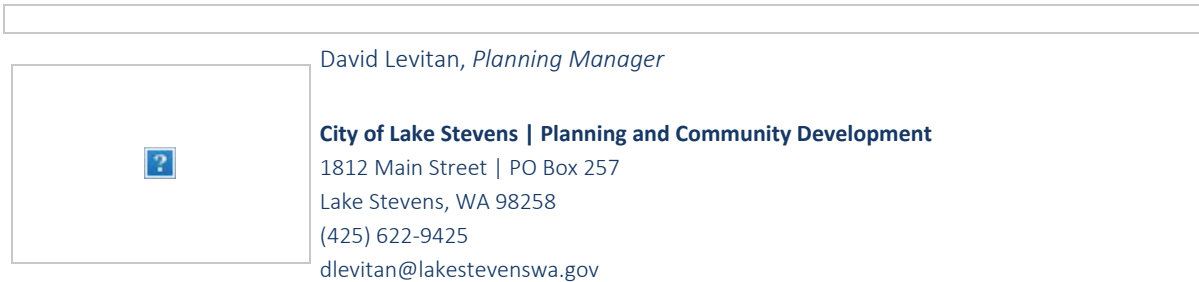
(425) 407-3327

gpetershagen@lakestevenswa.gov

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From: [David Levitan](#)
To: [Kelly Chelin](#)
Cc: [Russell Wright](#); [Jill Needham](#)
Subject: FW: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date
Date: Tuesday, June 7, 2022 7:17:56 AM

Can you distribute and/or enter this into the record for tonight?



NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Nikki Odegaard <nikkiodegaard55@gmail.com>
Sent: Monday, June 6, 2022 7:02 PM
To: David Levitan <dlevitan@lakestevenswa.gov>
Subject: Re: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date

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Hi David,

I'm not sure if you're the person I should send these to before tomorrow's Special Council Meeting but in the hope that you are, I wanted to get these signatures of support to you today. I had planned on doing much more and sooner but have had some all-consuming disasters taking all my time and energy. I know, judging from the reception I got from those I approached- (lake livers, friends and total strangers I talked with while walking my dog to visit the friends I knew were like-minded!!) this is very strongly supported.

I hope these can be added to the package for the meeting- I will bring the originals to the meeting tomorrow. All the best,
Nikki

On Thursday, May 5, 2022, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Good Morning:

During their May 3 workshop meeting, the City Council reviewed and provided a number of comments on the proposed short-term rentals ordinance recommended by the Planning

Commission. At the conclusion of the meeting, the Council requested that staff conduct additional research and outreach, explore a number of changes to the ordinance, and hold an additional work session with Council before bringing the ordinance forward for a public hearing. As such, the May 10 public hearing is cancelled and will be rescheduled for a future date.

Please let me know if you have any questions.

David



David Levitan, *Planning Manager*

City of Lake Stevens | Planning and Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258

(425) 622-9425

dlevitan@lakestevenswa.gov

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From: [Magda Hopt](#)
To: [Kim Daughtry](#); [Mary Dickinson](#)
Cc: [DeputyClerk](#); [Brett Gailey](#)
Subject: Short Term Committee Membership Request & Airbnb Tax Link
Date: Wednesday, June 8, 2022 3:57:08 PM
Attachments: [COMPARING TYPES OF RENTALS.docx](#)

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Magda Hopt
1003 Stitch Rd.
Lake Stevens, WA 98258

June 8th, 2022

Mayor Office of Lake Stevens

Brett Gailey, Mayor

Members of Lake Stevens City Council:

Kim Daughtry, Gary Petershagen, Shawn Fredrick, Mary Dickenson, Anji Jorstad,
Steve Ewing, Marcus Tageant

RE: Special Council Meeting June 7th
Request to participate in the Short-Term Rental Committee
LSMC 14.44.064

Thank you so much, I truly appreciated having the opportunity to present information at last night's meeting and would be very interested in participating further in the resolution of issues pertaining to short-term renting. I know my packet and email had a great deal of information and I hope you will take the extra time to read it as it may have been overwhelming with such a short time to review the data included (I have included bullets summary for a quick glance, which was part of the original submitted and recorded packet.)

Having a committee is a great idea and will require dedicated time. My understanding is that the committee should have at LEAST three people; a pro- hosting, anti-hosting (someone that lives next door to a rental) and a neutral party. There is a lot of research. I am requesting to be part of the committee as I have extensive experience and would love to be more involved in our city and community. I am not against regulating but making them reasonable, I would like to be part of the solution.

I am interested to learn what the goals are for Lake Stevens tourism and what kind of plans are in the works for added lodging? Having a motel is a good idea but should not limit short-term renting. Competition is a good thing. Visitors love Airbnb as an alternative. Among many of the benefits I did not include the fact that I have employed several local people; cleaners, local laundry service, and I

purchase many supplies from local retailers; there are many expenses related to hosting.

Regarding tax collections discussion last night, you can find more information at this a link;

[Occupancy tax collection and remittance by Airbnb in Washington - Airbnb Help Center](#)

Please consider me for the upcoming committee, I would be honored to serve.

Best Regards,

Magda Hopt
(206) 930-3497

Sent from [Mail](#) for Windows

19.08.150

Short-term rentals.

A. Short-term rentals are the use of an entire dwelling unit by any person or group of persons to occupy for rent for a period of less than thirty consecutive days. Short-term rentals do not include bed and breakfast inns, hotels and motels.

B. License Required. A city business license is required to operate a short-term rental. No more than two short-term rental sites may be operated by any individual, marital group, a group of people, or a corporate entity such as an LLC, within the city.

C. Location. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit. See EMC 19.08.100 for applicable accessory dwelling unit requirements, including owner-occupancy if applicable.

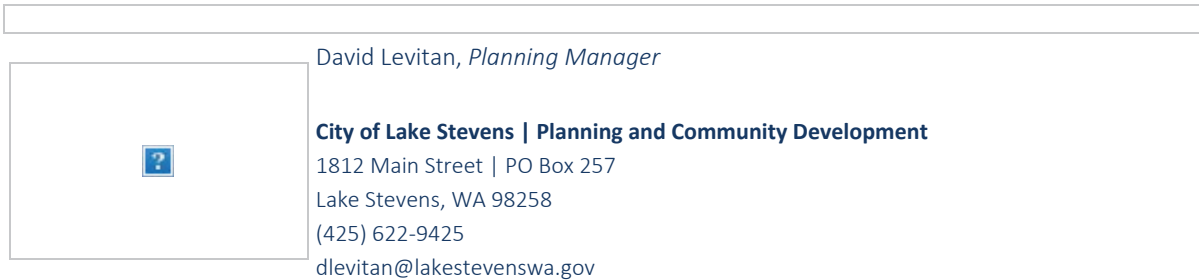
D. Number of Guests. The total number of residents and guests occupying a dwelling unit may not exceed eight, including any site with an accessory dwelling unit.

E. Signs. No signs identifying the use as a short-term rental are permitted.

F. Off-Street Parking. The short-term rental shall have no less than three off-street parking spaces for any site with on-street parking in front of the site, and no less than four off-street parking spaces for any site without on-street parking in front of the site. (Ord. 3774-20 § 5(G) (Exh. 3), 2020.)

From: [David Levitan](#)
To: [Kelly Chelin](#)
Cc: [Jill Needham](#)
Subject: FW: Short-Term Rental
Date: Wednesday, June 8, 2022 11:30:59 AM
Attachments: [short-term.txt](#)

FYI.



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From: JEREMY WELCH <jtoddwelch@comcast.net>
Sent: Wednesday, June 8, 2022 11:30 AM
To: Steve Ewing <sewing@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>
Cc: Brett Gailey <bgailey@lakestevenswa.gov>; Gene Brazel <gbrazel@lakestevenswa.gov>; Russell Wright <rwright@lakestevenswa.gov>; David Levitan <dlevitan@lakestevenswa.gov>
Subject: Short-Term Rental

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Councilmembers,

I try to not send in comments/suggestions due to my position as a Planning Commissioner, current Chair, but after reviewing the multiple discussions on "Short-term Rentals" I decided to send this in. I do feel this discussion has gone on too-long and the creation of a workgroup is not needed. The amount of staff time (tax dollars attached) is getting out-of-hand. You can question ideas into-the-ground with no solution. I have attached Everett's Municipal Code on Short-Term Rentals. It is small, compact, efficient, and covers most what is needed. I realize that we are not Everett but the framework is good to use and tweak to meet Lake Stevens' requirements.

thank you,
Todd Welch

From: [Gene Brazel](#)
To: [Anji Jorstad](#)
Cc: [Brett Gailey](#); [Kelly Chelin](#); [Caitlin Weaver](#)
Subject: FW: Short Term Rentals
Date: Friday, June 24, 2022 7:36:11 AM
Attachments: [Recommendation to Council Committee.docx](#)

Good morning,

I noticed you were missed on the email below. Fyi



NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: John Spencer <jfspencer2015@gmail.com>
Sent: Thursday, June 23, 2022 10:15 PM
To: Steve Ewing <sewing@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Kim Daughtry <kdaughtry@ci.lake-stevens.wa.us>; Brett Gailey <bgailey@lakestevenswa.gov>; swright@lakestevenswa.gov; Shawn Frederick <sfriderick@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; gjorstad@lakestevenswa.gov; Gene Brazel <gbrazel@lakestevenswa.gov>
Subject: Short Term Rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members, Mayor, Gene and Russ:

A group of residents that I have been working with on the topic of Short Term Rentals in Lake Stevens has done considerable research into experience in other cities with STRs and reviewed a considerable amount of literature available regarding STRs. As a result of our work, we have prepared a suggested outline of code provisions that we feel could result in a very balanced code and set of guidelines for STRs in Lake Stevens.

Attached is our suggested code guidance.

We look forward to working with your subcommittee and will make ourselves available to suit your busy schedules.

Thank you and best regards,

John

From: [Aileen Spradlin](#)
To: [Kim Daughtry](#); [Gary Petershagen](#); [Shawn Frederick](#); [Mary Dickinson](#); [Anji Jorstad](#); [Steve Ewing](#); [Marcus Tageant](#); [Russell Wright](#); [Brett Gailey](#)
Cc: [Kelly Chelin](#)
Subject: Short Term Rental Regulation in the City of Lake Stevens
Date: Thursday, June 23, 2022 2:47:06 PM
Attachments: [Special STR City Council letter .pdf](#)
[City Council letter 1-4.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members, Mayor Gailey and Director Wright.

I am writing to submit the materials I have researched and referred to in my previous letters to the city regarding revision of the Tourist Home code.

3 key takeaways from reading this material include:

- There is no one-size-fits-all approach to regulating Short Term Rentals. Local governments benefit from adopting nuanced regulations that preserve neighborhood quality, that are comprehensive and fair, and that have established oversight, complaint and sanction procedures that are enforceable.

- STRs are businesses. Regulation including limiting all STRs to primary residences is necessary to prevent speculation, to ensure STRs are compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities

- Thoughtful, well drafted and enforced city ordinances really do work and we can learn from other policymaker's experience. Below are examples of 3 local municipalities who recently revised their STR code after experiencing the negative side effects of poorly regulated short term rentals.

As this very important issue will impact many citizens in Lake Stevens, I appreciate your time and attention to review these materials before moving forward with enacting new regulation surrounding short term rentals in our residential neighborhoods.

The documents are listed below along with my 2 previous letters to the City Council.

Please do not hesitate to contact me if you have any questions.

Thank you,

Aileen Spradlin

A guidebook that equips cities to respond to STRs in ways that protect public interests – including housing affordability, health and safety, neighborhood quality, and municipal revenues – while retaining reasonable latitude for city residents to host and earn money from short-term guests. [Regulating Short-Term Rentals: A Guidebook for Equitable Policy](#) identifies key issue areas, incorporates references to sample STR ordinances from around the US, and provides the Sustainable Economies Law Center's recommendations for best practices.

[Short Term Rental Zoning May Be Strictly Regulated or Not](#) explores the impact of vacation rentals in areas where tourists or a seasonal population are interested in temporary rentals of single-family residences without the owner being on the premises.

Granicus considers itself a industry leader in short- term rental compliance monitoring and enforcement solutions for local governments. [A Practical Guide to Effectively Regulating Short-term Rentals](#) balances the rights of homeowners with the interests of neighbors and other community members who may only experience the negative side-effects associated with people renting out their homes on a short- term basis. This guide offers practical advice and concrete examples of short-term rental regulation that actually works.

Chelan County [Code](#) 11.88.290
Short-term rental regulations.

The City of Bellingham recently adopted new regulations that define what is allowed as a short-term rental (STR) in [Bellingham Municipal Code Section 20.10.037](#). The regulations are intended to balance the economic opportunity created by STRs with the need to maintain the city's housing supply and protect the rights and safety of owners, guests and neighbors.

The Walla Walla Municipal [Code](#)
Chapter 20.139
SHORT-TERM RENTALS

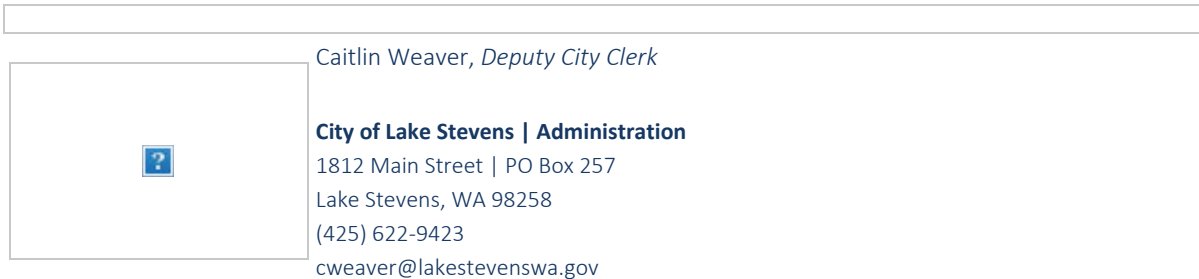
One of the side effects of government's desire to get things done quickly, is that community engagement is sometimes viewed as something to get past, rather than a useful step in the process. [5 reasons community engagement matters](#) explores five areas where Community Engagement can maximize your efforts and achieve greater outcomes

From: [Caitlin Weaver](#)
Subject: FW: LSMC - Short Term Rental Code Revisions
Date: Tuesday, June 28, 2022 1:20:03 PM

Council/Mayor/Gene/Department Heads,

Forwarding on public comment just received regarding the agenda item *Short-Term Rental Moratorium - Ordinance 1141*.

Thank you,



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From: Anji Jorstad <ajorstad@lakestevenswa.gov>
Sent: Tuesday, June 28, 2022 1:16 PM
To: 'craigandjen2@frontier.com' <craigandjen2@frontier.com>
Cc: Caitlin Weaver <cweaver@lakestevenswa.gov>; Gene Brazel <gbrazel@lakestevenswa.gov>
Subject: RE: LSMC - Short Term Rental Code Revisions

Hello Jennifer – thank you so much for taking the time to reach out and share your thoughts and concerns. We have been pleased with the amount of public comment we have received on this issue and I want to assure you there will be additional opportunity for the public to share their concerns as we finalize our work. We have taken into consideration the hard work already done by the Planning Committee (thank you!), input from many members of our community, and the work done to address this issue by other communities throughout the state of Washington.

We look forward to our continued partnership, and I thank you for your dedication to the planning committee process and for this email. Much appreciated.

Anji



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From: craigandjen2@frontier.com <craigandjen2@frontier.com>

Sent: Monday, June 27, 2022 11:16 AM

To: Shawn Frederick <sfrederick@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; mtangeant@lakestevenswa.gov

Subject: LSMC - Short Term Rental Code Revisions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

My name is Jennifer Davis and I've been honored to serve Lake Stevens for over ten years as a member of the Planning Commission. Recently, the Planning Commission had the opportunity to hear from several members of the community regarding proposed revisions of Lake Stevens Municipal Code provisions related to short term rentals. I write to encourage the Council to (1) closely review community comment on this topic already given at the Planning Commission's Public Hearing, and (2) to also seek further public engagement before moving forward to finalize the code revisions. This is a matter of great public concern and I am confident that members of our community are eager to be heard regarding both their experiences with existing short term rentals as well as their aspirations for what this growing industry will look like in the future here in Lake Stevens. Thank you for your attention to this matter, I really do appreciate the work you all do to strengthen our community.

Regards,
Jennifer Davis
Planning Commissioner

From: [David Levitan](#)
To: [Kelly Chelin](#); [Caitlin Weaver](#)
Cc: [Russell Wright](#); [Jill Needham](#)
Subject: FW: Short Term Rental Input
Date: Monday, June 27, 2022 10:56:05 AM



David Levitan, *Planning Manager*

City of Lake Stevens | Planning and Community Development

1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9425
dlevitan@lakestevenswa.gov

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From: Jeremy Korst (korst.org) <jkorst@korst.org>

Sent: Monday, June 27, 2022 10:55 AM

To: Kim Daughtry <kdaughtry@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>

Cc: [Isplanning](#) <Isplanning@lakestevenswa.gov>; David Levitan <dlevitan@lakestevenswa.gov>; Gene Brazel <gbrazel@lakestevenswa.gov>

Subject: FW: Short Term Rental Input

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Mr. Mayor and Council Members:

Given the action item on tomorrow's Council meeting agenda (Short-Term Rental Moratorium - Ordinance 1141), I wanted to provide my earlier feedback on the topic of Short-Term Rentals (see below), as well as register my support for the Planning Commission's recommendations on this matter.

Thank you for your service.

Best-
Jeremy

Jeremy Korst

10520 Sandy Beach Dr
Lake Stevens, WA 98258
jkorst@korst.org

From: Jeremy Korst (korst.org)
Sent: Tuesday, March 15, 2022 4:32 PM
To: lsplanning@lakestevenswa.gov
Subject: Short Term Rental Input

Dear Members of the Planning Commission:

I recently learned that there is a public hearing tomorrow regarding potential changes to short term rental codes in Lake Stevens. Unfortunately, I will be unable to participate; however, I wanted to provide some input into this process.

My family purchased an older home on Lake Stevens several years ago and we are now in the process of building a new home on the property. We currently reside in Issaquah and were attracted to Lake Stevens due to the residential nature of the community, as well as it being located near Everett where our family business is located. We love the area, and our hope is to relocate to the new home on Lake Stevens after it is complete.

I was a bit surprised to learn that there is consideration to allow an expansion of short-term rentals in Lake Stevens. In the past, we have owned vacation properties in communities that allow these types of rentals (eg, Suncadia and Winthrop), and we are frequent Airbnb/VRBO renters for our family vacations. Based on my experience and opinion, the Lake Stevens community is incongruent with a material expansion of short-term rentals. Communities that have successfully embraced short term rentals tend to be more vacation and/or tourist destinations - that also have related tourism support infrastructure - not suburban residential communities like ours. Further, the need to ensure continued stewardship of our watershed and our beautiful lake (which has been affected by neglect in the past), requires a level of stewardship that is unlikely to be embraced by short-term-renters or absentee owners.

I appreciate that this topic is being investigated, and I was able to quickly review the Planning Department's evaluation of other cities and their respective treatment of short-term rentals. But, I noticed only one city that is a suburban, residential, lake-centric community: Lake Oswego, OR. In my opinion, we should expand the geographic consideration set and include a review of more similar peer communities. This will help us better understand how these similar residential, lake-centric communities are balancing some owners' desire for short term rentals while trying to minimize the potential negative impacts of these properties. For example, perhaps our peers mitigate some of these negative impacts by requiring the property to be owner-occupied, ensuring the owner is onsite to "host" the renters, requiring reasonable licenses/inspections/fees, and setting requirements for parking (including boat trailers) and occupancy limits, etc.

Thank you for taking the time to consider my input, and I look forward to learning more as this matter proceeds. Hopefully, we can chart a course that balances owners' rights while preserving the

primarily residential nature of our lake community.

Thank you,

Jeremy Korst
jkorst@korst.org

From: [Kevin Kosche](#)
To: [DeputyClerk](#); [Kim Daughtry](#); [Gary Petershagen](#); [Shawn Frederick](#); [Mary Dickinson](#); [Anji Jorstad](#); [Steve Ewing](#); [Marcus Tageant](#); [Brett Gailey](#)
Subject: VRBO Comments - Adopt Planning Commissions Recommendations, while further Best Practices are Considered
Date: Monday, June 27, 2022 2:47:46 PM

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Mr Mayor, Council Members and City Clerk -

My name is Kevin Kosche and I am a Lake Stevens resident.

The purpose of this Email is to provide input with respect to VRBOs in Lake Stevens.

My understanding is the Planning Commission has provided specific recommendation(s) for VRBO's which includes an Owner Occupancy requirement. While I do not believe this recommendation goes far enough, in terms of governing VRBO's, I support the Planning Commissions recommendation(s) as a balance between property rights of those owners who want to engage in a VRBO lodging enterprise, and those property owners of neighboring partials, who will be forced to deal the transient nature of such nightly rentals.

I would encourage the Mayor and Council to adopt the Planning Commissions recommendations, while further research into "Best Practices" of recreational communities who have already addressed the VRBO opportunity / challenge. Most of the communities I am familiar with have leaned towards 30 day minimum stays, as a way to reduce the overall impacts to both neighbors and community infrastructure (parks, police, traffic, etc). One doesn't have to look farther than the Methow Valley in Washington, or the Coachella Valley in California, to find best practices to consider. I find it interesting that a key consideration in the Methow Valley was affordable housing, as VRBO's were reducing the amount of housing available for working class constituents.

In short, I am a proponent of adopting the Planning Commissions recommendations immediately, which provide some level of VRBO governance, while any further analysis into best practices is considered.

Respectfully,

Kevin Kosche
425.367.7727

From: Magda and David Hopt
1003 Stitch Rd.
Lake Stevens, WA 98258
(206) 930-3497

To: Lake Stevens City Council Members &
Planning Manager David Levitan
dlevitan@lakestevenswa.gov

Date: June 29th, 2022

RE: LSMC Section 14.44.064

We hope that our City Council legislative members considers the impact of their decisions and carefully evaluate all the factors involved in determining the best approach to current and future short term renting needs.

Thank you for taking your time and an opportunity to share our experience and information with you at this critical decision-making time. As you will see, I put a great deal of time into this matter. I have reached out to hosts, past guests, neighbors, and legislators and considered all the reservations involved in making these major decisions.

First, a little about who we are. My husband and me, with our five children and widowed elderly father, relocated to Lake Stevens in 2013 into a home that would accommodate our large family and because it is close to our business in Everett. We also invested in a recreational and retirement investment property which recently was annexed into the City of Lake Stevens. After we became empty nesters, and my father died, our five-bedroom home and a one-bedroom mother-in-law attached apartment not only felt empty but over indulgent and excessive for the two of us; however, we did not want to give up the joy of living in our waterfront home. We were not interested in long-term tenants as our previous experience with long-term rental investment properties were tenant problematic and required long and expensive eviction processes. Exasperated with tenant

problems we sold two of them. After talking with friends who turned their investment properties into short-term rentals, we elected to try Airbnb since it would allow us to have more controls over our property (less damage) and the impact upon our neighbors. We liked the idea of having the ability to be more selective of temporary pre-screened and evaluated guests via reviews. As responsible “super-hosts” and with our 178 reviews and 4.9 ratings (see attached reviews) we feel confident that the system is working for us and without a negative impact on our neighborhood; and that now we are a reliable source of information to the City of Lake Stevens. Most importantly, hosting has given us a sense of community involvement and that we are contributing to visitor’s positive experience of Lake Stevens while adding a positive economic impact on local business.

Lake Stevens is a wonderful place to provide less privileged people (who cannot afford to live on the lake) access to the same enjoyment we have, and a friendly clean and safe place (regulated by our strict rules and reviews) that people can stay when visiting friends and family or attending events. We see that there are very few options for accommodations in Lake Stevens, especially since it is a tourist destination located at the foothills of the Northern Cascades and the largest natural lake in Snohomish County.

“Since mid-1920s, the entire shoreline of Lake Stevens had been divided into small lots and tracts for summer homes and resorts.^[12] Following the demise of the Rucker mill, Lake Stevens was primarily a resort community that drew 3,000 visitors on busy days to fish, swim, and water-ski on the lake”.

Limiting or over-regulating short term accommodations will put a hardship on property owners (suffering from increasing tax rates) and visitors coming to Lake Stevens in need of a place to stay. With over 178 visitors we found a majority were visiting family/friends while others are work related, real estate related, outdoor athletics and hikers accessing the Northern Cascades and Mountain Loop Hwy Hikes. Then there are those who simply want to get out of the rat race and enjoy few days on our lake. Simply put there are no motels or hotels in Lake Stevens (other than the Mansion on The Lake, a Bed and Breakfast listed in AirBnb and promoted on the city and chamber sites, and typically with no vacancies). According to AirDNA a subscription research site (see attached reports) and other

tourist sites there are only twenty-eight short-term rentals advertised. Making city regulations difficult for hosting guests makes Lake Stevens appear to be unfriendly and only accessible to a privileged class, while infringing on owners' property rights to use their property in reasonable ways after paying high taxes.

One bad apple can ruin it for all involved and while we are not against regulations, we are against making them so as it is impossible to have short-term rentals.

When asking why is there are a problem? According to one source, there is one property host in Lake Stevens that allowed, perhaps more than one, a large party or event. However, most noise problems are not caused by guests, but rather by residents or long-term tenants which are more problematic than guests that stay for a few days with only 28 short term rental properties in Lake Stevens. Why punish everyone when attention should be directed at the violator, perhaps by reporting them to Airbnb or suspending their license after three violations.

However, it is worth mentioning that according to the **Annual Lake Stevens Police Report** there has been a decrease of noise complaints from 342 in 2019 to 317 for 2021 and disturbance reports from 644 to 556; yet there are but a few Short-term rentals 28 properties (*see Attached AirDNA Market Mine Report*) while Everett has 148 properties (*see attached AirDNA Market Mine Report*). It seems apparent that noise problems are not necessarily coming from short-term rentals as compared to actual residents. We absolutely do not allow parties or any gatherings! We screen our guest by questioning them prior to reservations, reconfirm our rules and anyone suspicious is not booked, or we cancel. Recently Airbnb has banned parties. I have read in the news that Airbnb is going to require guests to sign a document prior to the reservation that they have read rules and acknowledging that guests and hosts will be held legally liable and penalized if they violate the NO party/events rules. See the full article below by going to the site by clicking on the link.

Parties and events (Airbnb Policy)

"Until further notice, all disruptive parties and events are prohibited, regardless of size. Guests who hold these types of events may have their account removed, and Hosts who violate this rule and allow guests to throw parties may be subject to account consequences up to and including the removal of their listing."

[Party and Events Policy - Airbnb /Help Center](#)

Finally, my husband and I are under the impression that tourists are welcome in Lake Stevens and that our property rights allowed the freedom to share our property. We hope that our City Council legislative members considers the impact of their decisions and carefully evaluate all the factors involved in determining the best approach to current and future short-term renting needs by not making it impossible for property owners to exercise their property rights and limiting them to the potential problems of long-term renting. And that the visitors to Lake Stevens have accommodation available to them. We hope that the council takes its time and hears from all parties involved. Please read the two stories about Mr. Crabbit and Mr. & Mrs. Lovejoy which I wrote as fictional examples to express some of the concerns; the characters are not real, but the issues are. Thank you for your time.

THE GRINCH WHO WANTED TO STEAL SUMMER IN LAKE STEVENS

Mr. Crabbit was going on to his seventh year of living on Lake Stevens. As usual he woke up in a bad mood and was once again contemplating his righteous plan to control yet another summer in HIS neighborhood and to stop visitors (considered as outsiders) from enjoying Lake Stevens by complaining about and to neighbors and making complaints to the city and police. Like most nice days, he Steped out on his balcony looking at the lake and was immediately more annoyed by the iconic angler near his dock. He felt his privacy was invaded and thought anglers should not be allowed closer than 250 feet from HIS dock, but if he had his way no one would use or fish **HIS** lake especially if they did not live on the lake or paid taxes. To make matters even worse the next door neighbor had been pressure washing for the past two days, while a few doors down, in a neighbors back yard the dog started barking and HE was going to put a stop to that like he did with the other neighbor by complaining about his kids and dog, not knowing that their family was being challenged with higher taxes and COVID; they gave up their dog rather than have Mr. Crabbit repeatedly report him for noise; besides

yelling at the kids. Face it, Crabitt in his dreams thought that kids and dogs should also be banned from Lakes Stevens. Dogs pooping in his yard was unacceptable even if the owners picked it up; he equated it with humans defecating on his lawn. The rumble of his neighbor's boat getting ready for a morning ski run reminded him of how he detested all the expensive boats with strangers and young adults making noise and playing music on weekends. Well, if they played what he liked he did not mind it so much. Nevertheless, he preferred that no one be allowed to use the lake unless they lived on the lake and even then, their kids should be banned from using their parents boats. People just needed to respect HIS property and water rights!

Not including himself, Mr. Crabbit is against growth and hates that there are too many people and businesses in Lake Stevens. If he had control over the laws and peoples' properties, he would take lake Stevens back to the days when the area was homesteaded in the 1880s before it became a resort town in the late 1930's. As embittered as he felt, the good news of the day was his neighbor (out of an obligation to be neighborly) invited him to their party. What Mr. Crabbit did not realize is that his neighbors invited him to their family and friend gatherings to keep him from complaining. People in HIS neighborhood wished he would move away, especially the children.

Though he complained to everyone, no one said anything to him when his chickens invaded their vegetable and flower gardens, and his turkey chased the children playing in the neighborhood or blocked his neighbor from accessing their mailbox, or the unsightly old broken-down truck permanently parked in his driveway, and the other "treasures" he collected in his yard. He thinks himself as wise for investing in lake front property, has a financial retirement plan, he believes he is a good neighbor though tolerance is not one of his virtues, he attends church and believes he is righteous, but outburst shows he does not love his neighbors and thinks his perspective on things is the only and the right one. He is an advocate of reducing school taxes since he had no children and felt it was unfair that he should pay taxes for other peoples' children's education. An advocate of shoreline preservation but it is him that will cut a tree down and claim the storm damaged it and it just happens to improve his view.

Though Mr. Crabbit was unaware for the past two years of the short-term rental that Mr. and Mrs. Joyheart had in the neighborhood, he now is going to protest; but if he had a spare guest apartment he would have done so himself to help pay the increasing taxes that he is always complaining about!

Who has the heart to tell him that he is the Grinch of Lake Stevens and wants to steal other people's rights and happiness and visitors from enjoying the wonders of Lake Stevens and all the nearby treasures; certainly not Mr. and Mrs. Joyheart!

**Mr. and Mrs. Joyheart Share their Love of Lake Stevens,
Hosting an experience beyond what a motel could offer brings them joy!**

Mr. & Mrs. Joyheart (she a retired schoolteacher and a he a retired park district employee), a well-respected and a respectful older couple, empty nesters, and long-term residents of Lake Stevens; much longer than Mr. Crabbit. They raised their children on the lake and were known to be contributors to their community and loved by their neighbors. As retired empty nesters and financially burdened with annual property tax increases, the couple were faced with having to sell their home. The idea of renting out their guest apartment was a workable solution; not only would it help financially but it would bring them joy to see others enjoy their property and the treasures nearby. The nice couple that responded to their advertisement seemed like a perfect pick. The Joyhearts were surprised to discover their new tenants snuck in a dog, had two semi- noisy motorized water boards, were arrogant and argued daily. It was not long before their tenants brought a high-performance Sea-doo which became a daily noise problem as it sounded like a motorcycle without a muffler, revving it up every few minutes as they practiced flipping backwards, limiting the range of their loud performances to the shoreline right in front of Joyheart's and the neighbors' waterfront. The Joyhearts could do nothing about it as their tenants felt it was their right while

having no regard for the neighbors. Neighbors never complained, but in their heart the Joyhearts felt stressed that their tenants were constantly invading everyone's waterfront. The eviction process would have been a long and arduous task due to the fact they had a long-term lease subject to laws that protected tenants more than property owners. Fortunately for the Joyhearts, their tenants had no choice but to vacate after the apartment was flooded. Thereafter the Joyhearts decided to Airbnb the apartment as they would have more control over their guests, not be stuck with long-term tenants, and avoid long expensive eviction processes. They compared the benefits of short-term and long-term rentals (see attached "Comparisons"), They decided to try short term renting and for the past two years had success with the guests (mostly visiting family) that stayed at their property, which also fulfilled their lives with new friends. The Joyhearts published strict house rules and provided a binder with local attractions and restaurants and including printed rules signed by their guests and a liability release form. Their Liability insurance coverage increased by Airbnb's added insurance. They evaluated the guest's rental reviews on Airbnb and questioned the purpose of every stay request before accepting reservations. Ninety-nine percent of their Guests were ideal and very respectful of their property, they abided by their strict rules, and left the Joyhearts with excellent reviews; a detailed evaluation of the property and the hosts. The Joyhearts reviewed their Guests as well for future hosts benefits. The self-regulating system works well and most importantly the Joyhearts feel more in control and happier with their guests rather than renting to tenants.

Unhappy people like Mr. Crabbit will always have something to complain about. The Joyhearts are like most people that live in our neighborhoods. We need to recognize that there are more responsible hosts than there are residents who will complain no matter what and be the disruptive ones living on the street. The difference between short-term rentals is that **guests** behave differently (more appreciative, less destructive, and not so entitled) and are temporary whereas long-term tenants are more likely to be arrogant and difficult to remove. The benefits outweigh the disadvantages to hosting guests, and to the impact on our lovely city of Lake Stevens, while we all are privileged to live here, we should be open to sharing our treasures by making short-term renting easier not more difficult; and the city should benefit from short-term rentals as well.

ECONOMIC BENEFITS OF TOURISM

“Snohomish County ranks 4th out of 39 counties in Washington State in visitor spending in 2016” according to Travel and Tour World publication.

Published on: Thursday, June 8, 2017

According to Travel and Tour Publication
(see attached full article”

, “Tourism however is about much more than hotel stays. Tourism is a key economic development strategy and positively impacts a cross section of businesses and reaches all communities in Snohomish County. Travel spurs growth, builds a strong tax base and creates jobs that cannot be outsourced.”

Dave Somers, Snohomish County Executive said, “Those of us who live and work in Snohomish County know that it is one of the most beautiful places on the planet. Now that tourism’s impact has surpassed \$1 billion per year, we must ensure this cornerstone of our local economy continues to thrive.”

“As per the Washington State County Travel Impacts & Visitor Volume report, travel spending in Snohomish County topped \$1.04 billion in 2016 – a year-over-increase of 2.8 percent.”

“Tourism in Snohomish County’s second largest industry, Direct tourism-related jobs employ 10,850 people in the county, contributing \$297. Million in payroll, 21.7 million in local taxes.”

(Note: bases on our experience with Airbnb, a high percentage of our guests do not use the kitchen, they order in or eat out during their stay. This is evident by the kitchens being untouched, and those that eat in buy groceries from our local stores.)

GUEST ACCOMODATIONS SHOULD BE MADE AVAILABLE TO THE GENERAL PUBLIC AND ESPECIALLY TO VISITORS SPECIFIC TO LAKE STEVENS, THE LARGEST NATURAL LAKE IN SNOHOMISH COUNTY AND AT THE FOOTHILLS OF THE CASCADE MOUNTAINS.

“For hundreds of years, open access to oceans, shores, and other natural resources has been maintained and enforced as an inalienable human right. A host of factors – overdevelopment of waterfront houses for sale chief among them – have led to a colossal decline in universal enjoyment of this liberty over the past century, however, as the privatization of land continues to sequester more and more of our planet’s offerings for the sole enjoyment of a privileged few.”

“....that our planet’s natural resources are the rightful domain of all living beings and not merely the few who purchase and inherit them.”

Summary

The ordinance is much too strict. We hope that regulations do not make it impossible for short-term rentals. There are people who have invested in properties for their retirement, while others are trying to make extra income for tax burdens especially if they are retired, and yet others who have large homes may want to share their properties for other reasons, i.e. raising money for medical expenses as an example. I remember seeing several homes on Lake Sammamish go up for sale in the 1990’s (when the market went crazy like now) because the people who lived there all their lives, then retired could not afford the taxes based on increased home assessments and increased utility costs.

It is a burden and costly to homeowners to have inspections annually and unnecessary since the reviews and Airbnb requirements meet the same objective and through a self-regulated system.

Short-term rentals are less than thirty days and not subject to eviction laws, long-term rentals are more than 30 days which are subject to eviction processes, and residents are permanently there until they sell or move.

There is a huge need for visitor accommodation as there is a shortage if not non-existence, no motels and very few short-term rentals in Lake Stevens.

Visitors or guests generate income for the local economy, based on experience (garbage and kitchen usage) majority guests eat out and shop locally.

The Majority of our 178 visitors' purpose of visiting was their local family and events, rather than just vacationing. However, people come to access the wilderness and outdoor activities nearby. There are those visitors that come for short term work and need places to stay.

Neighbors have access to Airbnb complaint line, with enough complaints or violations Airbnb will suspend and/or permanently block Hosts and Guests from renting on their platforms. Recently Airbnb is banning parties and taking strong measures against violators. It is rare that guests are willing to risk having a negative review and rating. They come looking for a clean and safe place with an experience that a hotel/motel cannot provide. Most hotels spend 20 minutes cleaning a room where as Airbnb (especially super hosts) take extreme measure to clean and beautify their properties. The reviews regulate host and property experiences. It is a market regulated by the hosts, visitors, and by Airbnb and the reviews, and the platforms in use.

The city of lake Stevens and local business make extra revenue (and can make more) from visitors that stay in Lake Stevens rather than going to other cities nearby. We are grateful for the opportunity to have a voice in this matter and ask you for unbiased review of all the information presented by hosts. We appreciate the dedicated time by the City Council to explore reasonable long-term solutions for the small number of hosts that are not as conscientious of their neighborhood or aware, why punish responsibly hosting owners and visitors. There are ways to contend with ignorant or violating hosts without making it impossible to have an

Airbnb. Giving residences an outlet to reach out locally, besides calling the police, like a hotline, educational hosting webinars or an organized local oversight and resourceful committee (which I am willing to voluntarily oversee), are but few of many options.

I personally coming from experience see more benefits than disadvantages, again I hope I was able to bring more insight into the importance of making our city code more flexible and host/visitor friendly. I have provided more supplementary information in my emails and attachments. Thank you again for this opportunity.

ATTACHEMENTS:

- A. Comparisons of short-term rentals and long-term rentals.
- B. AirDNA market short-term rentals report for City Lake Stevens
- C. AirDNA market short-term rentals report for City of Everett
- D. Our Airbnb Printed Rules – published on the platform and in a binder located in the unit.
- E. Tourist information article from Travel and Tour Word
- F. Sample Review from Mark a guest
- G. Sample Review from Mary a guest
- H. Sample Review from Jamie a guest

David Levitan

From: Kelly Chelin
Sent: Tuesday, September 20, 2022 10:34 AM
To: David Levitan
Subject: FW: Short Term Rental - Please consider the impact of short term rentals on affordable housing and the Lake Stevens Police force

FYI. We sent this to Council but I noticed that you might not have seen it.



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: jennifer soler <jennifersoler125@hotmail.com>
Sent: Monday, September 19, 2022 6:07 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>; Russell Wright <rwright@lakestevenswa.gov>; gbrazil@lakestevenswa.gov
Subject: Short Term Rental - Please consider the impact of short term rentals on affordable housing and the Lake Stevens Police force

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I am writing about my experience with VRBO which may help provide some insight on how disruptive a VRBO can be in a neighborhood and to a community. This experience is one example how short-term rentals could add to the shortage of affordable housing for families in the Lake Stevens area and could increase the Lake Stevens Law Enforcement work load.

This summer I was part of a group of women attending a regatta who rented a house through VRBO. Ten minutes after check in, the host alerted us that she was going to have a unknown male stay in the bottom half of the house and we could only use the top half of the house. There were only 3 beds upstairs and no secure door between the two areas. We did not stay and were threatened that we would not get our money back.

We called VRBO who was not helpful in addressing the conflict. After being on hold for an hour we were disconnected. The second time we asked if VRBO could call us back as they took our phone number. The answer was no and again we were disconnected. We had to drive 2 hours to find a place to stay as the rates in the area of the VRBO were incredibly high for last minute check in. The credit card company returned our money. VRBO 8 weeks later would agree not to charge us if we did not claim any damages. We were unable to charge VRBO for extra gas or expenses incurred as a result not going comfortable with the VRBOs host demands that we stay / share the house with an unknown male. VRBO does not stand by its product.

We found out from the neighbor that the host has done this to many people and that the police are at the property on a fairly frequent basis. This particular host intimidates people and double books her property. VRBO was not helpful managing the situation.

The part of this experience that I want to bring to your attention is that, the neighbor of the property informed us that the host does not own the rental property. The host is making money by renting several properties that are listed on VRBO and other short-term rentals. The neighbor also stated the community is trying to work with their city council to take care of the situation. They are tired of the Police and people being stranded outside the rental property. This one story may be helpful when you are thinking about how the regulations could be written to lessen the impact on affordable housing and the Police Force in Lake Stevens.

Jennifer Soler
Lake Stevens, WA

David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:31 AM
To: Gene Brazel; Russell Wright; David Levitan
Subject: FW: Short term rentals

Mayor/Council - please find an email comment below on STR. Thanks!

-----Original Message-----

From: James Gallegos <jameslgallegos@hotmail.com>
Sent: Friday, September 30, 2022 7:19 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Subject: Short term rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not allow short term rentals in the City of Lake Stevens. We have a housing affordability issue as well as a housing shortage in the city currently. Allowing business owners (members of the city council) to buy up housing in order to destroy neighborhoods is just wrong and not in the interest of any of the citizens of the city. It will only benefit a very few (city council members) and harm the majority. The lake cannot sustain more recreation as the lake has become overcrowded. As a current lakefront home owner I have decided to sell my house that I have owned for 17 years because it is no longer enjoyable to live on the lake. It is now overcrowded and dangerous to recreate on the lake.

James L Gallegos
Systems Consultant
Dimensional Communications, Inc.
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[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9326>]

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9315>]
Kelly Chelin, City Clerk

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ORDINANCE O-4607

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SHORT-TERM RENTALS.

1 WHEREAS, public comment has brought forward concerns about
2 the impacts of unregulated short-term detached dwelling unit rentals in
3 the city of Kirkland; and
4

5 WHEREAS, such concerns have included absentee owners,
6 excessive numbers of residents and vehicles, blocked neighboring
7 driveways, noise, litter, trespasses and the use of detached dwelling
8 units as event venues; and
9

10 WHEREAS, public comment has also demonstrated that
11 appropriately regulated short-term rentals of residential units, including
12 both detached dwelling units and attached or stacked dwelling units,
13 help make it possible for owners of such residential units to be able to
14 afford to live in Kirkland thereby helping preserve affordable housing
15 stock, while also bringing visitors, students, tourism and economic
16 development benefits to the city; and
17

18 WHEREAS, Chapter 7.02 of the Kirkland Municipal Code,
19 Business Licenses and Regulations, requires business licenses in
20 connection with all activities and pursuits located and/or engaged within
21 Kirkland with the object of gain, benefit or advantage to the person
22 engaging in the same; and
23

24 WHEREAS, Chapter 7.02 KMC therefore applies to both short-
25 term rentals and long-term rentals as provided for herein; and
26

27 WHEREAS, rental agreements in excess of one month, which are
28 considered long-term rentals for purposes of this ordinance, remain
29 freely permitted subject to the business license requirements of Chapter
30 7.02; and
31

32 WHEREAS, the City Council wishes to add additional provisions
33 to Chapter 7.02 specifically applicable to short-term rentals of detached
34 dwelling units to address the regulatory concerns described above; and
35

36 WHEREAS, the Council further wishes to provide for the
37 enforcement of the requirements of Chapter 7.02 through amendments
38 to Chapter 1.12 KMC, Code Enforcement; and
39

40 WHEREAS, the Kirkland Zoning Code regulates similar types of
41 activities, including bed and breakfast houses and home occupations,
42 neither of which are considered short-term rentals for purposes of this
43 ordinance.
44

45 NOW, THEREFORE, the City Council of the City of Kirkland do
46 ordain as follows:

Section 1. Kirkland Municipal Code Section 1.12.020 is amended to read as follows:

1.12.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

(a) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

(b) "Act" means doing or performing something.

(c) "Applicable department director" means the director of the department or his or her designee.

(d) "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to Title 12 are specifically excluded from the application of this chapter.

(e) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts governed by a city regulation.

(f) "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

(g) "Hearing examiner" means the Kirkland hearing examiner and the office thereof established pursuant to Chapter 3.34.

(h) "Omission" means a failure to act.

(i) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

(j) "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the city sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of city tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.

(k) "Regulation" means and includes the following, as they now exist or are hereafter amended:

(1) Title 23 (Kirkland Zoning Code);

(2) Title 21, Buildings and Construction (including codes adopted by reference);

(3) Chapter 15.52 (Surface Water Management);

(4) Title 29 (Land Surface Modification);

(5) Chapter 19.04 (Obstructing Streets or Sidewalks);

- (6) Chapter 11.76 (Junk Vehicles);
- (7) Chapter 11.24 (Nuisances);
- (8) The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city;
- (9) Chapter 7.74 (Fair Housing Regulations);
- (10) Chapter 16.05 (Retail Carryout Bags, including definitions set forth in Chapter 16.04);
- (11) Chapter 16.08 (Garbage Disposal); and
- (12) Chapter 7.02 (Business Licenses and Regulations).

(l) "Repeat violation" means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.

(m) "Violation" means an act or omission contrary to a city development regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.

Section 2. Kirkland Municipal Code Section 7.02.030 is amended to read as follows:

7.02.030 Definitions.

Where used in this chapter, the following words and terms shall have the meanings as defined in this section, unless, from the context, a more limited or different meaning is clearly defined or apparent:

(a) "Business" includes all activities, occupations, pursuits, or professions located and/or engaged within the city, with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly, and includes nonprofit enterprises.

(b) "Business license" means that document issued by the city licensing the transaction of the indicated business by the person whose name appears thereon for the stated period.

(c) "Engaging in business" means commencing, conducting or continuing in any business within the city, whether or not an office or physical location for the business lies within the city. "Engaging in business" includes the performance of work or services by contractors, consultants, representatives, agents or other persons within the city, even though the office location of the contractor, consultant, representative, agent or other person is not within the city limits; the exercise of corporate or franchise powers, as well as the liquidation of a business when the liquidators hold themselves out to the public as conducting such business; acting as a solicitor or canvasser; short-term and long-term rentals; and furnishing temporary employees and/or workers to other businesses. By way of illustration only and without being all-inclusive, a business with an office or physical location outside the city limits which sells or leases personal property to buyers or lessees in the city; accepts or executes a contract to perform construction or installation services contracts in the city; solicits sales in the city; or renders services to others in the city; is engaged in business in this city, irrespective of whether or not such business maintains a permanent place of business in the city.

152 (d) "Finance and administration director" or "director" means the
 153 city of Kirkland director of finance and administration or his/her
 154 designee.

155 (e) "Gross receipts" shall have its ordinary meaning and also
 156 means the value accruing from the business activity within the city or
 157 conducted from the city including compensation for the rendition of
 158 services (without any deduction for labor costs or the cost of materials
 159 used), sale of personal property (without any deduction for the cost of
 160 property sold), gains or dividends realized, rents, royalties,
 161 contributions, fees and commissions, all without any deduction for any
 162 expense, taxes, or losses.

163 (f) "Person" includes individual natural persons, any firm,
 164 corporation, association, sole proprietor, club, partnership, trust,
 165 receiver, administrator, executor, estate, company, independent
 166 contractor, society, any officer, agent, personal representative, any
 167 group of individuals acting as a unit, the United States or the state of
 168 Washington or any instrumentality thereof, and includes the singular
 169 and the plural.

170 (g) "City" means the city of Kirkland, Washington.

171 (h) "Year" means a calendar year, except where otherwise
 172 specified or when permission is obtained from the director to use a
 173 different fiscal year.

174 (i) "L&I" means the Washington State Department of Labor and
 175 Industries.

176 (j) "Place of business" or "office" includes, but is not limited to,
 177 the following: maintaining, occupying, or using a permanent building or
 178 facility, premises or other fixed location as an office or location for
 179 conducting business; residential units used for short-term or long-term
 180 rentals or leases, or a location where the regular business of the person
 181 is conducted and which is either owned by the person or over which the
 182 person exercises legal dominion and control; or a location which
 183 includes a business sign, mailing address, and permanent phone. A
 184 vehicle such as a pickup, van, truck, boat or other motor vehicle will not
 185 be considered a place of business for purposes of this chapter.

186 (k) "Casual or isolated sale" means a sale made by a person who
 187 is not engaged in the business of selling the type of property involved.
 188 Persons who hold themselves out to the public as making sales at retail
 189 or wholesale are deemed to be engaged in business, and sales made by
 190 them of the type of property which they hold themselves out as selling
 191 are not casual or isolated sales even though such sales are not made
 192 frequently.

193 (l) "Employee" means and includes each of the following persons
 194 who are not required by the city to have his/her/its own separate city
 195 of Kirkland business license:

196 (1) Any person who is on the business's payroll, and includes all
 197 full-time, part-time, and temporary employees or workers; and

198 (2) Self-employed persons, sole proprietors, owners, managers,
 199 and partners; and

200 (3) Any other person who performs work, services or labor at the
 201 business, including an independent contractor who is not required to
 202 have a separate city of Kirkland business license.

203 (m) "Contractor" means any person who, in the capacity of an
 204 independent contractor, contracts with any business, property owner or
 205 person to perform a particular job or jobs, whether the remuneration

received for performing the job or jobs is on a cost-plus basis, a flat sum basis or a salary computed at so much per hour.

(n) "Subcontractor" means any person who in the capacity of an independent contractor contracts with any contractor to perform a particular trade or job, whether the remuneration received for performing the job or jobs is on a cost-plus basis, a flat sum basis, or a salary basis computed at so much per hour.

(o) "Residential unit" means either a detached dwelling unit or an attached or stacked dwelling unit, as those terms are defined in the city's zoning code.

(p) "Short-term rental" means the rental of a residential unit for less than thirty days. A short-term rental is not a bed and breakfast house or home occupation as defined in the zoning code for purposes of this ordinance.

(q) "Long-term rental" means the rental or lease of a residential unit for a period of thirty days or more. A long-term rental is not a bed and breakfast house or home occupation as defined in the zoning code.

Section 3. Kirkland Municipal Code Section 7.02.050 is amended to read as follows:

7.02.050 Operating without a license.

(a) Any person who engages in or carries on a business without having obtained a business license when required to do so shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date, shall be deemed to be operating a business without having obtained a license to do so. Except as otherwise specified, any person violating this chapter shall be guilty of a misdemeanor crime and a civil violation under Chapter 1.12.

(b) A business failing to obtain or maintain a currently valid license and yet conducting business within the city is hereby declared to be a public nuisance. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter.

Section 4. Kirkland Municipal Code Section 7.02.070 is amended to read as follows:

7.02.070 Presumptions.

The following presumptions shall be made in interpreting and applying this chapter, unless rebutted as provided in this chapter:

(a) It shall be presumed that an entity that has been issued a Unified Business Identifier Number ("UBI") by the state of Washington is a separate business that is required to have its own city of Kirkland business license.

(b) It shall be presumed that an entity that has been issued a state industrial insurance account number, a state self-insurer number, or a state revenue tax reporting account number is a separate business that is required to have its own city of Kirkland business license.

(c) It shall be presumed that average annual gross receipts of an entity are at least twenty thousand dollars per each employee who

works for the entity in Kirkland except in the instances of short-term rentals and long-term rentals and leases of residential units.

(d) It shall be presumed that an owner, manager, and/or managing partner of a business that is more than sixty days late in paying any amount due under this chapter is willfully, knowingly and intentionally evading his or her legal duties under this chapter.

Section 5. Kirkland Municipal Code Section 7.02.200 is amended to read as follows:

7.02.200 Debt owed to city.

(a) Any amount due and unpaid under this chapter and any penalty thereon shall constitute a debt to the city and may be collected in the same manner as any other debt, including through code enforcement and court proceedings, and these remedies shall be in addition to all other existing remedies. Interest shall accrue on amounts owed to the city under this chapter at the same rate as provided for superior court judgments.

(b) Issuance of a business license does not forgive amounts owed to the city or penalties thereon.

Section 6. Kirkland Municipal Code Section 7.02.260 is amended to read as follows:

7.02.260 Suspension or revocation of license—Criteria.

The director may suspend or revoke a business license or permit when the licensee, officer or partner thereof, or another person with a legal interest in the license:

(1) Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the city which may affect or relate to the licensed business;

(2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(3) Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;

(4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter;

(5) Violates any building, life or public safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;

(6) Is in violation of a zoning or building code or other material regulation of the city, including the responsibility to exercise best efforts to help ensure conflicts between short-term renters and neighbors are avoided as set forth in Section 7.02.300(3); or

(7) Is indebted or obligated to the city for past due fees or taxes, excluding special assessments such as LID assessments.

Section 7. A new Kirkland Municipal Code Section 7.02.300 is amended to read as follows:

7.02.300 Short-term Rentals—Special Provisions.

The following special provisions are applicable to short-term rentals of detached dwelling units:

(1) Short-term rentals are freely permitted as they relate to frequency and total number of days per year when an owner or authorized agent of an owner continuously occupies a portion of a short-term rental as his or her primary residence.

(2) Short-term rentals not exceeding a total of 120 days per year are permitted when (a) an owner or an authorized agent of the owner occupies all or a portion of the short-term rental as his or her primary residence for a total of at least 245 days per year and (b) a property manager identified to both the city and all short-term renters is continuously available and located within 15 miles of the short-term rental whenever the owner or an authorized agent of the owner is not occupying all or a portion of the short-term rental as his or her primary residence.

(3) Short-term rental agreements shall include provisions encouraging renters to exercise best efforts to avoid conflicts with neighbors related to issues such as noise, littering, parking and trespass, and the owner and authorized agent of the owner of a short-term residential unit shall be jointly responsible to the city for exercising best efforts to help ensure such conflicts are avoided as a condition of maintaining a business license under this chapter.

(4) There may be no more than two short-term rental agreements in effect at a single detached dwelling unit at any one time.

(5) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with all applicable city zoning code requirements, including those related to the number of unrelated people occupying the unit.

(6) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with the parking provisions applicable to bed and breakfast houses set forth in the zoning code.

(7) The director of finance and administration may impose such additional requirements as may be necessary, consistent with the police power authority of the city, to protect the public health, safety and welfare in the issuance of business licenses related to short-term rentals.

Section 8. A new Kirkland Municipal Code Section 7.02.310 is amended to read as follows:

7.02.310 Payment of Lodging Excise Tax on Short-term Rentals.

It shall be the responsibility of the person owning a residential unit used for a short-term rental to ensure the lodging excise tax provided for by Chapter 5.19 is timely paid.

Section 9. The provisions of this ordinance shall apply to all short-term rentals existing on or after the effective date hereof except to the extent necessary to avoid the impairment of existing short-term rental agreements as they may relate to rental dates and durations existing as of the effective date hereof.

364 Section 10. City staff shall provide an update to the City Council
365 on the performance of the short-term rental regulations, along with any
366 recommendations for improvements, no later than July 15, 2018.

367
368 Section 11. If any provision of this ordinance or its application
369 to any person or circumstance is held invalid, the remainder of the
370 ordinance or the application of the provision to other persons or
371 circumstances is not affected.

372
373 Section 12. This ordinance shall be in force and effect five days
374 from and after its passage by the Kirkland City Council and publication
375 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
376 form attached to the original of this ordinance and by this reference
377 approved by the City Council.

378 Passed by majority vote of the Kirkland City Council in open
379 meeting this 17th day of October, 2017.

380
381 Signed in authentication thereof this 17th day of October, 2017.



Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joe Sanford, Fire Chief
Heather Kelly, Emergency Manager
Kevin Raymond, City Attorney

Date: October 5, 2017

Subject: REVISIONS TO KIRKLAND MUNICIPAL CODE CHAPTER 3.20 RELATED TO EMERGENCY MANAGEMENT

RECOMMENDATION:

City Council pass the attached ordinance making revisions to Kirkland Municipal Code ("KMC") Chapter 3.20 related to emergency management.

BACKGROUND DISCUSSION:

The City of Kirkland ("City") is in the process of taking steps to enhance its ability to respond quickly and effectively to the occurrence of a disaster or other emergency affecting the city of Kirkland, whether natural, human-made or technological in origin. The City's Office of Emergency Management ("OEM") is facilitating the development and adoption of Continuity of Operations ("COOP") and Continuity of Government ("COG") plans (collectively "Plan") to guide and support the City's emergency responses. Chapter 3.20 KMC includes a number of provisions that no longer reflect City practices and in some instances refer to repealed or re-codified state laws. As a result, and as an important part of the City's overall emergency planning efforts, Chapter 3.20 KMC is appropriate for amendment at this time.

What follows is a summary of the basis for the recommended code revisions, tracking existing Chapter 3.20 KMC, section by section:

Section 3.20.010

- Disasters and other emergencies are considered "incidents." "Events" are the result of government planning.
- Only the federal government can "declare" an emergency. State and local governments "proclaim" them.
- "Services" added to ensure definition is comprehensive and consistent with following sections.
- No emergency response can promise "all" services and functions will be carried out.
- Disaster and emergency planners now use the term "human-made" rather than "man-made," and typically include "technological" to account for this increasingly common incident form, e.g. computer system failures.

Section 3.20.020

- City can "help ensure" but cannot "ensure" success of disaster and emergency responses.
- Helpful in some isolated instances to clarify between "city" the local government and "city" the geographical area (i.e. by stating "city of Kirkland") as the terms are different and the code reviser will lower case all references to "city."
- Updated term under state law is "comprehensive emergency management plan." "Essential functions" considered more descriptive and less ambiguous than "government programs."

Section 3.20.030

- This unit of City government now referred to as an "office" rather than a "division."
- The presently-referenced WAC provision has been repealed.

Section 3.20.040

- Provides for appointment of Emergency Manager by Fire Chief, subject to approval of City Manager.

Section 3.20.050

- Chapter 118-07 WAC has been re-codified as Chapter 118-30 WAC.
- In this context, "ensure" is a better term than "insure."

Section 3.20.060

- The former emergency coordination center ("ECC") is now referred to as the emergency operations center ("EOC").
- There no longer exists a crisis action team ("CAT").
- Incident commanders ("ICs") vary depending on the type and scale of an incident and are typically deployed in the field. ICs therefore would not have a role overseeing operations from the EOC, which is the role of the Emergency Manager under the direction of the Director of Emergency Services (i.e. Fire Chief).

Section 3.20.070

- Considered helpful to include state law language conferring broad authority (together with specific examples) of City to respond to disasters and other emergencies without regard to time-consuming procedures and formalities otherwise required by law.

Section 3.20.080

- City now has an emergency management action team ("EMAT"), which has replaced the former emergency management task force ("EMTF").
- Membership of the EMAT has been modified to reflect current EMAT practice, including additions of City Attorney and Communications Manager.

Section 3.20.090

- Amends confusing, and two-tiered and in some instances antiquated "ratification of actions" language. The City Manager is ultimately responsible to the City Council for the City's response to an incident or other emergency. The City Manager will be expected to act immediately and likely before the Council will be able to meet. The intent of this

amended section is to make it clear that the City Manager is expected to act immediately, subject to action by the Council, including a ratification of prior acts, as soon as practicable.

Section 3.20.110

- Cleans up internal references to the emergency management compensation board, a creature of state law, and establishes board membership considered appropriate to a council-manager form of government (e.g. in addition to a Councilmember, City Manager rather than Mayor is a board member).

ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

1 WHEREAS, the City of Kirkland ("City") is in the process of
2 enhancing its planning and ability to respond to natural, human-made
3 or technological disasters; and
4

5 WHEREAS, as part of such process the City is developing plans
6 providing for Continuity of Operations ("COOP") and Continuity of
7 Government ("COG"); and
8

9 WHEREAS, Kirkland Municipal Code ("KMC") Chapter 3.20
10 related to emergency management includes provisions that no longer
11 reflect City practices and therefore need to be revised to help meet the
12 City's emergency response needs, including through successful
13 implementation of the COOP and COG plans (collectively, "Plan").
14

15 NOW, THEREFORE, the City Council of the City of Kirkland do
16 ordain as follows:
17

18 Section 1. Kirkland Municipal Code Section 3.20.010 is amended
19 to read as follows:
20

21 **3.20.010 Definitions.**

22 For the purposes of this chapter the following terms shall have their
23 ordinary meaning and, in addition:

24 (a) "Emergency or disaster" means an incident event or set of
25 circumstances which:

26 (1) Demands immediate action to preserve public health, protect life,
27 protect public property, or to provide relief to any stricken community
28 overtaken by such occurrences, or

29 (2) Reaches such a dimension or degree of destructiveness as to
30 warrant the proclamation declaration of a state of emergency.

31 (b) "Emergency management" means the preparation for and the
32 carrying out of all emergency services and functions to mitigate, prepare
33 for, respond to, and recover from emergencies and disasters, and to aid
34 those victims suffering from injury or damage, resulting from disasters
35 caused by all hazards, whether natural, human-made or technological,
36 ~~or man-made~~, and to provide support for search and rescue operations
37 for persons and property in distress.
38

39 Section 2. Kirkland Municipal Code Section 3.20.020 is amended
40 to read as follows:
41

42 **3.20.020 Purpose.**

43 Because of the possibility of the occurrence of emergencies or disasters
44 of unprecedented size and destructiveness, and in order to help ensure
45 that preparations of the city will be adequate to deal with such disasters,
46 and generally to protect the public peace, health, and safety, and to

47 preserve the lives and property of the people of the city of Kirkland, it
 48 is the purpose of this chapter to provide for emergency management in
 49 the city in accordance with the city's comprehensive emergency
 50 management plan providing of Kirkland and to create an emergency
 51 management plan to provide for coordination of the city's emergency
 52 management and other essential government functions city of Kirkland's
 53 emergency management with other government programs.

54
 55 Section 3. Kirkland Municipal Code Section 3.20.030 is amended
 56 to read as follows:

57
 58 **3.20.030 Office Division created.**

59 There is hereby created, within the fire department, an office a division
 60 of emergency management to perform emergency management
 61 functions. The office division of emergency management is the city's city
 62 of Kirkland's local organization for emergency management for the
 63 purposes of RCW 38.52.070. For purposes of state regulation WAC 118-
 64 06-050(1)(b)(i), it is hereby specified that the division of emergency
 65 management represents only the city of Kirkland.

66
 67 Section 4. Kirkland Municipal Code Section 3.20.040 is amended
 68 to read as follows:

69
 70 **3.20.040 Director.**

71 The office division of emergency management shall be headed by the
 72 director of emergency services. The city manager shall appoint the fire
 73 chief as the director of emergency services. The director of emergency
 74 services shall be directly responsible to the city manager for the
 75 organization, administration, and operation of the office of emergency
 76 management division. The director of emergency services shall appoint
 77 an emergency manager, subject to the approval of the city manager.

78
 79 Section 5. Kirkland Municipal Code Section 3.20.050 is amended
 80 to read as follows:

81
 82 **3.20.050 Comprehensive emergency Emergency management**
 83 **plan.**

84 The director of emergency services shall create and maintain the city's
 85 comprehensive an emergency management plan which will also serve
 86 as the city of Kirkland's comprehensive emergency operations plan as
 87 described in Chapter 118-30 118-07 WAC. The city manager shall
 88 ensure insure that the city of Kirkland executes its comprehensive
 89 emergency management plan in the event of disaster and operates in
 90 accordance with said plan.

91
 92 Section 6. Kirkland Municipal Code Section 3.20.060 is amended
 93 to read as follows:

94
 95 **3.20.060 EOC ECC.**

96 The comprehensive emergency management plan shall provide for
 97 activation of the city's emergency operations center (EOC) emergency
 98 coordination center (ECC) or a crisis action team (CAT). Operation of
 99 the EOC ECC shall be under the direction of the director of emergency
 100 services by and through the emergency manager. incident commander

(IC). The emergency management plan shall provide for the designation of the IC, who will normally be the fire chief, the police chief, or the director of public works.

Section 7. Kirkland Municipal Code Section 3.20.070 is amended to read as follows:

3.20.070 Emergency powers.

In the event of an emergency or disaster coming within the scope of this chapter, the city of Kirkland shall have the broadest authority and greatest discretion consistent with state law the laws of the city of Kirkland and of the state of Washington with respect to emergency response and operation. These powers include, but are not limited to, those provided for in RCW 38.52.070; namely, the authority to act in light of the exigencies of an emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of funds.

Section 8. Kirkland Municipal Code Section 3.20.080 is amended to read as follows:

3.20.080 Emergency management action team task force.

There is hereby established an emergency management action team (EMAT), task force (EMTF) which shall be composed of at least the following: director of emergency services, emergency manager, city attorney, communication manager, and one representative from each city department. The EMAT shall support the activities of the office of emergency management to help ensure that all city departments are prepared to help respond to needs in the city of Kirkland during and after a disaster ~~members of the city council, the city manager or designee; members of the CAT; the city attorney or designee; and the public information officer.~~ The emergency management plan shall provide for meetings of the EMTF as a work group, meaning those members of the EMTF available to meet, as needed, shall for such meeting, be the EMTF work group. The city manager or designee shall chair the EMTF work group. The EMTF shall have as one of its functions, liaison to members of the city council who were not present at a work group meeting. Work group meetings may be called to address questions or implications of public health, safety and welfare relative to a disaster situation, particularly disaster recovery.

Section 9. Kirkland Municipal Code Section 3.20.090 is amended to read as follows:

3.20.090 Ratification of actions.

The incident commander shall have the authority to act on behalf of the city council, the mayor, and/or the city manager, subject to ratification as soon as is practicable. The city manager shall have the authority to

take action on behalf of the city in the event of an emergency or disaster, subject to ratification by the city council as soon as practicable council and/or the mayor pursuant to the emergency management plan, subject to ratification by the EMTF work group, the city council and/or the mayor.

Section 10. Kirkland Municipal Code Section 3.20.110 is amended to read as follows:

3.20.110 Emergency management compensation board.

There is hereby established an emergency management compensation board for the processing of claims arising from emergency management related activities. This board shall function as provided for in the emergency management plan and be guided by applicable state law such as RCW 38.52.210(2) through 38.52.260. The ~~emergency management claims compensation~~ board shall be composed of: one councilmember selected by the council; the city manager; the director of emergency services; the emergency manager; and the city attorney. The councilmember shall serve as the chair of the ~~compensation~~ board and the emergency manager ~~director of emergency services~~ shall serve as secretary of the board.

Section 11. Kirkland Municipal Code Section 3.20.120 is hereby repealed.

Section 12. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 13. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2017.

Signed in authentication thereof this ____ day of _____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 3.20.010 related to the definitions for the Chapter.

SECTION 2. Amends KMC Section 3.20.020 amending the purpose of the Chapter.

SECTION 3. Amends KMC Section 3.20.030 updating the emergency management division to an office of emergency management.

SECTION 4. Amends KMC Section 3.20.040 related to the director of emergency services.

SECTION 5. Amends KMC Section 3.20.050 related to the comprehensive emergency management plan.

SECTION 6. Amends KMC Section 3.20.060 related to the Emergency Operations Center ("EOC").

SECTION 7. Amends KMC Section 3.20.070 related to emergency powers.

SECTION 8. Amends KMC Section 3.20.080 related to the emergency management action team.

SECTION 9. Amends KMC Section 3.20.090 related to ratification of actions.

SECTION 10. Amends KMC Section 3.20.110 related to the emergency management compensation board.

SECTION 11. Repeals KMC Section 3.20.120.

SECTION 12. Provides a severability clause for the ordinance.

SECTION 13. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2017.

I certify that the foregoing is a summary of Ordinance
_____ approved by the Kirkland City Council for summary
publication.

Kathi Anderson, City Clerk

Short-Term Rentals in Kirkland

The City Council adopted an ordinance regulating short-term rentals in Kirkland in October 2017. The ordinance, O-4607, defines short-term rentals as a rental lasting for less than thirty days, as opposed to long-term rentals, which are defined as those lasting 30 days or more.

The ordinance primarily applies to single family residences. Multifamily residences are generally governed by the rules of the individual complex.

Residents should be aware, however, that the City of Kirkland requires business licenses for any commercial transaction, including all short-term and long-term rentals (including multifamily residences).

Current requirements to obtain a short-term rental business license for homes in Kirkland:

1. The property owner, or an authorized agent, must occupy the property as a primary residence at least 245 days per year to enter into short-term rentals there.
2. A property manager living within 15 miles of the residence must be identified for those days when neither the owner nor an authorized agent are occupying the property.
3. The property owner must have a business license from the State of Washington.
4. The property owner (or authorized agent) also must complete and submit a business license application for the City of Kirkland, and pay licensing fees.
5. As part of the application, a declaration must be filled out and signed. If the applicant is not the owner, it must still be signed by the owner, as owners retain specified responsibilities in all events.
6. Lodging taxes for short-term rentals must be paid to the State of Washington, and those payments are the responsibility of the property

owner.

Frequently Asked Questions:

Occupying the Residence

Authorized Agents

Business Licenses

Taxes

Enforcement and Complaints

Other Questions

David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:31 AM
To: Russell Wright; Gene Brazel; David Levitan
Cc: Caitlin Weaver
Subject: FW: STR Regulation
Attachments: k53oO-4607.PDF



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Aileen <aileenspradlin@gmail.com>
Sent: Friday, September 30, 2022 5:16 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>; rwright@lakestevens.gov; gbrazil@lakestevenswa.gov; David Levitan <dlevitan@lakestevenswa.gov>
Subject: Re: STR Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please disregard attachment "unfinishedbusiness"

This is the correct Short Term Rental regulation link:

<https://mrsc.org/getmedia/77ccc272-9c6a-4ea6-a22c-5e072b96230b/k53oO-4607.PDF.aspx>

On Sep 30, 2022, at 4:11 PM, Aileen <aileenspradlin@gmail.com> wrote:

Dear City Officials,

Before you meet again to resume discussion surrounding STR regulation I am asking you to please review and consider these attached documents as a template for our city STR regulation.

If you haven't already done so, please also consider reaching out personally to city officials in Kirkland, Bellingham, Walla Walla, and Chelan County to gather additional information regarding their decisions to revise STR regulations after experiencing the impact to their residents from under regulated vacation rentals.

My family and two other families in our neighborhood had the very unpleasant experience of requesting a Code Enforcement after a neighboring property was purchased for the purpose of full time, un-hosted and unsupervised VRBO business in 2020.

At the time, we had no idea they were operating out of compliance with city regulations. It was after they inquired with us to provide parking for weddings at the property we reached out to City Hall.

We remain estranged from these property owners.

I earnestly request that you reconsider the owner occupancy requirement and draft a clear, comprehensive regulation with adequate enforcements that will protect the character and integrity of our existing neighborhoods.

Thank you,
Aileen Spradlin

<https://www.kirklandwa.gov/Government/Departments/Finance-and-Administration/Customer-Accounts/Apply-for-a-Business-License/Short-Term-Rentals-in-Kirkland>

<WebPage.pdf>

https://www.kirklandwa.gov/files/sharedassets/public/city-council/agenda-documents/2017/oct-17-2017/10b_unfinishedbusiness.pdf

<WebPage.pdf>

David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:30 AM
To: Gene Brazel; Russell Wright; David Levitan
Cc: Caitlin Weaver
Subject: FW: LUA2022-0046: Short-Term Rentals Code Amendment

-----Original Message-----

From: JANE MOLENKAMP <jdmolenkamp@comcast.net>
Sent: Sunday, October 2, 2022 3:27 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: LUA2022-0046: Short-Term Rentals Code Amendment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Lake Stevens City Council Members,

RE: LUA2022-0046: Short-Term Rentals Code Amendment

We have been following the progression of this Code amendment for months now. As permanent, long-time residents, we are concerned that the recommendation of the Planning Commission to limit the scope of Short-Term Rentals was rejected by the Council and may be replaced with a revised regulation. The Planning Commission spent considerable time researching how other communities addressed this issue, noting how vacation rentals can impact those communities. The recommended revisions took into account concerns such as parking, safety, privacy and noise.

The City investigated the number of existing Short-Term Rentals and discovered that most had not been permitted. Several letters sent to the addresses of such rentals were "Returned to Sender". I believe at least one owner-operator wrote to the City explaining how their property was being used. Subsequently, the issue was tabled for more review. Since that time, has the City been able to locate the owners of the other STRs? Have more rentals been listed on VRBO or AirBnB?

Lake Stevens is located in a unique setting, with abundant recreational opportunities and a strong sense of community. We chose to raise our family here and have participated in our community over the years. With growth, there have been changes in the makeup of the city. We understand the need for more affordable housing and welcome new residents. We do not, however, feel that our city will be enhanced by temporary vacation rentals operated by absentee owners and/or businesses. To the contrary, entire neighborhoods will be impacted adversely, property values will drop, and the character of our "one Community Around the Lake" will suffer.

Please reconsider the original recommendations from the Planning Commission and revise the original ordinance accordingly.

Respectfully,

Jane and Delmar Molenkamp
10818 Vernon Rd

425-334-0468

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9326>]

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9315>]
Kelly Chelin, City Clerk

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:29 AM
To: Russell Wright; David Levitan; Gene Brazel
Cc: Caitlin Weaver
Subject: FW: For City Council Oct 4th Work shop



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: kathy nysether <kathycn@hotmail.com>
Sent: Sunday, October 2, 2022 8:09 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Brett Gailey <bgailey@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: For City Council Oct 4th Work shop

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

I will be listening in via zoom to your workshop this week if I am not able to attend in person.

Please don't get so caught up on the actual data in Lake Stevens regarding Police calls on residences that you believe are STR's. I understand that it is frustrating that you weren't given this data. There is so much data from so many other cities on this matter that I don't think you need to get too specific.

Also, please remember that not every neighborhood in Lake Stevens has an HOA that restricts these types of activities. You, as a City Council, need to protect and represent the citizens of the city that do not have HOA's to protect them.

I am still in favor of hosted STR's. Please also consider making a limit to how many can operate in the city. And make stricter regulations on licensing and operating. Have in place a way to control that. You heard all of the

comments at the last meeting. And remember, you have 1 licensed STR. If you plan to give all of the others a chance to become legal, you need to set a deadline and make them comply or shut them down. They were supposed to be licensed all along.

Interesting to me, is there has not been anyone speaking in favor of what you are proposing. Please listen!

Food For Thought! This was a question brought up by a friend:

I have a question with regards to who will be enforcing this code?

We already have several homes in our neighborhood that are single family homes with multiple families living in them and the city despite complaints has done nothing.

I am not sure this will get the attention we are hoping for even with a code in place.

I answered her by saying that whatever City Council decides to do, it's going to need to be enforced.

This is a huge issue that can change the future of our city. Please be sure you are keeping the residents of the city in mind.

Thank you for all the work you do for our city.

Sincerely, Kathy Nysether
kathycn@hotmail.com

David Levitan

From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Saturday, October 22, 2022 12:34 PM
To: David Levitan
Subject: Fwd: STR Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello David,
Apparently this email was not submitted for public record.
Please include it in the Public Hearing packet.
Thank you.
Aileen

Sent from my iPad

Begin forwarded message:

From: Aileen <aileenspradlin@gmail.com>
Date: October 5, 2022 at 1:52:43 PM PDT
To: kdaughtry@lakestevenswa.gov
Subject: STR Regulation

Dear Council Member Daughtry,

From the first City Council meeting when the council was introduced to revising of the Tourist Home code there has been a disconcerting sentiment toward waterfront residents. It appears we are perceived as self important and expecting special consideration.

Please believe me when I tell you I do not expect to be treated any differently regardless of where I make my home.

Todd and I raised our boys at the end of a cul-de-sac in a densely populated residential neighborhood in South East Everett and we would have been equally unhappy with the high numbers of transient individuals, traffic, illegal parking, trespassing and celebratory behavior that accompanied the 2 and 3 new groups of short term renters who arrived every week.

The reason you are seeing us "the same people" showing up at the Council meetings is because we have first hand experience living next door to a VRBO in 2020.

We've been through the unpleasant process of submitting a code enforcement request resulting in a cease and desist order and thus preventing our neighborhood VRBO from operating an unregulated, unsupervised, full time, for profit, vacation rental business.

We and our neighbors had many opportunities to report illegal behavior related to this VRBO. Because we were naive about this VRBO operating out of compliance with city code and were concerned about preserving good neighbor relations and we are considerate of involving our police department you will not find any evidence of these incidents.

I did call police in November of 2020 and a police report is available outlining the 10 hours of harassment we endured from our disgruntled neighbor after his very lucrative VRBO business was ordered to cease and desist.

We don't understand why our City Council is reluctant acknowledge that people coming to our city for vacation and recreation will be most attracted to waterfront STRs and so will prospecting business interests and corporate entities.

Council member Dickenson's remarks last night were exactly correct. This is a very complex matter, we have opportunity to learn from others experience and would benefit greatly from setting a high bar and develop a STR regulation that other cities would want to model.

I've asked the Special Council Subcommittee to reach out and speak with the city officials of Kirkland, Bellingham, and Walla Walla for additional information about their STR experiences. To please re-examine the revised STR regulations of these cities and Chelan County that have been provided to City Council in these past many months.

I've seen no evidence they have any intent to do so and now I'm asking you to please undertake this additional research on behalf of your citizens.

Despite what council members may believe we are regular, caring, decent, law abiding citizens. We appreciate living in this beautiful landscape and we support our great community and good neighbors.

I am happy to meet with you in person to further explain why we are so committed to the owner occupancy requirement of our STR regulation.

Respectfully,

Aileen Spradlin

David Levitan

From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Saturday, October 22, 2022 12:35 PM
To: David Levitan
Subject: Fwd: STR Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please get this one recorded as well.

Thanks again.

Aileen

Sent from my iPad

Begin forwarded message:

From: Aileen <aileenspradlin@gmail.com>
Date: October 5, 2022 at 2:00:28 PM PDT
To: mdickinson@lakestevenswa.gov
Subject: STR Regulation

Dear Council Member Dickinson,

From the first City Council meeting when the council was introduced to revising of the Tourist Home code there has been a disconcerting sentiment toward waterfront residents. It appears we are perceived as self important and expecting special consideration.

Please believe me when I tell you I do not expect to be treated any differently regardless of where I make my home.

Todd and I raised our boys at the end of a cul-de-sac in a densely populated residential neighborhood in South East Everett and we would have been equally unhappy with the high numbers of transient individuals, traffic, illegal parking, trespassing and celebratory behavior that accompanied the 2 and 3 new groups of short term renters who arrived every week.

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We and our neighbors had many opportunities to report illegal behavior related to this VRBO. Because we were naive about this VRBO operating out of compliance with city code and were concerned about preserving good neighbor relations and we are considerate of involving our police department you will not find any evidence of these incidents.

I did call police in November of 2020 and a police report is available outlining the 10 hours of

harassment we endured from our disgruntled neighbor after his very lucrative VRBO business was ordered to cease and desist.

We don't understand why our City Council is reluctant acknowledge that people coming to our city for vacation and recreation will be most attracted to waterfront STRs and so will prospecting business interests and corporate entities.

Your remarks last night are exactly correct. This is a very complex matter, we have opportunity to learn from others experience and would benefit greatly from setting a high bar and develop a STR regulation that other cities would want to model.

I've asked the Special Council Subcommittee to reach out and speak with the city officials of Kirkland, Bellingham, and Walla Walla for additional information about their STR experiences. To please re-examine the revised STR regulations of these cities and Chelan County that have been provided to City Council in these past many months.

I've seen no evidence they have any intent to do so and now I'm asking you to please undertake this additional research on behalf of your citizens.

Despite what council members may believe we are regular, caring, decent, law abiding citizens. We appreciate living in this beautiful landscape and we support our great community and good neighbors.

I am happy to meet with you in person to further explain why we are so committed to the owner occupancy require

October 23, 2022

TO: Members of the Lake Stevens City Council and Mayor Gailey

RE: Proposed Ordinance Regarding Short-Term Rentals

Dear Members of the City Council and Mayor Gailey,

I am adamantly opposed to the adoption of proposed Ordinance No. 1139. Not only does it fail to protect the interests of property owners within the city, I believe it is significantly legally flawed. As noted in the proposed ordinance, land use code amendments are Type VI legislative decisions which require a recommendation from the Planning Commission to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing. I am unaware of any evidence to support the Council's proposed finding that the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and *advance the public health, safety, and welfare*. In fact, I believe all evidence provided to the council has been to the contrary. You have been provided with information from numerous communities and municipalities that have been negatively impacted by un-hosted short-term rentals as well as subsequent attempts to limit further damage. These efforts range from tight regulation and penalties to outright bans. Your summary also does not reflect that several of the public meetings regarding this issue have been standing room only and that virtually all of the meeting attendees appear to oppose the council's proposed ordinance.

The council has not "refined" the code language recommended by the Planning Commission, it has totally disregarded the Commission's recommendations, and has done so without explanation to the public or presentation of evidence on which they relied. The current proposed ordinance not only authorizes, it invites absent corporate landlords to operate multiple commercial rentals in neighborhoods that are otherwise not zoned for commercial use. An abundance of written evidence and testimony has been provided to the council to document that such commercial use in neighborhoods reduces property values of nearby property, reduces available rental property, and increases traffic, noise, and garbage all of which do not advance public health, safety, and welfare.

It has not yet been determined in Washington whether un-hosted short-term rentals, owned and operated solely for profit in residential neighborhoods, constitute commercial use. Common sense would indicate that it does. Despite the lack of legal authorization for such use, the city council chooses to promote such use and make a finding that the STRs are consistent with the Comprehensive Plan and comply with the Growth Management Act. Additionally, there has been no evidence to support a finding that the current Environmental Impact Statement has considered the impact of short-term rentals on our neighborhoods.

The proposed ordinance does not provide any redress or enforcement for the inevitable problems which have been identified in virtually every other community that has failed to adequately regulate short-term rentals. Lake Stevens is proposing to open the floodgates to these problems for reasons I cannot comprehend or imagine. Violations of the regulations regarding short-term rentals are deemed "low

risk situations” which “need response as time permits”. LSMC 17.20.020(c). If the Code Enforcement Officer determines a complaint is reliable and a violation has occurred, they may, or may not, take any number of actions. It is completely discretionary as to whether the Code Enforcement Officer investigates at all, and what, if anything, will occur for violations. As per LSMC 17.20, the city is not required to investigate complaints regarding violations nor are they required to do anything about violations that they determine have occurred or are continuing to occur. Response to complaints are deemed to be handled by a “responsible party” who is not required to reside in the State of Washington, much less the United States.

The council has continued to insist they are trying to balance the interests of all the citizens of Lake Stevens, and not just those opposed to un-hosted short-term rentals. The only valid consideration I am aware of which might validate the authorization of short-term rentals is to allow existing property owners to supplement their income by providing temporary lodging to others. The city has gone so much farther than that with this proposed ordinance. It has invited the creation of mini-hotels owned and operated by absent corporations and landlords in our residential neighborhoods. These are to be overseen by individuals who also are not required to reside anywhere near the property for which they are responsible. How does that balance with the adjacent property owners whose property values will decrease? How does that balance with the increased safety risk of having a revolving door of strangers and their pets as your new neighbors, driving up and down streets that renters do not know how many children regularly play on? There is a reason virtually all CCRs prohibit short-term rentals--they are not good for neighborhoods. On what basis does the City Council determine, despite overwhelming public opposition, short-term rentals are good for the rest of us who are not protected by CCRs? What evidence have you relied on to determine they “advance our public health, safety, and welfare”?

The Lake Stevens City Council has shown a complete and total lack of good faith and transparency in summarily disregarding the recommendations of the Planning Commission and in ignoring the legitimate concerns of the numerous citizens opposed to your proposed ordinance. Council members have publicly acknowledged validity of the concerns and have repeatedly stated you are listening. Many of the expressed concerns could have been easily addressed by additional language in the proposed ordinance. Instead, the council has continued to push an ordinance that is an invitation to trouble for the residents of this community and offers a total lack of ability for us to deal with those problems when they arise. Your finding that this proposal advances the public health, safety and welfare of the residents of this community does not make that finding true and is definitely not evidence based.

A short list of protections the council should have included in this ordinance to protect citizens are:

- Un-hosted rentals only authorized in areas zoned for commercial use;
- One STR license per principal;
- Responsible Party must reside within 10 miles of property in question;
- Responsible Party will sign acknowledgment they understand the applicable rules and regulations and are available to address complaints/concerns;
- Complaints raised to “moderate risk situation which need a prompt response”;
- 2-3 strikes in 12 month period and license revoked for 5 years.

I am requesting you do not vote to adopt the proposed Ordinance No. 1139 and that you instead form a committee comprised of city council members (with the exception of Commissioner Tageant, who has

an obvious conflict of interest the council has failed to acknowledge) and property owners to attempt to formulate an ordinance that will address the concerns expressed by your constituents.

Sincerely,

Kirsten Haugen
9917 N Davies Rd
Lake Stevens, WA

David Levitan

From: Kelly Chelin
Sent: Monday, October 24, 2022 7:20 AM
Cc: Russell Wright; David Levitan
Subject: FW: Concern re: short-term rentals in Lake Stevens

Mayor/Council – Please see an email below regarding short term rentals. Thanks!



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: Natalie Lavinger <natalielavinger@gmail.com>
Sent: Sunday, October 23, 2022 11:27 PM
To: Kelly Chelin <kchelin@lakestevenswa.gov>
Subject: Concern re: short-term rentals in Lake Stevens

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kelly,

I am emailing as a concerned citizen regarding the issue of short-term rentals here in Lake Stevens. I would like to advocate against these rentals due to the following reasons:

- the integrity of our community will be compromised
- there is a higher rate of vandalism and after-hours noise
- housing costs will increase and price out younger families trying to get established

Our family has made Lake Stevens our home for nearly 30 years now, and we feel it is an ideal community in which to raise children and enjoy a good life in a beautiful part of the state. The schools are excellent; there are many worthy community organizations; and with all the parks and the lake, it is a desirable area to spend recreational time. If Lake Stevens jumps headlong into short-term rentals, we will likely be compromising many of the things that make this such a great community for people, especially families, in the long run.

Let's keep in mind the bigger picture here and preserve the integrity of Lake Stevens by not opening up short-term rentals.

Respectfully,

Natalie Laving
906 123rd Ave NE
Lake Stevens, WA 98258
425-232-9840

David Levitan

From: Kelly Chelin
Sent: Monday, October 24, 2022 7:24 AM
To: Russell Wright; David Levitan
Subject: FW: Comments re: Public Hearing on STR's

FYI



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: kathy nysether <kathycn@hotmail.com>
Sent: Sunday, October 23, 2022 3:46 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Brett Gailey <bgailey@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: Comments re: Public Hearing on STR's

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council members,

Once again I am writing to you in regards to the Short Term Rental code.

I like some of what you are proposing. The details of who can own STR's, permitting process and fees, fines and penalties that will occur if not followed. I really like the part that states what is not allowed as far as parties, weddings etc. Thank you for adding the existing codes such as noise that need to be followed.

I hope the permitting fees will adequately cover the wages of employees for their time spent handling this. It seems low to me. I think part of the fee should be for offsetting police officers time if and when needed.

I hope that you will continue to take the time and work needed to get this to a really good place!! Once it is in effect, it is very difficult to back up and take away rights that you have just given them.

Some things to think about:

I am still concerned about how you will know if these items are not being followed. Is it up to the neighbors to turn these discrepancies in? That is uncomfortable.

How will you be contacting the STR's that are operating out of compliance already and how long will they have to get permitted or be shut down?

Also, I feel the Good Neighbor Guidelines should require the STR owner to provide a contact # to neighboring homes. Or you could include this with the notification of properties within 300 foot radius of the boundaries.

I am not convinced that your parking guidelines provide enough parking so that an STR will not cause parking issues in neighborhoods. I still feel 1 parking space per bedroom rented is appropriate. Same as a hotel.

Please consider forming a citizen advisory committee with people representing both sides of this issue to help fine tune our new code!

Thank you for considering my concerns,

Kathy Nysether

kathycn@hotmail.com

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Sunday, October 23, 2022 4:11 PM
To: Anji Jorstad; Steve Ewing; Shawn Frederick; Gary Petershagen; Mary Dickinson; Kim Daughtry; Marcus Tageant; Brett Gailey; gbrazil@lakestevenswa.gov; rwright@lakestevens.gov; DeputyClerk; David Levitan
Subject: Short Term Rental Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Officials,

Kirkland was Ranked Third **Best** Place to Live in the U.S. by Money Magazine Published on October 04, 2022

They have clearly put extensive time and effort into their Short Term Rental code.

Please consider this excellent ordinance for regulating short term rentals in our great City of Lake Stevens.

Thank you,
Aileen Spradlin

<https://www.kirklandwa.gov › Government › Departments › Finance-and-Administration › Customer-Accounts › Apply-for-a-Business-License › Short-Term-Rentals-in-Kirkland>

Short-Term Rentals in Kirkland

The City Council adopted an ordinance regulating short-term rentals in Kirkland in October 2017. The ordinance, O-4607, defines short-term rentals as a rental lasting for less than thirty days, as opposed to long-term rentals, which are defined as those lasting 30 days or more.

The ordinance primarily applies to single family residences. Multifamily residences are generally governed by the rules of the individual complex.

Residents should be aware, however, that the City of Kirkland requires business licenses for any commercial transaction, including all short-term and long-term rentals (including multifamily residences).

Current requirements to obtain a short-term rental business license for homes in Kirkland:

1. The property owner, or an authorized agent, must occupy the property as a primary residence at least 245 days per year to enter into short-term rentals there.
2. A property manager living within 15 miles of the residence must be identified for those days when neither the owner nor an authorized agent are occupying the property.

3. The property owner must have a business license from the State of Washington.
 4. The property owner (or authorized agent) also must complete and submit a business license application for the City of Kirkland, and pay licensing fees.
 5. As part of the application, a declaration must be filled out and signed. If the applicant is not the owner, it must still be signed by the owner, as owners retain specified responsibilities in all events.
 6. Lodging taxes for short-term rentals must be paid to the State of Washington, and those payments are the responsibility of the property owner.
-

From: [Nikki Odegaard](#)
To: [Kim Daughtry](#); [Gary Petershagen](#); [Shawn Frederick](#); [Mary Dickinson](#); [Anji Jorstad](#); [Steve Ewing](#); [Marcus Tageant](#); [Brett Gailey](#); [DeputyClerk](#); [wright@lakestevens.gov](#); [gbrazil@lakestevenswa.gov](#); [lsplanning](#)
Subject: Input on Sub-Committee draft proposal on STRs for tomorrow's meeting from Nikki & Bruce Odegaard
Date: Monday, October 24, 2022 2:25:30 PM

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Dear City Council members,

My husband and I have gone through the latest version of the STR rules from the sub-committee and feel obliged to respond once again. It does not appear that the sub-committee took any notice of the comments from many members of the community - the people the Council represents.

Essentially, the issue which concerns us most is the commercialization of STRs, which has the power to greatly affect the neighborhoods around them. Instead of the owner/designee being on the property and able to ensure rules are followed, the new rules would allow for designation of "a responsible party - owner/property manager or designee". The owner just has to provide "valid contact info" for said "responsible party". The owner may now own more than one property. In other words, there is no requirement for someone who can/will take action at the time to shut down wild parties, unsociable/unlawful behavior etc.

A reading of the LSMC regulations, especially regarding enforcement, clearly shows that any kind of timely response is virtually guaranteed NOT to happen. Complaints to the police are graded for level of emergency through nuisance, and of course an emergency will take what limited resources are available. The verbiage of "multiple violations" leading to "progressive enforcement" (LSMC 17.20.030) is basically irrelevant for this short-term rental situation.

I had thought maybe one action that might help would be to require any ad in the AirBnB, VRBO etc website must include verbiage to emphasize that this property was in a quiet, residential community which would take action against any renters not following the rules - so if planning on partying hard, don't choose this place! However, these companies do not have a good reputation for helping in this regard.

Finally, we have SO many examples of cities which have lived to regret allowing this commercialization to happen, in the interest of "property rights" and earning more \$\$ for their cities. They have found it extremely hard to try and pull back once it has been allowed. A quote from the Mayor of Palm Beach seems very relevant here - "It's people taking very nice properties, buying them and turning them essentially into flophouses for as many people as they can pack in there - to extract as much income as possible in the middle of a neighborhood not zoned for that kind of behavior." Let's learn from the mistakes of others.

We need to keep the existing STR rule of owner occupation to ensure our city remains the place we know and love. This is a matter of sufficient importance that maybe there is some way it could be put before the public - if people around the lake knew about it, I have no doubt this would be the overwhelming view.

Please, City Council members, this one aspect of the STR regulations needs to be kept intact! The sub-committee does not appear to have listened to the public comments on the issue of keeping the owner on site, thereby changing the whole dynamic of a residential neighborhood.



Reply Forward

David Levitan

From: Kelly Chelin
Sent: Tuesday, October 25, 2022 8:32 AM
To: Russell Wright; David Levitan
Cc: Gene Brazel
Subject: FW: Short Term Rentals - Public Comment



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: Jeanne Petershagen <jpetershagen@hotmail.com>
Sent: Monday, October 24, 2022 7:59 PM
To: Kim Daughtry <kdaughtry@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; sewing@lakestevenswa.gov; Marcus Tageant <mtageant@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>; Kelly Chelin <kchelin@lakestevenswa.gov>
Subject: Short Term Rentals - Public Comment

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Mayor Gailey and City Council Members,

RE: Short Term Rentals (less than 30 days per stay),

In the STR discussions, I have watched Council proceedings as Council members heard from community members who are already being affected adversely from the negative environment of STR's. It is apparent from the proposed regulations; their voices are not being heard. This is very frustrating as it appears the Council is discounting their comments and concerns.

First, to clear up a misconception that was voiced by a few members on Council during these discussions; they spoke that "they are working on behalf of the entire Lake Stevens community" regarding STR's. This is not accurate. Anyone living within a community managed by a Homeowner's Association is not affected by STR's because typically HOA's prohibit rentals for less than 30 – 60 or 90 days depending upon the HOA. There is a reason for that, to provide the

HOMEOWNERS and LONG-TERM TENANTS with a sense of security in their neighborhood. The proposed regulations do nothing for those in our community that do not belong to an HOA. People that are not bound by the rules of an HOA are the people you are representing regarding STR's. Do they not deserve the same level of security as the HOA neighborhoods?

We live in such a unique and beautiful place, which is growing rapidly and bringing with that its own challenges. I ask that you not bring additional challenges to our residents, without strong requirements of adherence. Guests to the area should be required to be respectful of our neighborhoods and the health of our lake as well.

Many communities throughout Washington and the United States, that have long standing STR's have now backtracked and taken a stronger more regulated stance for good reason which is well documented. I personally know friends and relatives that have STR's located in other communities. And although they may not enjoy the paperwork to adhere to the regulations, they too know it benefits their community with strong requirements of their tenants. Also, our family has rented STR's in strongly regulated communities which we as renters were appreciative of. Why should our community be any different? Turning a residential community into a very lightly regulated commercial business community, no doubt will (has) affected our residents negatively.

In my opinion, it is easier to make stronger regulations in the beginning than to step back on regulations later, as many municipalities are now finding as well as our own. This process has taken the time of City Staff, Planning Commission, Councilmembers, and numerous Community Members for well over a year and will continue to cause additional time, if not done well in the first place.

I respectfully request that the Council does not accept the proposed regulations as it stands and further suggest that the Council add additional requirements to provide protections to the residents they are tasked to work on behalf of and represent and add fees to cover the costs of city staff so that is not borne by the current budget. I request that the Council listen to the concerns of the community members and adopt much stronger regulations than what you have proposed.

Sincerely,

Jeanne Petershagen

jpetershagen@hotmail.com | 425.210.7262

David Levitan

From: Spradlin <todd.sprad@gmail.com>
Sent: Monday, October 24, 2022 2:17 PM
To: Anji Jorstad; Mary Dickinson; Gary Petershagen; Kim Daughtry; Marcus Tageant; Steve Ewing; Shawn Frederick; David Levitan; gbrazil@lakestevenswa.gov; Brett Gailey; DeputyClerk
Subject: STR regulation clarifications

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Dear Council Members

I would like to address the City's proposed STR Ordinance and the process for reporting complaints of code violations and/or illegal activity.

Since the Council has decided to reject the Planning Commission's extensive work and recommendation for a hosted and owner occupancy requirement, it appears we may be forced to live with non residential and un-hosted STRs for a while until our city officials receive enough police complaints to acknowledge these businesses do not belong in our residentially zoned neighborhoods.

There is no language in the proposed ordinance describing a process for the neighbors to report STR violations. It appears the City would suggest we call the police through the 911 system. I see a challenge with strategy. The police may categorize these incidents as a "low risk situations" and would be unable or unwilling to respond.

Since many renters of STRs are only tenants for a few days, I foresee a problem with our one code enforcement officer responding in a timely manner. The renter would likely be gone by the time the officer shows up.

Requiring the STRs responsible party to live within the Lake Stevens city limits or within 10 miles of the STR may be a solution for an immediate concern. I would suggest the responsible party be "on call" within these parameters when the property is being rented so they can respond in person within a timely manner.

One problem with this scenario is there would be no public record if the violation were reported to the responsible party. To have any Enforcement Action, an official report will have to be filed according to the City's Procedures and Guidelines for Responding to code Complaints and Violations (chapter 17.20.030).

Additionally, how will the city measure violation data to enforce fines and penalties for STRs unless a police report is generated?

How can I as a neighboring property owner be assured the city is equipped to manage the inevitable problems that will surround non residential un-hosted STR business issues moving forward?

At this time, there is no provision for the STR neighbors to have the contact information of the responsible party. This information is required to be registered with City Hall and posted inside the rental dwelling.

It should not be a burden for neighboring property owners to seek up-to-date contact information or how to report and manage violations.

These issues need to be addressed and corrected before City Council moves forward with adoption of this ordinance.

Unless the City can address these issues, clarify the code language and demonstrate how these regulations can and will be enforced, the City is demonstrating a lack of good faith.

Sincerely,
Todd Spradlin
10429 E Davies Loop Rd
Lake Stevens
(425) 334-2565

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Monday, October 24, 2022 4:55 PM
To: Anji Jorstad; Shawn Frederick; Steve Ewing; Gary Petershagen; Mary Dickinson; Kim Daughtry; Marcus Tageant
Cc: Brett Gailey; gbrazil@lakestevenswa.gov; rwright@lakestevens.gov; DeputyClerk; David Levitan
Subject: 10-25-22 STR Public Hearing

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Dear City Council,

Reading this newest proposed STR regulation it is apparent that the special council subcommittee is incapable of compromising with the public and concerns surrounding permitting business and corporate owned, full time, transient recreational rentals within our city's residentially zoned neighborhoods.

My neighbors and I have experienced exactly what this proposed code is recommending. This business in our neighborhood quickly became disruptive. It was intrusive and made us feel unsafe and less secure.

This council subcommittee is clearly not representing the best interests of citizens who reside, raise families and retire here. These are your constituents and citizens who are vested in our community, who vote to approve levies, programs and projects that support and benefit the city.

The vast majority of citizens attending and speaking at council meetings are in support of the Planning Commission's proposed ordinance for short term rentals including "owner occupancy" and "hosted" rentals.

You tell us you are not just accountable to these citizens but all of the citizens in Lake Stevens. Who and where are these citizens that support your proposed ordinance for Business and Corporate owned STRs?

Lake Stevens has experienced tremendous growth over the past 5-10 years and it's not surprising that most, if not all, have HOAs as a means of protecting them from this issue of short term rentals. The homes surrounding the lake and older homes in the city do not have these protections. To say this is an "entire" Lake Stevens issue is simply not true.

Other than Council member Tageant who stands to gain professionally and financially as a property manager, I'm baffled by council members refusal to endorse the Planning Commission's body of work, their refusal to acknowledge the public's concerns and repeated pleas to be listened to and your curious favor for allowing absent, business owned rental operators who's only interest is investment and profit to infiltrate our neighborhoods.

This matter is complex. Council member Dickenson expressed it best when she stated we should take the time to do this right and we should strive to develop a regulation that other cities will want to model.

I am requesting the City Council postpone voting on this STR regulation and that you create a task force including residents from both sides of this issue to compromise and develop a regulation that supports citizens who make Lake Stevens their home and who also want to supplement their income with short term rental.

Respectfully,

Aileen Spradlin
10429 E Davies Loop Rd
Lake Sevens, WA 98258

David Levitan

From: Russell Wright
Sent: Monday, November 7, 2022 9:17 AM
To: David Levitan
Subject: FW: STR/ reading time 9 minutes. Thank you

FYI



Russell Wright, *Community Development Director*

City of Lake Stevens | Planning and Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9424
rwright@lakestevenswa.gov

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From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Monday, November 7, 2022 9:07 AM
To: Steve Ewing <sewing@lakestevenswa.gov>; Russell Wright <rwright@lakestevenswa.gov>; Gene Brazel <gbrazel@lakestevenswa.gov>; DeputyClerk <deputyclerk@lakestevenswa.gov>
Subject: Fwd: STR/ reading time 9 minutes. Thank you

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Sent from my iPhone

Begin forwarded message:

From: Aileen <aileenspradlin@gmail.com>
Date: November 4, 2022 at 2:33:39 PM PDT
To: bgailey@lakestevenswa.gov
Subject: STR/ reading time 9 minutes. Thank you

Dear Mayor Gailey,

Public trust in city government has eroded since the City Council rejected the Planning Commission's advise and then immediately proposed STR regulation that directly opposes public opinion.

Citizens have provided council members with verifiable data that supports our concerns including examples of revised regulations from Chelan County, Bellingham, Walla Walla and Kirkland.

We submitted reference materials from Sustainable Economies Law Center (SELC) "Recommendations to help local policymakers in the US draft equitable short-term rental regulations" and from Useful Community Development American Institute of Certified Planners "Short term rental zoning may be strictly regulated or not".

Despite this, council subcommittee members stated this week they are not well informed of other municipalities use of zoning or caps to regulate STRs. Clearly they have not adequately educated themselves on this critically important issue.

The STR subcommittee has appeared secretive and provided no information surrounding the evidence based data they are using to guide their decision making. There is no public record of meeting dates, meeting minutes or reports from such meetings.

When we inquired with Kelly Chelin, she stated the subcommittee is exempt from the Public Information Act and are not required to disclose any information surrounding their work on this regulation.

Other than the subcommittee member's allegiance to fellow council member Tageant and their misguided reliance on past police reports, the public is completely in the dark as to why they think placing business and corporate owned recreational rentals into our neighborhoods is serving the city's best interests.

Regarding these absent police reports, it is extremely difficult to find information about regulations surrounding Tourist Homes, code enforcement and how to manage violations on the city's website and most residents are reluctant to engage police for a nuisance violation.

When we lived with the VRBO operating illegally in 2020 we endured many violations including partying, parking, speeding, trespassing, unleashed animals, noise, fireworks and damage to our property. It quickly became intolerable and after about 3 months we reached out to City Hall and learned we could request a code enforcement.

Council member Tageant's influence on this STR matter is disturbing. We have found that he received a letter addressing his conflict of interest as a professional property manager along with a request to recuse himself many months ago. We are informed he owns two rental properties surrounding the waterfront and serves to profit significantly if he is allowed to operate two non-hosted STRs in the city.

We've also been informed he is not required to recuse himself but in the eyes of the public this looks like abuse of power and government corruption.

For 6 months concerned citizens have heard City Council members make derogatory comments about "chronic complainers", "someone has the ear of somebody at City Hall" and waterfront residentially zoned home owners are a "Class" of citizens asking for "special consideration".

You have well over 100 letters and signed statements in support of the Planning Commission's proposed "owner occupancy" requirement. Your public has packed the meeting hall on multiple occasions in opposition to permitting these businesses in our neighborhoods.

What else do we need to do to prove we are committed to preserving the character of our neighborhoods?

Our requests to be included in STR workshops has been ignored.

Multiple City Council members have voiced concern about getting ahead of this issue before it gets out of hand, that there will be bad actors who will ignore the regulations. Fact based evidence from other municipalities supports this and demonstrates we should regulate more now and consider loosening up regulations upon a review in 6-12 months.

Because the council subcommittee rejected the proposed STR Moratorium this past summer, we see more VRBO listings surrounding Lake Stevens waterfront now than we did 6 months ago.

The citizens who are following the city's work to revise the Tourist Home code feel disillusioned, frustrated and angry.

If there is anything you or the city attorney can do to assure the City Council will exercise due diligence before moving forward with this proposed code please exercise that influence now and please do not approve this regulation.

We appreciate your time reading this letter. Thank you and please contact us if you have any questions.

Aileen and Todd Spradlin
10429 E Davies Loop Rd

P.S. Pertinent and notable statistics:

The United States vacation rental industry is the most lucrative worldwide; valued at \$15.1 billion by the end of 2021 or 20.0% of the global market. Vacation rental companies account for 31.3% of all privately owned accommodation establishments nationwide. 70% of vacation rental companies are small.

Former prosecutor, state representative and senator, Miami Beach Mayor Dan Gelber told CNBC, "We're seeing commercialized, predatory companies that are trying to commercialize our residential communities in ways that are damaging to our citizens and our residents and our quality of life", "It is predatory", "It's people taking very nice properties, buying them and turning them into essentially a flophouse for as many people as they can put in there to extract as much income as they can in the middle of a neighborhood that wasn't zoned for that kind of behavior".

David Wachsmuth, an assistant professor at McGill University's School of Urban Planning, who has studied Airbnb around the world stated, "You can't throw a rock in the country right now without hitting a city that's moving to more aggressively regulate short-term rentals", "Airbnb does not have a good record complying with local laws". "I think very consistently the pattern that we've found is that Airbnb is happy to cooperate with regulators about collecting taxes," he said. "They'll collect the taxes to kind of level the playing field with hotels. But they will resist as strongly as possible any attempts to restrict how much actual activity is allowed on Airbnb."

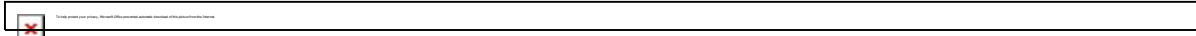
In March 2022, VRBO was sued by the city of [Los Angeles](#) for not complying with rental laws, including allowing hosts to profit from the platform without registering under the city's short-term rental ordinance, as required. City Attorney [Mike Feuer](#) claimed that 29% of bookings made in a recent 30-day period appeared to violate the city's rules.

Cory Palka, senior captain of the Los Angeles Police Department, Hollywood division, said disturbances caused by short-term rentals are "probably next to homelessness, one of our biggest challenges in Hollywood." "Neighbors are furious that this has gotten so wildly out of control that it impedes their ability to have a normal lifestyle here".

In 2017 Walla Walla Mayor Allen Pomraning, who was wary of supporting regulations or a ban on short term rentals because of his support of property rights said he had come to believe banning STRs would protect the property rights of people who buy homes in residential neighborhoods without anticipating other homes are being used as VRBOs. "I have evolved over the last two years," Pomraning said. "Private property rights are not just for the investor ... Private property rights include all the people who currently own homes."

Jill Needham

From: Kelly Chelin
Sent: Monday, November 14, 2022 9:24 AM
To: Russell Wright; David Levitan
Subject: FW: Public Hearing on STR's



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: kathy nysether <kathycn@hotmail.com>
Sent: Sunday, November 13, 2022 10:00 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Brett Gailey <bgailey@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Shawn Frederick <sfriderick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: Public Hearing on STR's

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Dear Council members,

Please do not approve the proposed Short Term Rentals Ordinance. I appreciate your continued work on this. I feel it is not quite ready yet. It will be much harder to make changes later. Please wait until you have actually protected us from adverse impacts. Your intentions are going in the right direction, but we need more specific details so that there is no chance of people or corporations taking advantage of it.

I still don't understand why you don't have the same parking requirements that hotels, hotels and boarding houses have? 1 parking space per bedroom rented seems reasonable to me. You shouldn't rely on extra street parking to be available. Neighborhoods are already crowded with cars.

I still believe a hosted STR would eliminate many of the problems citizens are worried about.

Your good neighbor policy still does not require the STR owner to be neighborly to the surrounding homes. Its just for the renters! For instance, our neighborhood watches out for each other. If a family is out of town, the neighbors keep an eye on their house. Take in packages, notice if anything seems amiss etc. So my idea of a good neighbor policy would

have the owner provide contact info to surrounding homes in case there was an issue. If an owner was on good terms with their neighbors, they might even be helpful in monitoring renters behavior. A business or individual that buys a home solely to short term rent probably doesn't care about the neighboring homes.

Hopefully you will put a limit to the number of STR's the city can have. Also, a deadline for unlicensed STR's to comply would be a good idea.

Thank you,
Kathy Nysether
kathycn@hotmail.com

--

Sent from myMail for Android

To: Mayor Brett Gailey

Lake Stevens City Council Members

Re: Short-Term Rentals

Dear Mayor Gailey and City Council Members:

The establishment of hosted or un-hosted rental properties is a privilege and not a right. As such, it must be bestowed upon residential property owners, who otherwise would not be authorized to operate such businesses

You appear to be on the precipice of adopting the most recent draft of your proposed Ordinance No. 1139. As I have previously indicated to you, it is my legal opinion that you have abrogated your responsibility to approach this decision in a manner consistent with the Lake Stevens Municipal Code requirements. Seeing as how you have pushed ahead with this Ordinance despite the recommendation of the Planning Commission, overwhelming public opposition, a mountain of evidence regarding problems with un-hosted rentals in other areas, and lack of legal authority regarding the commercialization of residential neighborhoods, it can only be assumed that you have done so intentionally based on personal whim as opposed to your legal and elected responsibility.

The Lake Stevens Municipal Code clearly requires a Type VI legislative decision land use amendment to conform to very specific processes before adoption. In this case the Planning Commission recommended short-term rentals be required to be hosted. The Planning Commission's findings and conclusions, as required by law, that such rentals advance the public health, safety, and welfare were clearly based on the numerous jurisdictions that have had significant negative impacts on their communities as a result of un-hosted rentals. The City Council rejected the Planning Commission's recommendations and was then required to remake the legal finding and conclusion that the Council's proposed Ordinance 1139 advances the public health, safety and welfare. The Council is not allowed to roll over the Planning Commissions previous findings based on the recommendation for *hosted* rentals. Additionally, the Council's finding and conclusions cannot be based on your personal opinions, but are required to be supported by evidence from an open-record hearing or hearings.

Legal findings and conclusions must meet or exceed an evidentiary standard. It is unclear what evidentiary standard is required for a land use code amendment, but the most common standard used in civil matters (which this is), is a "preponderance of the evidence". A preponderance is generally described as more probably than not. In other words, the evidence that was presented to the council at open-record hearings on this issue favored the adoption of un-hosted rentals, and the rest of the ordinance, 51% to 49%. It is impossible to conclude that could be the case.

A lesser standard of proof might include “there is reasonable cause to believe” un-hosted rentals with violations that are unenforceable advance the public health, safety and welfare, but even that standard cannot be met by the overwhelming evidence that has been submitted to the contrary.

The Council is prohibited by law from amending current land use codes without meeting this legal burden. You are not authorized to make these findings simply because you want them to be true. You are not allowed to rely on your personal opinions in making these findings and conclusions but, much like a judge, are required to weigh the evidence that has been presented to you through the appropriate means of public discourse. It cannot be rationally argued that adoption of proposed Ordinance 1139 is supported by the evidence on any standard of proof.

Short-term rentals are an emotional issue. Your decision will impact your constituent’s ability to enjoy the safety and privacy of their homes and neighborhoods. Your sworn responsibility is to the citizens of Lake Stevens. You have received strong and widespread opposition to this proposal. I cannot express how frustrated, disappointed, and outraged I am that the concerns of so many citizens have been blithely ignored by the Council. Not to mention your lack of compliance with the Municipal Code.

I do not believe adoption of Ordinance 1139 as currently proposed will go unchallenged legally, nor do I believe support of this measure will not have repercussions for you at the ballot box. I urge you reject it and work with the members of this community to reach an acceptable resolution.

Sincerely,

Kirsten Haugen

Jill Needham

From: Nikki Odegaard <nikkiodegaard55@gmail.com>
Sent: Tuesday, November 15, 2022 11:59 AM
To: Mary Dickinson; Anji Jorstad; Marcus Tageant; Shawn Frederick; Steve Ewing; Gary Petershagen; Kim Daughtry; Brett Gailey
Cc: Kelly Chelin; Gene Brazel; Russell Wright; David Levitan
Subject: STR Public Hearing 11-15-2022 - comment

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Dear City Council Members,

I have sent several letters to the Council and attended the previous meetings. After seeing the latest draft my latest letter still applies. I feel forced to be very repetitive.

I have just read a letter sent by Aileen Spradlin and it covers my thoughts perfectly and is far better written! So, I would like to echo what she has said in her most recent letter and to emphasize that we do not want to commercialize residential communities. As it stands in this latest revision, that is still just what it would do. We have seen ample evidence that without proper rules in place - and rules which have teeth and the ability to be properly enforced - great damage can be done which cannot be easily walked back. The profits of a relatively small group of businessmen should not be allowed to come before the quality of life of the community.

Please do not approve the draft as it stands now. Thank you for your consideration,

Sincerely,

Nikki Odegaard
11130 Vernon Rd.
Lake Stevens.

To the City Council,
Attn: David Levitan

My name is Linda and I live in Lake Stevens. I received a letter regarding short term rentals. I only have one home and it is my primary home here in Lake Stevens. I live here with my husband and our 3 children. We are active campers, and when we travel or are out of town visiting family, we chose to rent out our home. When we do this, we are representing true hospitality for the people coming to our beautiful Lake Stevens town. I provide an incredibly generous welcome basket as well as recommending many places for them to visit and/or eat in our town. I also let them use all my subscriptions and provide more amenities than your average Airbnb "home/business". My home is a fully stocked home that I happily share with other families. I share my bikes, helmets, even kayaks or paddleboards if they want to go to the lake and enjoy. I want to give a wonderful experience to those who come to visit our town. I do not have vehicles parked on the street nor do I have any dogs come to my home as my son is deathly allergic and has asthma. We do not allow parties, we are incredibly respectful to our neighbors and our community. We have never encountered a problem. Anyone who has stayed at my house has been incredibly respectful as I vet everyone beforehand to ensure they will be a good fit for my house and our neighborhood.

Because of me being able to share my home, I am able to be the stay-at-home mom I've always wanted to be while my children are young. I currently homeschool and being able to rent my house when I am not home has made it possible for me to raise my children in this manner. They are the incredibly caring, kind, considerate and compassionate children that are members of this community. All 3 are incredibly smart, bilingual, **all** being a part of the highly capable program. This program is for children who are in the top 5% in the country who perform at significantly advanced academic levels compared to other children of the age, experience and environment. Being a stay at home mom has made it possible to spend that extra quality time with them but also add additional education and travel to their lives. Due to my children being bilingual, I try and travel as much as possible during the summer so they can practice their second language. I'd love to be able to continue to do this. Your proposed 30 days is not enough time honestly. This impacts my family's livelihood and would be an incredible hardship as I would not be able to stay home with them. We have no

plans on leaving this community any time soon as it's the perfect place to raise wonderful children and we love it.

I understand that Lake Stevens is becoming saturated with business homes that operate under Airbnb where the owners do not live there and just see it as business but I can assure you, we are not those people. We love our home, our community, our schools, our town. We live here, it's our primary home, our sanctuary, our safe space. I am very involved in volunteering in the Lake Stevens School District as well as my husband who coaches the swim team at the High School pool. Our children attend the Lake Stevens Soccer Club as well as the Storm Swim Team here in Lake Stevens. We open our doors to not only Airbnb but also when UK International Soccer comes to Lake Stevens, we host an average of 2 coaches in our home for the duration of the camp. We show them around town, take them out and create unforgettable memories. We have put down roots in this beautiful town. We are not just an Airbnb, we are a family sharing our home with people who want to come to our beautiful town. It would be nice for people like us to be able to continue to grow within our community and give back and be able to provide for our families and have the option to stay at home and raise my children. I ask that you please take into consideration my family when moving forward.

Kindly,
Linda

Re. Short Term Rentals

To: Short Term Rentals Sub-Committee, Lake Stevens City Council

Dear Council Members

Thank you for taking your time to review the short term rental (STRs) code and regulations carefully and with the spirit of finding a balance between a laissez faire or relaxed code and/or an approach that would be prohibitively restrictive. We applaud your efforts and offer information we have gathered regarding other cities experience and suggested code provisions as a framework for your use.

(I have used the term “we” since I am writing on behalf of a number of residential waterfront residents.)

As homeowners and residence in Lake Stevens we clearly understand why residents would want to use STRs to offset the cost of housing and for that matter, the rising cost of raising a family. We support this and want a system that respects those residents interests as well as those living in the neighborhood.

We are concerned however, that a laissez faire approach or weak set of standards would disrupt neighborhoods and reduce the availability of housing (owned or rented) and not support the city’s goal of attracting a hotel to Lake Stevens. Hotels need “heads on pillows” to be financially successful at a high level of occupancy. Allowing unhosted STRs will encourages corporate, LLCs, and high net worth individuals to purchase homes for the sole purpose of short-term rentals, competing directly with and most likely discouraging a future hotel in Lake Stevens.

Example Cities

Below are the jurisdictions we found to have current and well thought out code and regulations for STRs. The common theme that we found in each of these is a requirement for STRs to be owned and hosted by the owner/resident and must be occupied by the resident a specific number of days per year ranging between 245 and 270 limiting rental period from 95 to 120 days per year.

1. Kirkland WA:

Code: [Short-Term Rentals in Kirkland – City of Kirkland \(kirklandwa.gov\)](https://www.kirklandwa.gov/DocumentCenter/View/10000/Short-Term-Rentals-in-Kirkland-City-of-Kirkland)

Guidelines:

- a. The property owner, or an authorized agent, must occupy the property as a primary residence at least 245 days per year to enter into short-term rentals there.
- b. A property manager living within 15 miles of the residence must be identified for those days when neither the owner nor an authorized agent are occupying the property.
- c. The property owner must have a business license from the State of Washington.
- d. The property owner (or authorized agent) also must complete and submit a business license application for the City of Kirkland, and pay licensing fees.
- e. As part of the application, a declaration must be filled out and signed. If the applicant is not the owner, it must still be signed by the owner, as owners retain specified responsibilities in all events.
- f. Lodging taxes for short-term rentals must be paid to the State of Washington, and those payments are the responsibility of the property owner.

Bellingham WA

Code: : <https://bellingham.municipal.codes/BMC/20.10.037>

Guidelines:

- One off-street parking space during guest stay
- Operations must prevent unreasonable disturbances to nearby residents
- No change in outside appearance of building or premise that indicates the site is hosting a commercial use
- Local contact person must be available 24 hours/day
- Good neighbor guidelines that must be posted in the unit and rental agreement
- No events for compensation in residential zones
- Basic safety inspection of the unit
- Proof of valid City of Bellingham [business license](#)
- Liability insurance

2. Chelan County,

Code: [Chapter 11.88 SUPPLEMENTARY PROVISIONS AND ACCESSORY USES \(codepublishing.com\)](#)

Code: <https://www.co.chelan.wa.us/community-development/pages/short-term-vacation-rentals-str-code-development>

Chelan County code establishes a 6% percentage of housing that can be used for short term rentals within designated areas throughout the county as well as minimum lot sizes and interval of feet between STRs for any new short-term rental.

3. City and County of Honolulu•

Code: [Short-Term Rentals Home \(honolulu.gov\)](#)

A limited number of new Bed and Breakfast Homes (B&Bs) in non-resort areas under a new registration process, with annual renewal required. • Continues to prohibit Transient Vacation Units, or “unhosted” short term rentals, in non-resort areas, unless permitted by a Nonconforming Use Certificate (NUC). • Makes it illegal to advertise short-term rentals that do not comply with the zoning regulations provided in Ordinance 19-18.

Recommendation: Short Term Rental Code and Regulations

We have prepared suggested code provisions for regulating STRs in Lake Stevens given the unique nature of our city; “one city around the lake”. We offer this as a model or framework to balance the impact of STRs on neighborhoods, and housing (owned or rented) in Lake Stevens.

Waterfront Residential Zone

1. Licensed: All STRs must obtain business license and pay fees substantial enough to help offset the cost of enforcement.
2. Owner occupied: STRs must be hosted by the owner (or resident renter) residing in the home 270 days per year limiting STRs to 95 days per year. (See Kirkland Code)
3. If neither owner or designated representative (the renter) is available, a designated representative living in Lake Stevens must be available 24 hrs daily during rental, City Police Dept. must be notified of designated representative along with adjacent neighbors.
4. STR tenancy: One tenancy per week.
5. Five-night minimum night stay during any one week. This is to encourage family rentals to come to Lake Stevens and to enjoy the lake and our city.
6. No street parking allowed. All vehicles must be able to park on the property.
7. Minimum required spacing between STRs to prevent entire neighborhood from being STRs (See Chelan Regulations)
8. No hosted events (weddings, bachelor or bachelorette parties, etc.)
9. Good neighbor policies and nuisance regulations posted.
10. Nuisance regulations: Trash and trash can placement, Noise code, leash law for pets, out-of-doors odors, burning.

Single Family Residential (non-waterfront)

1. Same as Waterfront residential but no limit on minimum night stay or number per week
2. One on-street parking allowed all others on-site.
3. Two hundred and forty five (245) days of in-person residence required allowing 120 days of STRs.

Multi-Family

1. No limitations other than nuisance code and contact person available 24 hours/day during rental.
2. HOA's set their own regulations and requirements

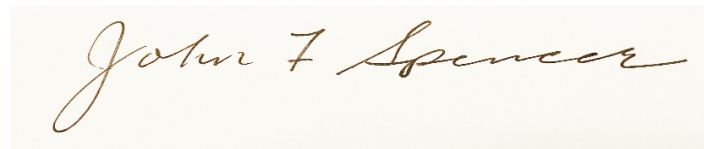
Enforcement

Enforcement of all codes and regulations is critical to the success of STRs. The first line of responsibility to assure compliance must rest with the owner or the designated resident renter and/or agent. However, city code enforcement staff/police department must be adequately staffed and trained to deal with enforcement of code violations. In the absence of either of these, STRs should not be allowed.

A “three-strikes your out” standard must be set to revoke business license if STR owner fails to comply with code, regulations and guidelines.

Thank you for your attention to this information.

Sincerely,

A handwritten signature in brown ink on a light beige background. The signature reads "John F. Spencer" in a cursive script.

John Spencer



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joe Sanford, Fire Chief
Heather Kelly, Emergency Manager
Kevin Raymond, City Attorney

Date: October 5, 2017

Subject: REVISIONS TO KIRKLAND MUNICIPAL CODE CHAPTER 3.20 RELATED TO EMERGENCY MANAGEMENT

RECOMMENDATION:

City Council pass the attached ordinance making revisions to Kirkland Municipal Code ("KMC") Chapter 3.20 related to emergency management.

BACKGROUND DISCUSSION:

The City of Kirkland ("City") is in the process of taking steps to enhance its ability to respond quickly and effectively to the occurrence of a disaster or other emergency affecting the city of Kirkland, whether natural, human-made or technological in origin. The City's Office of Emergency Management ("OEM") is facilitating the development and adoption of Continuity of Operations ("COOP") and Continuity of Government ("COG") plans (collectively "Plan") to guide and support the City's emergency responses. Chapter 3.20 KMC includes a number of provisions that no longer reflect City practices and in some instances refer to repealed or re-codified state laws. As a result, and as an important part of the City's overall emergency planning efforts, Chapter 3.20 KMC is appropriate for amendment at this time.

What follows is a summary of the basis for the recommended code revisions, tracking existing Chapter 3.20 KMC, section by section:

Section 3.20.010

- Disasters and other emergencies are considered "incidents." "Events" are the result of government planning.
- Only the federal government can "declare" an emergency. State and local governments "proclaim" them.
- "Services" added to ensure definition is comprehensive and consistent with following sections.
- No emergency response can promise "all" services and functions will be carried out.
- Disaster and emergency planners now use the term "human-made" rather than "man-made," and typically include "technological" to account for this increasingly common incident form, e.g. computer system failures.

Section 3.20.020

- City can "help ensure" but cannot "ensure" success of disaster and emergency responses.
- Helpful in some isolated instances to clarify between "city" the local government and "city" the geographical area (i.e. by stating "city of Kirkland") as the terms are different and the code reviser will lower case all references to "city."
- Updated term under state law is "comprehensive emergency management plan." "Essential functions" considered more descriptive and less ambiguous than "government programs."

Section 3.20.030

- This unit of City government now referred to as an "office" rather than a "division."
- The presently-referenced WAC provision has been repealed.

Section 3.20.040

- Provides for appointment of Emergency Manager by Fire Chief, subject to approval of City Manager.

Section 3.20.050

- Chapter 118-07 WAC has been re-codified as Chapter 118-30 WAC.
- In this context, "ensure" is a better term than "insure."

Section 3.20.060

- The former emergency coordination center ("ECC") is now referred to as the emergency operations center ("EOC").
- There no longer exists a crisis action team ("CAT").
- Incident commanders ("ICs") vary depending on the type and scale of an incident and are typically deployed in the field. ICs therefore would not have a role overseeing operations from the EOC, which is the role of the Emergency Manager under the direction of the Director of Emergency Services (i.e. Fire Chief).

Section 3.20.070

- Considered helpful to include state law language conferring broad authority (together with specific examples) of City to respond to disasters and other emergencies without regard to time-consuming procedures and formalities otherwise required by law.

Section 3.20.080

- City now has an emergency management action team ("EMAT"), which has replaced the former emergency management task force ("EMTF").
- Membership of the EMAT has been modified to reflect current EMAT practice, including additions of City Attorney and Communications Manager.

Section 3.20.090

- Amends confusing, and two-tiered and in some instances antiquated "ratification of actions" language. The City Manager is ultimately responsible to the City Council for the City's response to an incident or other emergency. The City Manager will be expected to act immediately and likely before the Council will be able to meet. The intent of this

amended section is to make it clear that the City Manager is expected to act immediately, subject to action by the Council, including a ratification of prior acts, as soon as practicable.

Section 3.20.110

- Cleans up internal references to the emergency management compensation board, a creature of state law, and establishes board membership considered appropriate to a council-manager form of government (e.g. in addition to a Councilmember, City Manager rather than Mayor is a board member).

ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

1 WHEREAS, the City of Kirkland ("City") is in the process of
2 enhancing its planning and ability to respond to natural, human-made
3 or technological disasters; and
4

5 WHEREAS, as part of such process the City is developing plans
6 providing for Continuity of Operations ("COOP") and Continuity of
7 Government ("COG"); and
8

9 WHEREAS, Kirkland Municipal Code ("KMC") Chapter 3.20
10 related to emergency management includes provisions that no longer
11 reflect City practices and therefore need to be revised to help meet the
12 City's emergency response needs, including through successful
13 implementation of the COOP and COG plans (collectively, "Plan").
14

15 NOW, THEREFORE, the City Council of the City of Kirkland do
16 ordain as follows:
17

18 Section 1. Kirkland Municipal Code Section 3.20.010 is amended
19 to read as follows:
20

21 **3.20.010 Definitions.**

22 For the purposes of this chapter the following terms shall have their
23 ordinary meaning and, in addition:

24 (a) "Emergency or disaster" means an incident event or set of
25 circumstances which:

26 (1) Demands immediate action to preserve public health, protect life,
27 protect public property, or to provide relief to any stricken community
28 overtaken by such occurrences, or

29 (2) Reaches such a dimension or degree of destructiveness as to
30 warrant the proclamation declaration of a state of emergency.

31 (b) "Emergency management" means the preparation for and the
32 carrying out of all emergency services and functions to mitigate, prepare
33 for, respond to, and recover from emergencies and disasters, and to aid
34 those victims suffering from injury or damage, resulting from disasters
35 caused by all hazards, whether natural, human-made or technological,
36 ~~or man-made~~, and to provide support for search and rescue operations
37 for persons and property in distress.
38

39 Section 2. Kirkland Municipal Code Section 3.20.020 is amended
40 to read as follows:
41

42 **3.20.020 Purpose.**

43 Because of the possibility of the occurrence of emergencies or disasters
44 of unprecedented size and destructiveness, and in order to help ensure
45 that preparations of the city will be adequate to deal with such disasters,
46 and generally to protect the public peace, health, and safety, and to

47 preserve the lives and property of the people of the city of Kirkland, it
 48 is the purpose of this chapter to provide for emergency management in
 49 the city in accordance with the city's comprehensive emergency
 50 management plan providing of Kirkland and to create an emergency
 51 management plan to provide for coordination of the city's emergency
 52 management and other essential government functions city of Kirkland's
 53 emergency management with other government programs.

54
 55 Section 3. Kirkland Municipal Code Section 3.20.030 is amended
 56 to read as follows:

57
 58 **3.20.030 Office Division created.**

59 There is hereby created, within the fire department, an office a division
 60 of emergency management to perform emergency management
 61 functions. The office division of emergency management is the city's city
 62 of Kirkland's local organization for emergency management for the
 63 purposes of RCW 38.52.070. For purposes of state regulation WAC 118-
 64 06-050(1)(b)(i), it is hereby specified that the division of emergency
 65 management represents only the city of Kirkland.

66
 67 Section 4. Kirkland Municipal Code Section 3.20.040 is amended
 68 to read as follows:

69
 70 **3.20.040 Director.**

71 The office division of emergency management shall be headed by the
 72 director of emergency services. The city manager shall appoint the fire
 73 chief as the director of emergency services. The director of emergency
 74 services shall be directly responsible to the city manager for the
 75 organization, administration, and operation of the office of emergency
 76 management division. The director of emergency services shall appoint
 77 an emergency manager, subject to the approval of the city manager.

78
 79 Section 5. Kirkland Municipal Code Section 3.20.050 is amended
 80 to read as follows:

81
 82 **3.20.050 Comprehensive emergency Emergency management**
 83 **plan.**

84 The director of emergency services shall create and maintain the city's
 85 comprehensive an emergency management plan which will also serve
 86 as the city of Kirkland's comprehensive emergency operations plan as
 87 described in Chapter 118-30 118-07 WAC. The city manager shall
 88 ensure insure that the city of Kirkland executes its comprehensive
 89 emergency management plan in the event of disaster and operates in
 90 accordance with said plan.

91
 92 Section 6. Kirkland Municipal Code Section 3.20.060 is amended
 93 to read as follows:

94
 95 **3.20.060 EOC ECC.**

96 The comprehensive emergency management plan shall provide for
 97 activation of the city's emergency operations center (EOC) emergency
 98 coordination center (ECC) or a crisis action team (CAT). Operation of
 99 the EOC ECC shall be under the direction of the director of emergency
 100 services by and through the emergency manager. incident commander

(IC). The emergency management plan shall provide for the designation of the IC, who will normally be the fire chief, the police chief, or the director of public works.

Section 7. Kirkland Municipal Code Section 3.20.070 is amended to read as follows:

3.20.070 Emergency powers.

In the event of an emergency or disaster coming within the scope of this chapter, the city of Kirkland shall have the broadest authority and greatest discretion consistent with state law the laws of the city of Kirkland and of the state of Washington with respect to emergency response and operation. These powers include, but are not limited to, those provided for in RCW 38.52.070; namely, the authority to act in light of the exigencies of an emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of funds.

Section 8. Kirkland Municipal Code Section 3.20.080 is amended to read as follows:

3.20.080 Emergency management action team task force.

There is hereby established an emergency management action team (EMAT), task force (EMTF) which shall be composed of at least the following: director of emergency services, emergency manager, city attorney, communication manager, and one representative from each city department. The EMAT shall support the activities of the office of emergency management to help ensure that all city departments are prepared to help respond to needs in the city of Kirkland during and after a disaster ~~members of the city council, the city manager or designee; members of the CAT; the city attorney or designee; and the public information officer.~~ The emergency management plan shall provide for meetings of the EMTF as a work group, meaning those members of the EMTF available to meet, as needed, shall for such meeting, be the EMTF work group. The city manager or designee shall chair the EMTF work group. The EMTF shall have as one of its functions, liaison to members of the city council who were not present at a work group meeting. Work group meetings may be called to address questions or implications of public health, safety and welfare relative to a disaster situation, particularly disaster recovery.

Section 9. Kirkland Municipal Code Section 3.20.090 is amended to read as follows:

3.20.090 Ratification of actions.

The incident commander shall have the authority to act on behalf of the city council, the mayor, and/or the city manager, subject to ratification as soon as is practicable. The city manager shall have the authority to

take action on behalf of the city in the event of an emergency or disaster, subject to ratification by the city council as soon as practicable council and/or the mayor pursuant to the emergency management plan, subject to ratification by the EMTF work group, the city council and/or the mayor.

Section 10. Kirkland Municipal Code Section 3.20.110 is amended to read as follows:

3.20.110 Emergency management compensation board.

There is hereby established an emergency management compensation board for the processing of claims arising from emergency management related activities. This board shall function as provided for in the emergency management plan and be guided by applicable state law such as RCW 38.52.210(2) through 38.52.260. The emergency management claims compensation board shall be composed of: one councilmember selected by the council; the city manager; the director of emergency services; the emergency manager; and the city attorney. The councilmember shall serve as the chair of the compensation board and the emergency manager ~~director of emergency services~~ shall serve as secretary of the board.

Section 11. Kirkland Municipal Code Section 3.20.120 is hereby repealed.

Section 12. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 13. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2017.

Signed in authentication thereof this ____ day of _____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 3.20.010 related to the definitions for the Chapter.

SECTION 2. Amends KMC Section 3.20.020 amending the purpose of the Chapter.

SECTION 3. Amends KMC Section 3.20.030 updating the emergency management division to an office of emergency management.

SECTION 4. Amends KMC Section 3.20.040 related to the director of emergency services.

SECTION 5. Amends KMC Section 3.20.050 related to the comprehensive emergency management plan.

SECTION 6. Amends KMC Section 3.20.060 related to the Emergency Operations Center ("EOC").

SECTION 7. Amends KMC Section 3.20.070 related to emergency powers.

SECTION 8. Amends KMC Section 3.20.080 related to the emergency management action team.

SECTION 9. Amends KMC Section 3.20.090 related to ratification of actions.

SECTION 10. Amends KMC Section 3.20.110 related to the emergency management compensation board.

SECTION 11. Repeals KMC Section 3.20.120.

SECTION 12. Provides a severability clause for the ordinance.

SECTION 13. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2017.

I certify that the foregoing is a summary of Ordinance
_____ approved by the Kirkland City Council for summary
publication.

Kathi Anderson, City Clerk

ORDINANCE O-4607

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SHORT-TERM RENTALS.

1 WHEREAS, public comment has brought forward concerns about
2 the impacts of unregulated short-term detached dwelling unit rentals in
3 the city of Kirkland; and
4

5 WHEREAS, such concerns have included absentee owners,
6 excessive numbers of residents and vehicles, blocked neighboring
7 driveways, noise, litter, trespasses and the use of detached dwelling
8 units as event venues; and
9

10 WHEREAS, public comment has also demonstrated that
11 appropriately regulated short-term rentals of residential units, including
12 both detached dwelling units and attached or stacked dwelling units,
13 help make it possible for owners of such residential units to be able to
14 afford to live in Kirkland thereby helping preserve affordable housing
15 stock, while also bringing visitors, students, tourism and economic
16 development benefits to the city; and
17

18 WHEREAS, Chapter 7.02 of the Kirkland Municipal Code,
19 Business Licenses and Regulations, requires business licenses in
20 connection with all activities and pursuits located and/or engaged within
21 Kirkland with the object of gain, benefit or advantage to the person
22 engaging in the same; and
23

24 WHEREAS, Chapter 7.02 KMC therefore applies to both short-
25 term rentals and long-term rentals as provided for herein; and
26

27 WHEREAS, rental agreements in excess of one month, which are
28 considered long-term rentals for purposes of this ordinance, remain
29 freely permitted subject to the business license requirements of Chapter
30 7.02; and
31

32 WHEREAS, the City Council wishes to add additional provisions
33 to Chapter 7.02 specifically applicable to short-term rentals of detached
34 dwelling units to address the regulatory concerns described above; and
35

36 WHEREAS, the Council further wishes to provide for the
37 enforcement of the requirements of Chapter 7.02 through amendments
38 to Chapter 1.12 KMC, Code Enforcement; and
39

40 WHEREAS, the Kirkland Zoning Code regulates similar types of
41 activities, including bed and breakfast houses and home occupations,
42 neither of which are considered short-term rentals for purposes of this
43 ordinance.
44

45 NOW, THEREFORE, the City Council of the City of Kirkland do
46 ordain as follows:

Section 1. Kirkland Municipal Code Section 1.12.020 is amended to read as follows:

1.12.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

(a) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

(b) "Act" means doing or performing something.

(c) "Applicable department director" means the director of the department or his or her designee.

(d) "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to Title 12 are specifically excluded from the application of this chapter.

(e) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts governed by a city regulation.

(f) "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

(g) "Hearing examiner" means the Kirkland hearing examiner and the office thereof established pursuant to Chapter 3.34.

(h) "Omission" means a failure to act.

(i) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

(j) "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the city sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of city tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.

(k) "Regulation" means and includes the following, as they now exist or are hereafter amended:

(1) Title 23 (Kirkland Zoning Code);

(2) Title 21, Buildings and Construction (including codes adopted by reference);

(3) Chapter 15.52 (Surface Water Management);

(4) Title 29 (Land Surface Modification);

(5) Chapter 19.04 (Obstructing Streets or Sidewalks);

- 100 (6) Chapter 11.76 (Junk Vehicles);
- 101 (7) Chapter 11.24 (Nuisances);
- 102 (8) The terms and conditions of any permit or approval issued by
- 103 the city, or any concomitant agreement with the city;
- 104 (9) Chapter 7.74 (Fair Housing Regulations);
- 105 (10) Chapter 16.05 (Retail Carryout Bags, including definitions set
- 106 forth in Chapter 16.04);
- 107 (11) Chapter 16.08 (Garbage Disposal); and
- 108 (12) Chapter 7.02 (Business Licenses and Regulations).

109 (l) "Repeat violation" means a violation of the same regulation in
 110 any location by the same person for which voluntary compliance
 111 previously has been sought within two years or a notice of civil violation
 112 has been issued within two years.

113 (m) "Violation" means an act or omission contrary to a city
 114 development regulation including an act or omission at the same or
 115 different location by the same person and including a condition resulting
 116 from such act or omission.

117
 118 Section 2. Kirkland Municipal Code Section 7.02.030 is amended
 119 to read as follows:

120
 121 **7.02.030 Definitions.**

122 Where used in this chapter, the following words and terms shall have
 123 the meanings as defined in this section, unless, from the context, a more
 124 limited or different meaning is clearly defined or apparent:

125 (a) "Business" includes all activities, occupations, pursuits, or
 126 professions located and/or engaged within the city, with the object of
 127 gain, benefit or advantage to the person engaging in the same, or to
 128 any other person or class, directly or indirectly, and includes nonprofit
 129 enterprises.

130 (b) "Business license" means that document issued by the city
 131 licensing the transaction of the indicated business by the person whose
 132 name appears thereon for the stated period.

133 (c) "Engaging in business" means commencing, conducting or
 134 continuing in any business within the city, whether or not an office or
 135 physical location for the business lies within the city. "Engaging in
 136 business" includes the performance of work or services by contractors,
 137 consultants, representatives, agents or other persons within the city,
 138 even though the office location of the contractor, consultant,
 139 representative, agent or other person is not within the city limits; the
 140 exercise of corporate or franchise powers, as well as the liquidation of
 141 a business when the liquidators hold themselves out to the public as
 142 conducting such business; acting as a solicitor or canvasser; short-term
 143 and long-term rentals; and furnishing temporary employees and/or
 144 workers to other businesses. By way of illustration only and without
 145 being all-inclusive, a business with an office or physical location outside
 146 the city limits which sells or leases personal property to buyers or
 147 lessees in the city; accepts or executes a contract to perform
 148 construction or installation services contracts in the city; solicits sales in
 149 the city; or renders services to others in the city; is engaged in business
 150 in this city, irrespective of whether or not such business maintains a
 151 permanent place of business in the city.

152 (d) "Finance and administration director" or "director" means the
153 city of Kirkland director of finance and administration or his/her
154 designee.

155 (e) "Gross receipts" shall have its ordinary meaning and also
156 means the value accruing from the business activity within the city or
157 conducted from the city including compensation for the rendition of
158 services (without any deduction for labor costs or the cost of materials
159 used), sale of personal property (without any deduction for the cost of
160 property sold), gains or dividends realized, rents, royalties,
161 contributions, fees and commissions, all without any deduction for any
162 expense, taxes, or losses.

163 (f) "Person" includes individual natural persons, any firm,
164 corporation, association, sole proprietor, club, partnership, trust,
165 receiver, administrator, executor, estate, company, independent
166 contractor, society, any officer, agent, personal representative, any
167 group of individuals acting as a unit, the United States or the state of
168 Washington or any instrumentality thereof, and includes the singular
169 and the plural.

170 (g) "City" means the city of Kirkland, Washington.

171 (h) "Year" means a calendar year, except where otherwise
172 specified or when permission is obtained from the director to use a
173 different fiscal year.

174 (i) "L&I" means the Washington State Department of Labor and
175 Industries.

176 (j) "Place of business" or "office" includes, but is not limited to,
177 the following: maintaining, occupying, or using a permanent building or
178 facility, premises or other fixed location as an office or location for
179 conducting business; residential units used for short-term or long-term
180 rentals or leases, or a location where the regular business of the person
181 is conducted and which is either owned by the person or over which the
182 person exercises legal dominion and control; or a location which
183 includes a business sign, mailing address, and permanent phone. A
184 vehicle such as a pickup, van, truck, boat or other motor vehicle will not
185 be considered a place of business for purposes of this chapter.

186 (k) "Casual or isolated sale" means a sale made by a person who
187 is not engaged in the business of selling the type of property involved.
188 Persons who hold themselves out to the public as making sales at retail
189 or wholesale are deemed to be engaged in business, and sales made by
190 them of the type of property which they hold themselves out as selling
191 are not casual or isolated sales even though such sales are not made
192 frequently.

193 (l) "Employee" means and includes each of the following persons
194 who are not required by the city to have his/her/its own separate city
195 of Kirkland business license:

196 (1) Any person who is on the business's payroll, and includes all
197 full-time, part-time, and temporary employees or workers; and

198 (2) Self-employed persons, sole proprietors, owners, managers,
199 and partners; and

200 (3) Any other person who performs work, services or labor at the
201 business, including an independent contractor who is not required to
202 have a separate city of Kirkland business license.

203 (m) "Contractor" means any person who, in the capacity of an
204 independent contractor, contracts with any business, property owner or
205 person to perform a particular job or jobs, whether the remuneration

received for performing the job or jobs is on a cost-plus basis, a flat sum basis or a salary computed at so much per hour.

(n) "Subcontractor" means any person who in the capacity of an independent contractor contracts with any contractor to perform a particular trade or job, whether the remuneration received for performing the job or jobs is on a cost-plus basis, a flat sum basis, or a salary basis computed at so much per hour.

(o) "Residential unit" means either a detached dwelling unit or an attached or stacked dwelling unit, as those terms are defined in the city's zoning code.

(p) "Short-term rental" means the rental of a residential unit for less than thirty days. A short-term rental is not a bed and breakfast house or home occupation as defined in the zoning code for purposes of this ordinance.

(q) "Long-term rental" means the rental or lease of a residential unit for a period of thirty days or more. A long-term rental is not a bed and breakfast house or home occupation as defined in the zoning code.

Section 3. Kirkland Municipal Code Section 7.02.050 is amended to read as follows:

7.02.050 Operating without a license.

(a) Any person who engages in or carries on a business without having obtained a business license when required to do so shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date, shall be deemed to be operating a business without having obtained a license to do so. Except as otherwise specified, any person violating this chapter shall be guilty of a misdemeanor crime and a civil violation under Chapter 1.12.

(b) A business failing to obtain or maintain a currently valid license and yet conducting business within the city is hereby declared to be a public nuisance. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter.

Section 4. Kirkland Municipal Code Section 7.02.070 is amended to read as follows:

7.02.070 Presumptions.

The following presumptions shall be made in interpreting and applying this chapter, unless rebutted as provided in this chapter:

(a) It shall be presumed that an entity that has been issued a Unified Business Identifier Number ("UBI") by the state of Washington is a separate business that is required to have its own city of Kirkland business license.

(b) It shall be presumed that an entity that has been issued a state industrial insurance account number, a state self-insurer number, or a state revenue tax reporting account number is a separate business that is required to have its own city of Kirkland business license.

(c) It shall be presumed that average annual gross receipts of an entity are at least twenty thousand dollars per each employee who

works for the entity in Kirkland except in the instances of short-term rentals and long-term rentals and leases of residential units.

(d) It shall be presumed that an owner, manager, and/or managing partner of a business that is more than sixty days late in paying any amount due under this chapter is willfully, knowingly and intentionally evading his or her legal duties under this chapter.

Section 5. Kirkland Municipal Code Section 7.02.200 is amended to read as follows:

7.02.200 Debt owed to city.

(a) Any amount due and unpaid under this chapter and any penalty thereon shall constitute a debt to the city and may be collected in the same manner as any other debt, including through code enforcement and court proceedings, and these remedies shall be in addition to all other existing remedies. Interest shall accrue on amounts owed to the city under this chapter at the same rate as provided for superior court judgments.

(b) Issuance of a business license does not forgive amounts owed to the city or penalties thereon.

Section 6. Kirkland Municipal Code Section 7.02.260 is amended to read as follows:

7.02.260 Suspension or revocation of license—Criteria.

The director may suspend or revoke a business license or permit when the licensee, officer or partner thereof, or another person with a legal interest in the license:

(1) Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the city which may affect or relate to the licensed business;

(2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(3) Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;

(4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter;

(5) Violates any building, life or public safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;

(6) Is in violation of a zoning or building code or other material regulation of the city, including the responsibility to exercise best efforts to help ensure conflicts between short-term renters and neighbors are avoided as set forth in Section 7.02.300(3); or

(7) Is indebted or obligated to the city for past due fees or taxes, excluding special assessments such as LID assessments.

Section 7. A new Kirkland Municipal Code Section 7.02.300 is amended to read as follows:

7.02.300 Short-term Rentals—Special Provisions.

The following special provisions are applicable to short-term rentals of detached dwelling units:

(1) Short-term rentals are freely permitted as they relate to frequency and total number of days per year when an owner or authorized agent of an owner continuously occupies a portion of a short-term rental as his or her primary residence.

(2) Short-term rentals not exceeding a total of 120 days per year are permitted when (a) an owner or an authorized agent of the owner occupies all or a portion of the short-term rental as his or her primary residence for a total of at least 245 days per year and (b) a property manager identified to both the city and all short-term renters is continuously available and located within 15 miles of the short-term rental whenever the owner or an authorized agent of the owner is not occupying all or a portion of the short-term rental as his or her primary residence.

(3) Short-term rental agreements shall include provisions encouraging renters to exercise best efforts to avoid conflicts with neighbors related to issues such as noise, littering, parking and trespass, and the owner and authorized agent of the owner of a short-term residential unit shall be jointly responsible to the city for exercising best efforts to help ensure such conflicts are avoided as a condition of maintaining a business license under this chapter.

(4) There may be no more than two short-term rental agreements in effect at a single detached dwelling unit at any one time.

(5) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with all applicable city zoning code requirements, including those related to the number of unrelated people occupying the unit.

(6) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with the parking provisions applicable to bed and breakfast houses set forth in the zoning code.

(7) The director of finance and administration may impose such additional requirements as may be necessary, consistent with the police power authority of the city, to protect the public health, safety and welfare in the issuance of business licenses related to short-term rentals.

Section 8. A new Kirkland Municipal Code Section 7.02.310 is amended to read as follows:

7.02.310 Payment of Lodging Excise Tax on Short-term Rentals.

It shall be the responsibility of the person owning a residential unit used for a short-term rental to ensure the lodging excise tax provided for by Chapter 5.19 is timely paid.

Section 9. The provisions of this ordinance shall apply to all short-term rentals existing on or after the effective date hereof except to the extent necessary to avoid the impairment of existing short-term rental agreements as they may relate to rental dates and durations existing as of the effective date hereof.

364 Section 10. City staff shall provide an update to the City Council
365 on the performance of the short-term rental regulations, along with any
366 recommendations for improvements, no later than July 15, 2018.

367
368 Section 11. If any provision of this ordinance or its application
369 to any person or circumstance is held invalid, the remainder of the
370 ordinance or the application of the provision to other persons or
371 circumstances is not affected.

372
373 Section 12. This ordinance shall be in force and effect five days
374 from and after its passage by the Kirkland City Council and publication
375 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
376 form attached to the original of this ordinance and by this reference
377 approved by the City Council.

378 Passed by majority vote of the Kirkland City Council in open
379 meeting this 17th day of October, 2017.

380
381 Signed in authentication thereof this 17th day of October, 2017.



Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Short-Term Rentals in Kirkland

The City Council adopted an ordinance regulating short-term rentals in Kirkland in October 2017. The ordinance, O-4607, defines short-term rentals as a rental lasting for less than thirty days, as opposed to long-term rentals, which are defined as those lasting 30 days or more.

The ordinance primarily applies to single family residences. Multifamily residences are generally governed by the rules of the individual complex.

Residents should be aware, however, that the City of Kirkland requires business licenses for any commercial transaction, including all short-term and long-term rentals (including multifamily residences).

Current requirements to obtain a short-term rental business license for homes in Kirkland:

1. The property owner, or an authorized agent, must occupy the property as a primary residence at least 245 days per year to enter into short-term rentals there.
2. A property manager living within 15 miles of the residence must be identified for those days when neither the owner nor an authorized agent are occupying the property.
3. The property owner must have a business license from the State of Washington.
4. The property owner (or authorized agent) also must complete and submit a business license application for the City of Kirkland, and pay licensing fees.
5. As part of the application, a declaration must be filled out and signed. If the applicant is not the owner, it must still be signed by the owner, as owners retain specified responsibilities in all events.
6. Lodging taxes for short-term rentals must be paid to the State of Washington, and those payments are the responsibility of the property

owner.

Frequently Asked Questions:

Occupying the Residence

Authorized Agents

Business Licenses

Taxes

Enforcement and Complaints

Other Questions

Dear City Council members,

Our family has lived in Lake Stevens for 65 years. We are privileged to call many other city residents our friends. Our home is in a quiet neighborhood off the Davies Loop Road and we have enjoyed good relationships with our neighbors except for our experience living next door to a non-hosted VRBO through the summer 2020.

During that time my husband and I encountered 1 or 2 new groups of renters each week with noise, cars coming and going all hours of the day and night, speeding on our private road. We've endured property damage, illegal parking, trespassing, dogs barking and pooping on our lawn. The stench of marijuana being smoked within several feet of us made it impossible to enjoy our patio/beachfront. Renters used VRBO provided kayaks and paddle boards ignoring watercraft regulations. On July 4 approximately 20 young men and women partied. We observed probable underage drinking, projectile fireworks were discharged onto our property and toward boaters.

We and several of our neighbors complained to the owner on numerous occasions and were placated and told our expectations for safety and privacy were unrealistic simply because we live in Lake Stevens.

When the VRBO owner asked us to provide parking so they could book weddings we learned they were professional property managers. We inquired with the city and requested a code enforcement.

After receiving the cease and desist order, the homeowner embarked on a 10 hour episode of harassment including vulgar obscenities and indecent exposure and ending with police intervention. We installed 3 security cameras surrounding our home.

I have been following the Planning Commission's deliberations closely and appreciate their thoroughness researching how these businesses are being managed in other cities, including waterfront communities, and their acknowledgment that vacation rentals will exponentially impact neighborhoods surrounding the lake especially during summer and fall.

I strongly agree with their recommendation to allow owner occupied short term rental in our residential neighborhoods. The owner must be onsite to assure rules and regulations are being observed for the safety of their guests and the safety, security and privacy of neighboring properties. Speaking from experience, non-hosted owner/manager oversight of our neighborhood VRBO failed miserably.

Lake Stevens has become a hugely attractive recreational hotspot and I expect there will be properties offering non-hosted rentals under the radar. I fear our single code enforcement officer will be overwhelmed and I believe enforcement will be integral to the success of this new code.

Thank you for your attention and for considering how this code amendment will impact the citizens who live in and support the community of Lake Stevens.

Aileen Spradlin

Dear City Council members Ewing, Fredrick & Jorstad, and Mayor Gailey,

I am writing regarding the revision of our city's current Tourist Home regulation and to forward two very good articles written to assist cities attempting to regulate short term rentals:

Regulating Short-Term Rentals: A Guidebook for Equitable Policy

[https://www.theseic.org/
regulating_short_term_rentals_a_guidebook_for_equitable_policy](https://www.theseic.org/regulating_short_term_rentals_a_guidebook_for_equitable_policy)

Short Term Rental Zoning May Be Strictly Regulated or Not

<https://www.useful-community-development.org/short-term-rental-zoning.html>

I understand the city is interested in having a hotel and without a hotel, STRs would provide lodging for people coming to the city for fishing derbies, triathlons and rowing regattas. Opening the door to non-hosted STR will also attract a seasonal tourist population to the lake and the waterfront community.

If seasonal tourism is promoted and marketed through the hugely popular airBNB and VRBO websites, the main attraction will be the lake. I believe it's fair to say the most attractive homes for vacationers will be in residential neighborhoods surrounding the shoreline. I say this because I lived next door to a VRBO that was booked solid July into September of 2020.

As you discuss the impact of STRs on our city resources, on the lake and on the people who make their homes here, please also consider if City government is equipped to handle all that encompasses seasonal tourism?

Lake Stevens has only 7.1 miles of shoreline and is considered a relatively small body of water at approximately 1000 acres. It already attracts a large

population of out of town boaters that impact the waterfront residential neighborhoods and the lake.

I appreciate the city is committed to development of a STR code that is fair and equitable.

Please consider how Chelan County (Leavenworth, Lake Wenatchee, Plain, Peshastin, Manson) and the city of Bellingham have recently revised their regulations after experiencing the consequences of minimally regulated STRs. Their tiered approach to regulations is based on zoning and lot size allowing for hosted and non-hosted STRs.

I am in support of owner occupied and hosted short term rental, especially in neighborhoods surrounding the shoreline. I'd like to propose a cap on the number of homes allowed to provide STR in densely populated neighborhoods.

This matter is very personal for me as I have experienced living next door to a home that was bought on the west shore of Lake Stevens for the express purpose of VRBO. I will attach the letter I recently submitted to City Council that describes the events we experienced and the repercussion after a number of neighbors requested a code enforcement to stop this homeowner from operating out of compliance.

Please feel free to contact me if you have any questions regarding my letter or my experiences living next door to a non-hosted, full time VRBO.

Thank you.

Aileen Spradlin

Jill Needham

From: Aileen <aileenspradlin@gmail.com>
Sent: Thursday, May 5, 2022 4:24 PM
To: David Levitan
Subject: Re: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,

Thank you for sending the YouTube, very interesting discussion and I appreciate the council members concerns for fairness.

Since unhosted vacation rentals have not been permitted in our city I'm wondering how you will be able to demonstrate police complaints associated with them. I have a police complaint from 11-21-2020 if it would be helpful. My husband and I and at least 4 other people can testify to the encounter, I'm certain Officer Wells remembers it.

I hope you can demonstrate how other waterfront communities have recognized the need for additional regulation in Chelan County (Leavenworth-Peshastin area, Lake Wenatchee, Manson, Chelan) and Bellingham (Lake Whatcom Watershed and shoreline areas).

Concerning VRBO and Airbnb doing a good job policing their rentals, how is it we have at least 28 operating under the radar, unlicensed in our city? Additionally, I hope the City Council will recognize by the time these companies are able to address complaints the renters are long gone making for pretty miserable real time living conditions for the surrounding property owners.

And perhaps, in fairness, the city should also reach out to the homes surrounding our "out of compliance" short term rentals to get neighborhood feedback.

I can't say all of the renters next door to us were problematic but overall it was an unpleasant experience and made us feel less secure in our neighborhood. I have talked with as many people I can think of about this matter just to make them aware and am encouraging them to write letters and attend the public meeting. I was curious why the council members didn't have our letters in their workshop packet.

Thank you for your presentation to the City Council, it was very thorough. I appreciate being kept informed and updated regarding this work and your availability for questions.

Aileen Spradlin

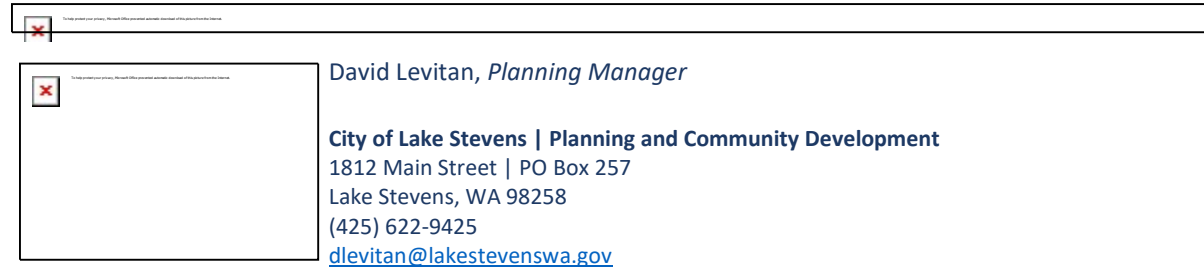
On May 5, 2022, at 10:08 AM, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Hi Aileen:

Thanks for reaching out. Among other things, councilmembers had questions about the parking requirement (one additional space per rented bedroom), the maximum rental party size, the proposed safety inspection (including whether it should be annual), the 300 foot noticing requirement, and the hosted rental requirement. They also requested that we expand our outreach, including property

owners that are currently operating short-term rentals. Here is a link to the [YouTube video](#), if you would like to watch.

David



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From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Thursday, May 5, 2022 9:45 AM
To: David Levitan <dlevitan@lakestevenswa.gov>
Subject: Re: May 10 City Council Public Hearing on Short-Term Rentals Ordinance Cancelled and to be Rescheduled for Future Date

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Thanks for the update, David.

Are you able to tell me what were the comments necessitating additional research and what changes to the ordinance did the council want to explore?

Aileen

Sent from my iPad

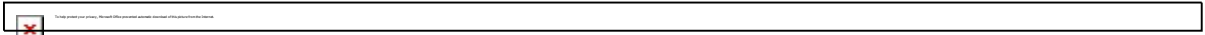
On May 5, 2022, at 7:34 AM, David Levitan <dlevitan@lakestevenswa.gov> wrote:

Good Morning:

During their May 3 workshop meeting, the City Council reviewed and provided a number of comments on the proposed short-term rentals ordinance recommended by the Planning Commission. At the conclusion of the meeting, the Council requested that staff conduct additional research and outreach, explore a number of changes to the ordinance, and hold an additional work session with Council before bringing the ordinance forward for a public hearing. As such, the May 10 public hearing is cancelled and will be rescheduled for a future date.

Please let me know if you have any questions.

David



David Levitan, *Planning Manager*

City of Lake Stevens | Planning and Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9425
dlevitan@lakestevenswa.gov

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Sincerely,

Kathy Nysether

kathycn@hotmail.com

From: [Gary Petershagen](#)
To: [Russell Wright](#)
Subject: Fw: Short term rentals
Date: Tuesday, January 3, 2023 4:44:42 PM

Russ,

I rec'd this letter today - please forward to the STR committee. I don't know if it was provided to the City and/or Council Members.

Thanks,

Gary Petershagen

From: Carrie Thompson <theladydog@frontier.com>
Sent: Tuesday, January 3, 2023 3:51 PM
To: Gary Petershagen <gpetershagen@lakestevenswa.gov>
Subject: Short term rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Gary,

My name is Carrie Thompson. I live near the downtown boat launch.

I'm contacting the city council members because I've read the council meeting minutes and have been made aware of the short term rental changes that may occur. I'm contacting you because I live next to a short term rental. Owners live on site. We have never had any issues with the short term rental or its occupants. I feel you need to take into consideration owner occupied and non-owner occupied rentals and put them in different categories.

I have property in Eastern Washington, in Leavenworth and experienced a non-owner occupied rental house directly next door to me. Yes, there were issues. That rental was rented everyday of the week and weekends, with exception of a handful of days, or for repairs that needed to be made. It basically was a vacation party house. So I've experienced short term rentals most of my adult life. There is definably a difference in owner occupied than non-owner occupied sort term rentals. Thank you for your time.

Carrie Thompson
Lake Stevens resident of 44 years
CARRIE!

	Gary Petershagen, <i>Council Member</i> City of Lake Stevens City Council 1812 Main Street PO Box 257 Lake Stevens, WA 98258 (425) 407-3327 gpetershagen@lakestevenswa.gov

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To Who It May Concern,

I am writing this note in full support of short term rentals continuing to operate in Lake Stevens, as well as address some inaccuracies that have been made about my family and our home. To start, I am not a corporation or real estate investor of any sort. My husband and I moved from Florida to Lake Stevens in pursuit of settling down to have a family in a safe suburb- Lake Stevens came to mind as a great place to live, as he is originally from Seattle. I am a law student at Washington University in St. Louis, and I took this past semester to study abroad in Singapore. We saw our home listed for sale while we were away and decided that because we saw other Airbnbs listed in the city (and could not find any ordinance prohibiting it), that it would be okay to purchase even though we were not in the country, since our Airbnb income could offset the incredibly high mortgage until we returned home. We hired contractors and friends to go into the home to build our furniture, take pictures, and set up the home for short term rentals. A few weeks after our closing, my husband needed to come back to the States for work, and I decided to fly back with him to check out our future home and make sure it was set up and ready for the first guests.

We met our neighbor, Melissa, and introduced ourselves. We explained that we had not even stepped into our house for a month after purchasing it because I was away for the semester abroad, and that we would be leaving again in a few days so I could return for class. We thought all was okay and had no idea that any complaints were being lodged against us until Dec 9. I had provided Melissa with my phone number and contact, and as you can see below in exhibit 1, she never once mentioned anything about any issues or concerns she had in all of that time.

If Melissa had approached me about any unruly guests or noise, I would have immediately taken action. In addition, we have just as much to lose with parties in our house, as our house is furnished completely with designer furniture and was all purchased with the intention to live there once I returned. We are not investors who buy property and ditch it to make money off of- this is our only home that we have to live in (we do still have our old house in Florida on Airbnb because we were unsuccessful at selling it, but we need to be on the west coast for my husband's work). We would never want to cause damage to our own belongings, which we do keep in the house even when we rent it. In addition, we are huge on community safety, which is the main aspect of why we picked the city of Lake Stevens to move to. We are just as concerned as everyone else about trying to weed the bad tenants out, which is why we have declined numerous bookings whenever there is a chance that they are dangerous or having a party. We do this by requiring all guests to have a verified ID, and if the group is larger than 5, we require the account to have reviews already. In exhibit 2, you will see evidence of party cancellations. We want to be respectful to our community, so we never take chances. We also have noise level detectors in our home and security cameras on all sides of the house that we monitor all the time, with notifications coming whenever someone comes in or out!

In regards to the one "party" we had, it was a group of 8 younger people in their early twenties. However, calling it a party would be a stretch and an assumption, as the only indication or proof it was a party was their age. I reminded them to turn down the music at 10pm and never once

got a complaint from any neighbor about them. They also had 5 cars, and no cars ever overflowed onto the street.

The only other “bad” incident that we have had was when Melissa texted me for the FIRST time after meeting to tell me that the guests had parked in the street and that she would be calling the police if they were not moved. In this case, the group was there for a company Christmas dinner. The guest had numerous 5 star reviews and had a caterer come with a Uhaul trailer with the food. I had not anticipated any overflow of cars in the driveway, but once she texted me, I immediately asked the guest to move the cars. However, the guest did not see this until after dinner, when she had her employees move their cars. Additionally, this restricted “fire lane” is not labeled properly, and is impossible to see in the dark, and I can provide pictures as evidence. In addition, I personally never thought it was illegal to park there, as Melissa’s dog sitter and lawn service regularly parks in the same spot.

As in any disagreement, there are two sides to every story, and I believe that our side was not even considered and Melissa’s was taken without any thought that it could be an over exaggeration of the truth. I am not sure if it is because we are Asian, or new to the city, but we have always been respectful and reminded all guests that if they ever had more guests than described, that their reservation would be immediately terminated.

Airbnb is such a vital part of so many hosts’ lives. In our situation, we would have never been able to afford our mortgage while I was away if we were not able to rent out our house instead of having the home lay vacant for so many months. (Perhaps you could also consider how crime is more likely to occur in homes that look vacant for long periods of time. Rather than worrying about parking infractions, maybe some thought could be given to the fact that there can be a higher rise in crime due to vacant homes attracting more serious criminals. If we weren’t able to rent our home, someone could have been doing all sorts of illegal things in our home or camping out there and we would have never known.) While we are now back in the states and ready to fully move into our home, we still want to be able to rent our home out whenever we go on vacation or a business trip. To us, renting not only helps pay our high mortgage, but also helps us act as an even more effective way to keep criminals from thinking our home is vacant for weeks! We love our new city and our new home, and want to work with everyone to make sure that we can keep it the Lake Stevens we have grown to love!

Thank You,
Christine Ahn

Exhibit 1- Melissa has not contacted me between Oct 4 and Dec 9. If there were parties going on, shouldn’t she notify me if she is concerned?

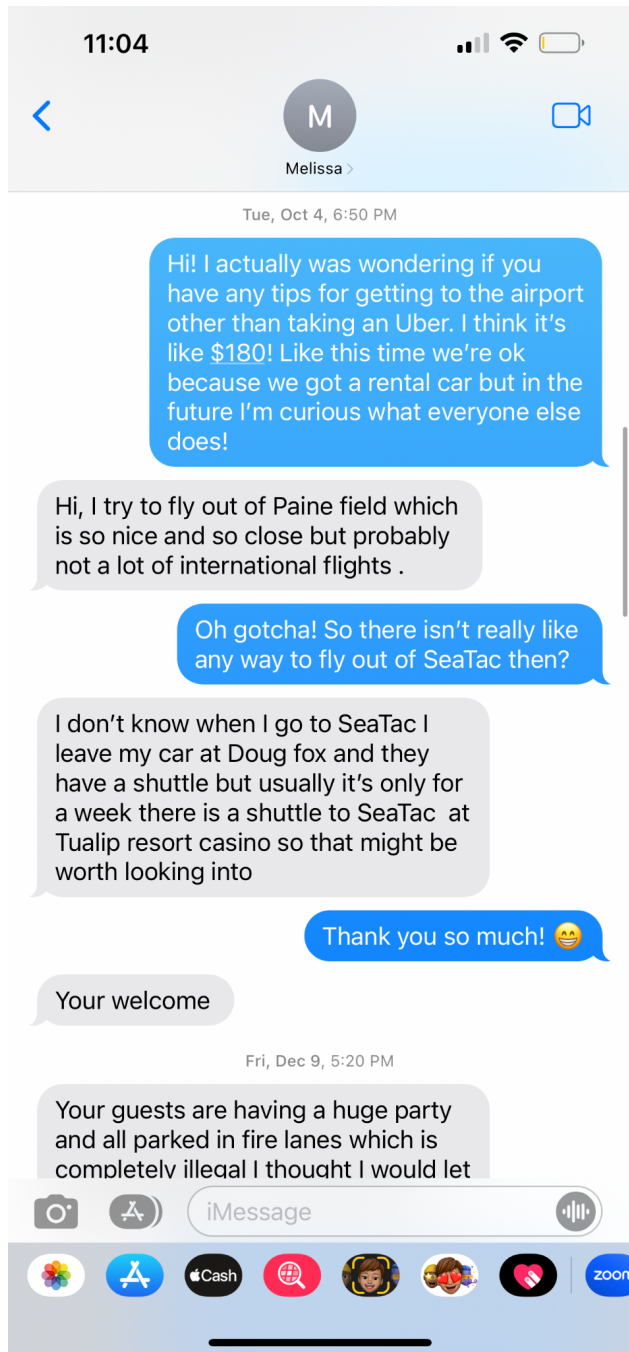
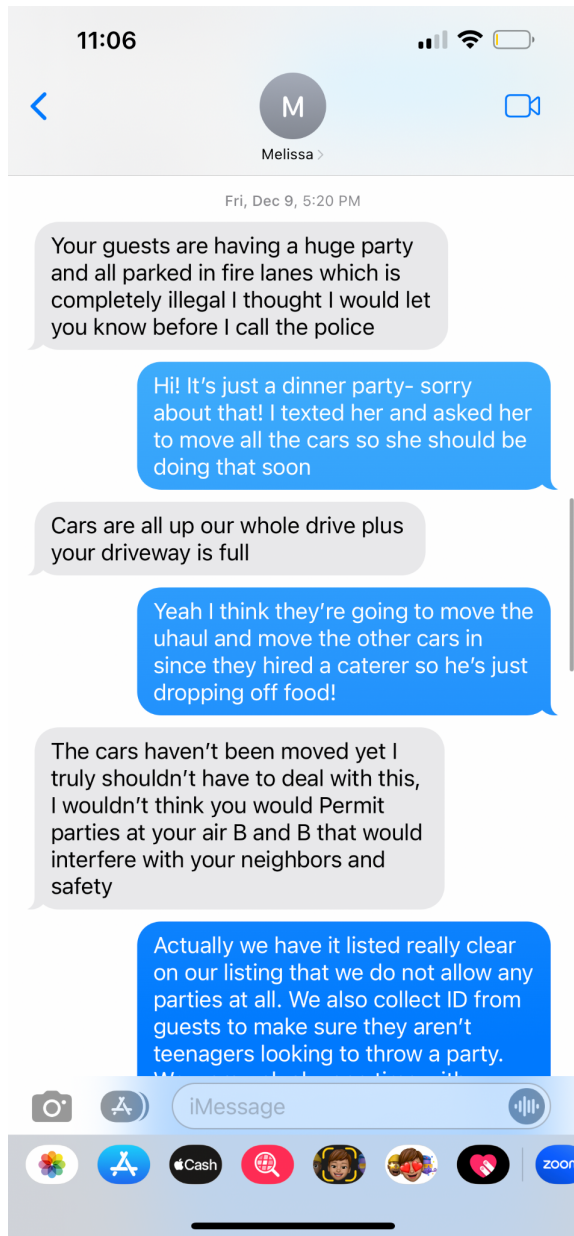
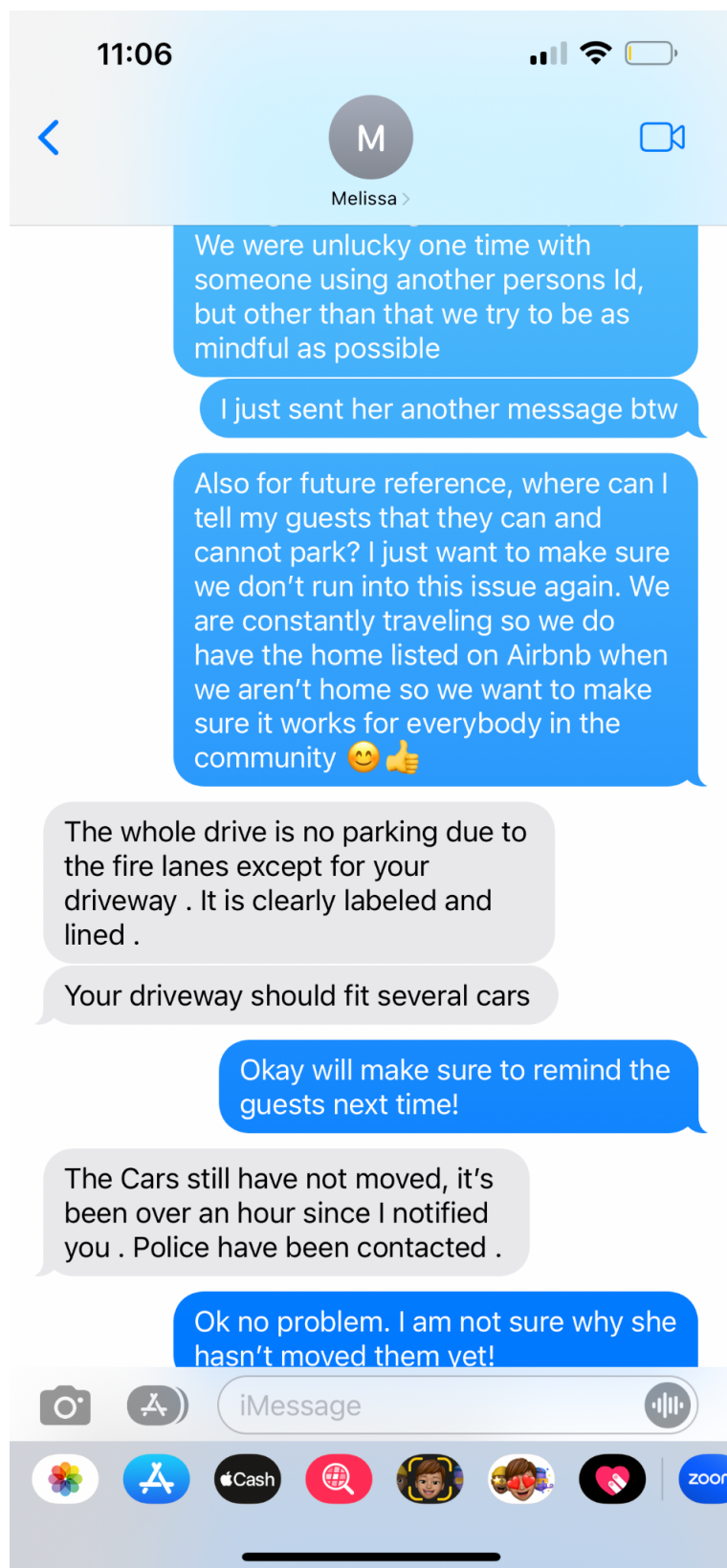


Exhibit 2- Conversation with Melissa





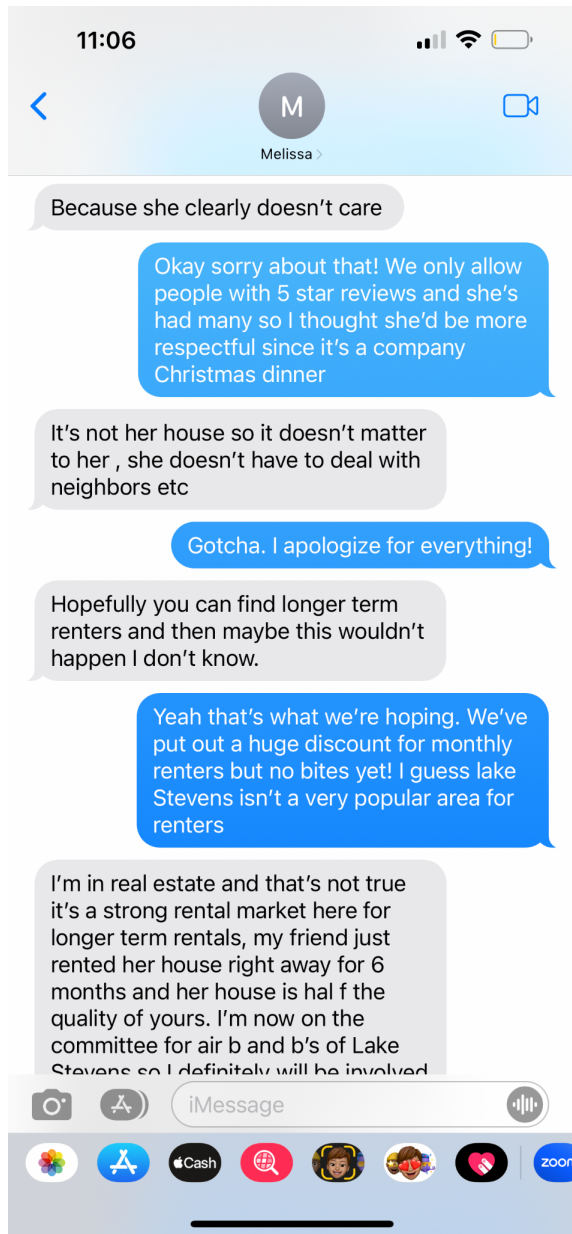
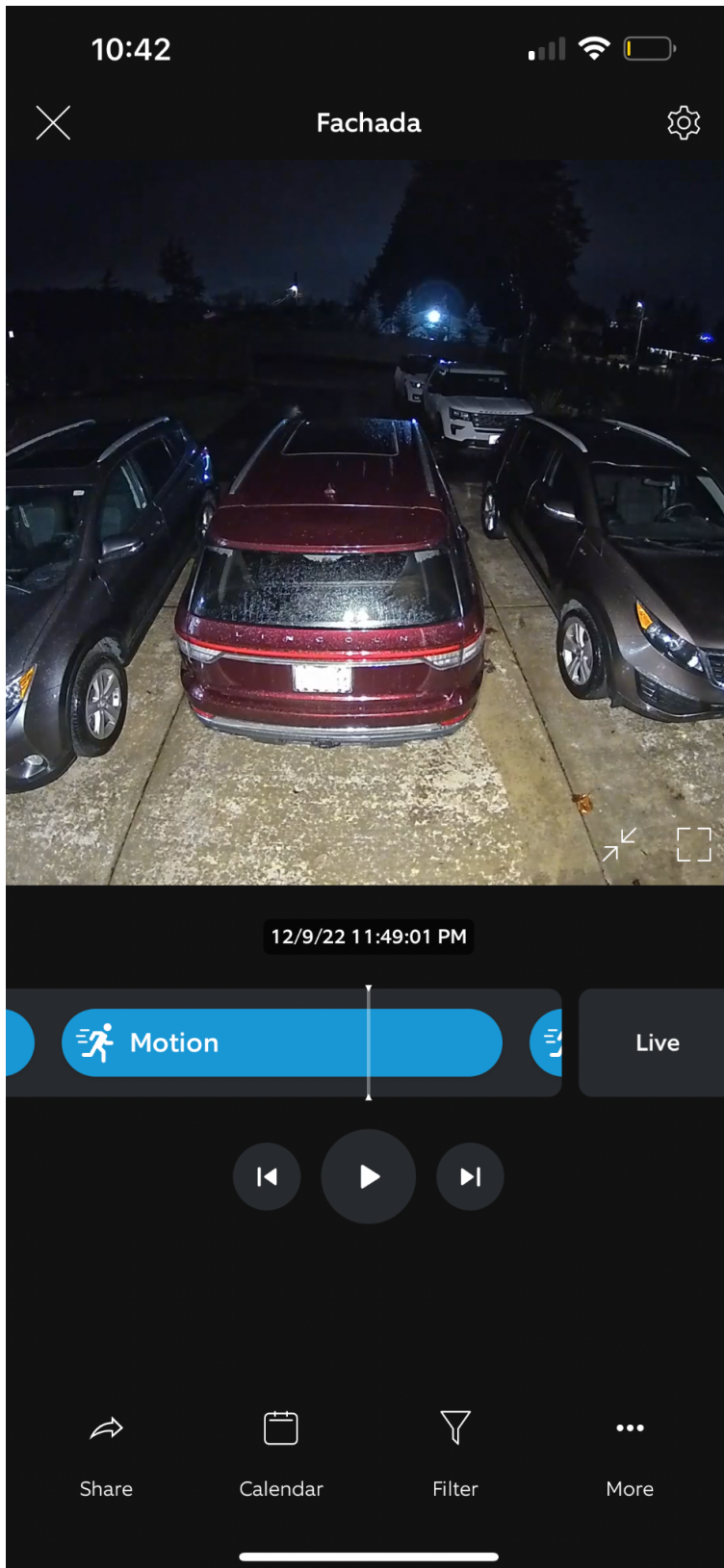


Exhibit 3- Security camera footage of how many cars parked each time. I don't have anything from before Nov because Ring doesn't keep it that long. But since I can't send a 24 hour video, I am showing late at night when if there was a party there would be many cars. I can send it for every reservation



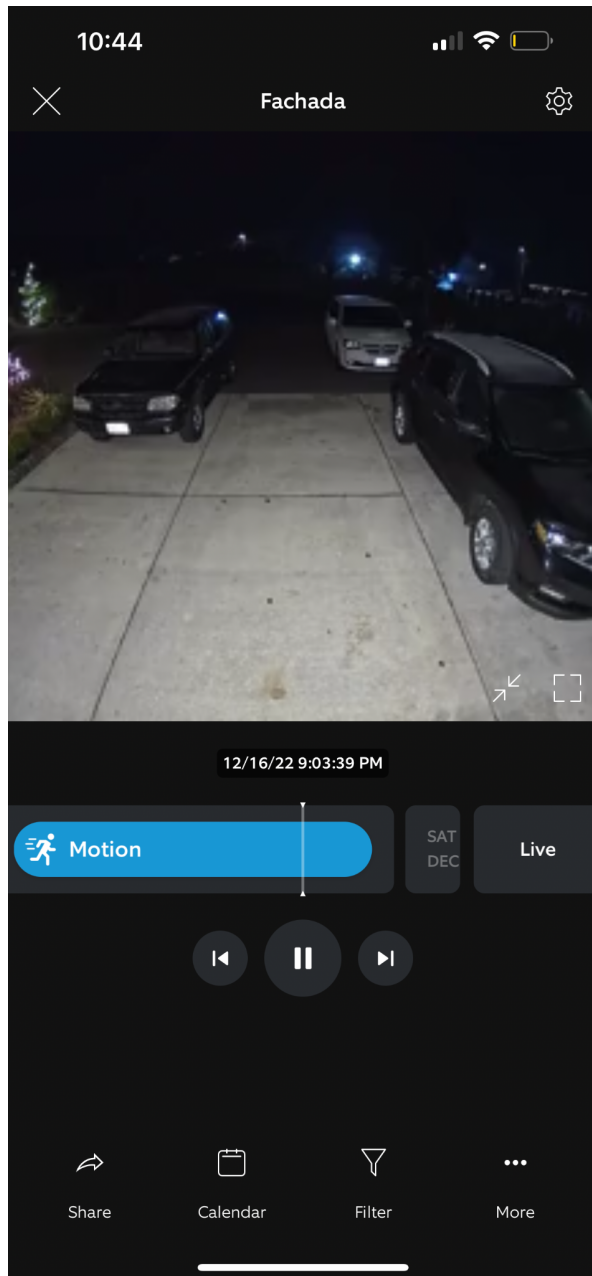


Exhibit 4- The guest that threw the “big party” that Melissa is claiming. I only accept larger groups with ID and perfect 5 stars.

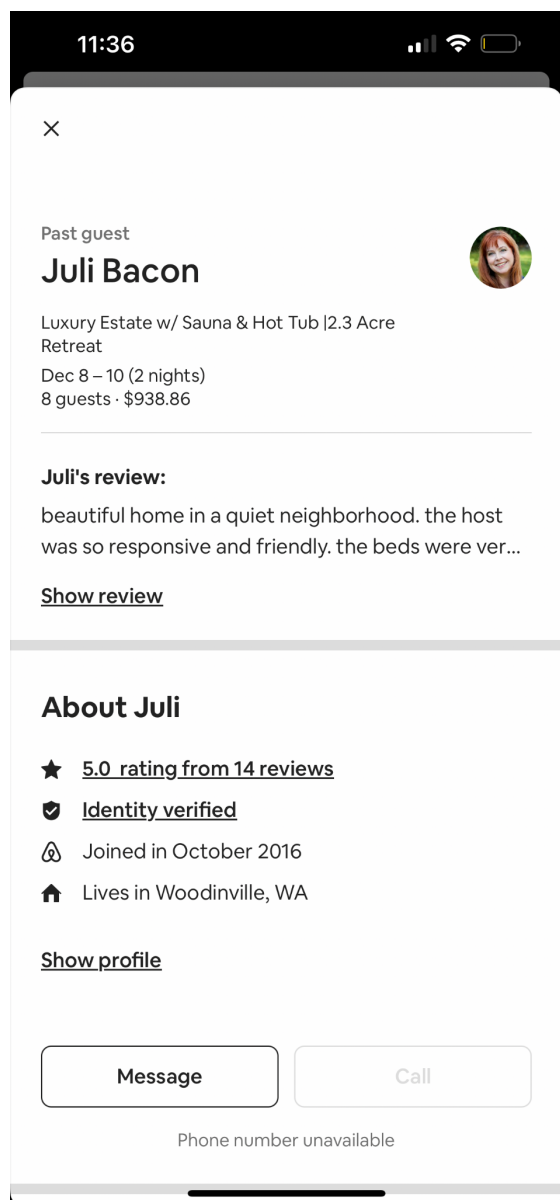
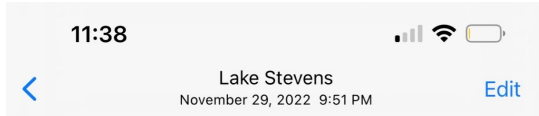


Exhibit 5- Melissa has claimed these parties have gone on “all winter”! I had my entire November and much of December blocked off because my family came to visit me since I returned home after my semester was over. I don’t know how to prove that, but here is a picture of my grandfather and grandmother dated November 29 on my couch :D



*****Please add this to the public record*****

From: [Cameron Fauth](#)
To: [Russell Wright](#); [Carol Manus](#)
Subject: FW: Lake Stevens Municipal Code Violation - COD2022-0066 - Short Term Rentals
Date: Tuesday, January 10, 2023 8:04:52 AM

FYI. I didn't see either of you on this email.



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From: Magda Hopt <mhopt2@gmail.com>
Sent: Monday, January 9, 2023 5:41 PM
To: Cameron Fauth <cfauth@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; David Levitan <dlevitan@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; sfrederick@lakestevenswa.gov; Marcus Tageant <mtageant@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>
Subject: RE: Lake Stevens Municipal Code Violation - COD2022-0066 - Short Term Rentals

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Good afternoon City Council Members,

Hope everyone had a nice Christmas and New Year holiday.

I signed the voluntary violation letters sent by Cameron dated December 1st and December 9th, rather than spend the money and time applying for a short-term rental city permit/license I changed my property to long term rental until the short-term ordinance NO. 1139 has been finalized. The letters Camron sent included **a link for more information and to apply for the Citizens Advisory Sub-Committee**, but it was too late. Was it a mistake? According to a telephone conversation on December 11th with a city council member I was surprised to learn the committee members had already been selected without anyone reaching out to me since I had applied in June. Being uninformed, I requested public records for more information. Only a small notice was published on the website on the November 16th ending on November 23rd "looking for citizen volunteers" and then on December 5th that "citizens have been chosen". Not only was I not aware but it seems that other hosts were not informed either.

Not to complain, but because I am disappointed, because I personally communicated with four city council members in June after attending June 7th City Council Meeting where I showed my interest by speaking, I submitted my informative short term rental vs long term research data, profiles of guests, and general information from my own experience as a host among other statistics, which I had the City Clerk record. **In response to my June 9th email expressing my interest in the upcoming Sub-Committee** I was told that only council members would be on the committee. I am not new to volunteering as I was extensively involved when Ava Frisinger was the longest serving mayor in the history of Issaquah.

I have noticed that not many hosts are speaking up. I have and would like to assist by personally reaching out to hosts in order for them to take these matters seriously and to have a voice without feeling they will be punished for being transparent or voicing their experiences and opinions. I am not against regulations, but I believe they should be reasonable and that hosts should participate in upcoming changes which will make them easier to accept. Please keep in mind that we don't want to discourage hosts from listing with Airbnb and going dark. Airbnb has strict regulations of their own, forbidding parties among others and direct control through guest and host reviews.

Please let me know if I can attend the Short-Term Rental Sub-Committee if only to listen? I am not complaining just making a case for me to be involved. I look forward to a response from someone.

Thank you,

Magda Hopt
Owner
DMH Industrial Electric, Inc.
2701 Hewitt Ave
Everett WA 98201
425-259-3124
206-930-3497 cell

Jill Needham

From: Kate MacKenzie <kcmacken@gmail.com>
Sent: Monday, January 9, 2023 1:21 PM
To: Jill Needham
Cc: Russell Wright; Kelly Chelin; John Spencer
Subject: Re: STR Citizen Subcommittee- First Meeting Follow Up

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Hi Jill,

As I mentioned at our last meeting, I am out of town today, and I will be on my flight home during this meeting. Below I've detailed my thoughts on your questions (plus more), please feel free to share them with the group during the discussion. I am looking forward to hearing how things go tonight!

1. I wonder if we need a requirement on how much of the year an owner lives at their house. Before making a complicated list of regulations, I want to be sure that we know exactly what a residency requirement would address beyond what the hosted properties only requirement would address.
2. I am inclined to keep parking requirements simple and use the current City Code parking for boarding houses and hotels—one parking spot per room (TABLE 14.72-I). I think this seems reasonable especially within the hosted-only model.
3. I would like to consider that we keep the language on the previous STR ordinance draft regarding boat trailers and other recreational vehicle parking. I assume this is a very relevant point for our area.
4. The permit process should be affordable and not overly complex to encourage compliance. I would also like to recommend that we make a plan to review and potentially revise the permitting and code enforcement processes with in the next 18-24 months.
5. Notice should be given to neighbors, along with information on how they can submit complaints and other code violations. I foresee reacting to neighbor complaints will be a primary means of code enforcement for the City.
6. Thank you for sending the articles from MRSC, they were very insightful. Is there any data available on specifically our current housing situation? Are we experiencing a housing shortage? A long-term rental shortage? Is there a projection of the City's housing demands in the future? I would prefer to use data to help guide us as we make decisions on limits. I would be grateful if you have any insight!

Thank you for all of this, and I especially appreciated the list of STRs we think are running within the City. It has been very helpful with understanding the scope of the issue. I appreciate it!

Please let me know I need to be clearer on any of my points above, I am happy to clarify anything!

Sincerely,

Kate MacKenzie

On Dec 14, 2022, at 6:04 PM, Jill Needham <jneedham@lakestevenswa.gov> wrote:

Hi all,

First off, thank you for attending the first meeting of the Short Term Rental Subcommittee and contributing to the ongoing discussion. I wanted to follow up with some of the information requested at the meeting and provide a brief overview of the topics you discussed.

Attached is a copy of the power point presentation with the questions posed for discussion. Generally, the committee felt that additional goals of the code amendment should be to protect home values, affordability, and neighborhood character to maintain the non-commercial atmosphere. The goal to shield neighborhoods from corporate owned STRs was also raised.

Generally, committee members agreed that unhosted short term rentals constitute a commercial use while hosted rentals are a residential use. Consensus was also established that large gatherings such as weddings should not be permitted within a short term rental. There was some discussion on limiting the number of rentals by number, potentially on a first-in first-out basis.

Now that some common ground has been established, we can look more closely at what other cities have done and discuss the following at future meetings:

- How much of the year should the owner live at the residence to be able to operate an STR?
- What should the minimum parking requirements be?
- What permit process should STRs use? How much notice should be given to neighbors?
- Should there be limits on the number of bedrooms rented, number of occupants, or square footage rented?

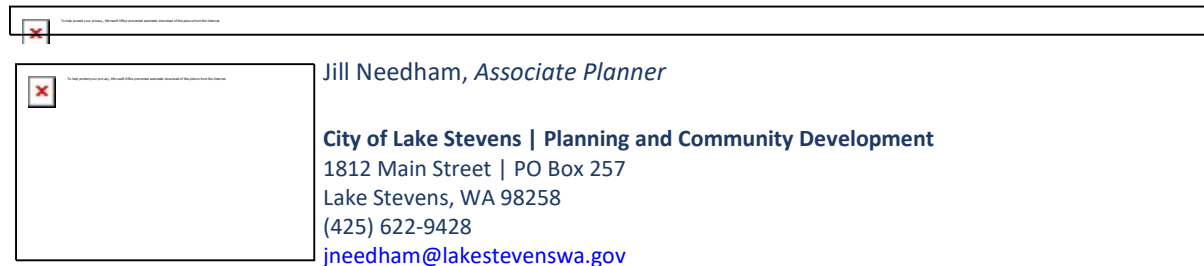
The next meetings will be on **January 9th, 23rd**, and **February 13th**. I will send out the meeting invites as the dates approach. Please let Russ or me know if you cannot attend.

I am attaching a copy of our current STR data, as requested. This is used by code enforcement and is a living document. Since most online platforms do not include addresses, we have done our best to fill in that info ourselves based on public data available.

Also attached are some articles from MRSC that discuss other cities' regulations and impacts to housing affordability.

If you have any questions, or if I missed anything, please let Russ or me know!

Jill



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<December 12 Short-Term Rentals Powerpoint.pptx><MSRC Article.pdf><MSRC Article_2016.pdf><MSRC Article_2017.pdf><STR CE Spreadsheet.xlsx>

From: [Nathan Packard](#)
To: [Russell Wright](#)
Subject: STR public comment
Date: Saturday, January 21, 2023 7:30:38 PM

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Mr Wright,

I am Nathan Packard. I have been living in Lake Stevens for 10 years. I love our city, and share my thoughts in the best interest of our community.

I have a few thoughts I would like to share regarding STRs.

1) Owner-occupied. I recognize that many community members want that provision, as it helps mitigate issues with bad renters, etc. However, I know I wouldn't rent a property if the owner was in the house. That would be uncomfortable for me. We need to explore other options that meet the desires of both the property owner and the nearby neighbors.

2) I propose thst there should be a provision about what percentage of Lake front and/or city wide property that can be purchased for non-primary residences. I recognize that we are limiting purchases to 2 homes per "entity". But what if 100+ legitimate entities come in and buy up all the lake front property for STRs? What does that do to our community? While we may not know what the "right" number is right now, I propose that we need to set a conservative limit now, with the opportunity to expand that number as we learn more.

3) I think it's important to have solutions to both #1 and #2 above. They are related but independent problems. Item #2 addresses the overall health of the community. #1 addresses individual interactions between the renter/owner and neighbors.

4) Please dont wait 2 years to revisit this issue. A LOT can happen within our community and state within 2 years. I'm not proposing you need to fully open the ordinance and do a massive overhaul, but I propose that revisiting the data and revising limits on business licenses, etc. every 1 year for the next 2-3 years is prudent. Once we know we have a good handle on the situation, we can reduce the frequency down the road. If you wait 2 or more years to reassess the situation, it may get away from you, and then you'll spend more time trying to regain control of the situation than you would have with more frequent conversations up front.

Thank you for your consideration of my comments.

Nathan Packard

From: [Janice Huxford](#)
To: [Russell Wright](#)
Subject: STR Update and Request For Information
Date: Sunday, January 22, 2023 2:46:34 PM

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Good Afternoon Russ,

I renew my deep concerns surrounding the Lake Stevens City Council's dismissal of the 2022 Planning Commission recommendation on Short Term Rentals within our community. Obviously many feel the same as public comment has been consistent, thoughtful and unanimous.

To ensure the current task force has a fair opportunity to review **all** comments made before Planning Commission, during multiple City Council hearings and in writing, I respectfully request members of the task force receive **all** names of those who spoke in person or online and the dates they made comment for review, and **all** written comments submitted to date on this issue. A final STR decision should not be considered while keeping the task force in the blind.

It is the only fair approach to hopefully reach resolution.

Sincerely,

Janice Huxford

From: [Amanda Franke](#)
To: [Jill Needham](#); [Russell Wright](#)
Cc: rktout98034@yahoo.com
Subject: Re: STR Subcommittee - Meeting 3
Date: Monday, January 23, 2023 9:42:31 AM

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Good morning Russ and Jill,

Hope you both had a nice weekend. I am sharing some thoughts in advance of our meeting tonight, and CC-ing Rick on here as I believe we are aligned.

First, a question. Is there any data that can be provided about the number of police calls/nuisance issues over the last several years at short term rentals in Lake Stevens? While I understand that nothing is without issues, I am concerned that the degree issues we are hearing and envisioning is not in line with what is actually happening. Apologies if this data has already been provided and I missed it.

Second, a thought/concern. I'm glad to see a draft code, and I'm also glad that we are still going to be looking at alternate language that includes un-hosted properties. Even with these additions, I am concerned that the un-hosted language is still too restrictive (especially around miles away and number of days) to develop a fair and balanced code that works for the majority of Lake Stevens residents (including those who wish to host STRs).

Understanding that the code put forth to the Council may not (most likely) have unanimous approval from the subcommittee on all parts, is there a way to document dissenting opinions and rationale?

Thank you,
Amanda

On Fri, Jan 20, 2023 at 5:25 PM Jill Needham <jneedham@lakestevenswa.gov> wrote:

Hi all,

Here is the agenda and draft code for our next meeting on Monday, plus two citizen comments we've received in the meantime.

Last meeting we had introduced a code outline, which we have since made into the draft attached.

It was discussed how much of the year an owner would have to live at the residence in order to retain the "hosted" designation. Although the general preference was for hosted rentals, there was more discussion about the possibility of allowing unhosted rentals and under what criteria. You'll see that in the code draft we have some alternate language highlighted in yellow for discussion at the next meeting.

Please let me know if you cannot make it. Have a good weekend!

Jill

Microsoft Teams meeting

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Jill Needham, *Associate Planner*

City of Lake Stevens | Planning and Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258

(425) 622-9428

jneedham@lakestevenswa.gov

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To the City of Lake Stevens and The Short-Term Rental Committee,

I am responding to the letter that was submitted by my next-door neighbor, Christine Ahn, regarding her Airbnb and the false accusations launched towards me.

As an active member of the Lake Stevens community, I must clarify the record and dispute Ms. Ahn's charges.

Ms. Ahn's statement that I did not complain to her until December is false. I reached out to her via text message on October 23rd at 12:37 P.M. and again on October 24th at 12:02pm. I never received a response on either text. I also sent her photos of the trash that was left outside her home for five days; it became a haven for birds and possibly rodents. I wanted her to be aware of the issue and hoped she would remedy the problem. (Exhibit "A")

I reached out to Ms. Ahn again in December when her Airbnb guests were having a party and several cars were parked in the fire lanes. She did not make an effort to have her guests move their vehicles.

In conversation with Mayor Gailey regarding my participation in the Short-Term Rental Committee, he instructed me to call the police for any issues, including parking concerns. After repeatedly having my text messages ignored by Ms Ahn, I did end up contacting the police due to the ongoing parking issues.

Despite Ms. Ahn's claims that I am the only person complaining about her Airbnb and her guests, my neighbor, Jeremy Maslam (located at 7909 5th Street S.E), has also complained. Mr. Maslam has contacted Code Enforcement multiple times regarding garbage being left out and illegal parking stemming from Ms. Ahn's Airbnb guests.

Ms. Ahn's claim that the fire lane is not marked is false. The fire lane is clearly marked with white lines with a No Parking designation on the pavement. Her statement that I have my guests park in the fire lane is also false. My driveway fits at least 12 vehicles and my personal vehicles are parked in my garage. (Exhibit "B")

It was very upsetting to have Ms. Ahn question my character and to suggest racism might be involved. She does not know me nor has she taken the time to get to know me. I have never had an issue with a neighbor before. My relationships with my neighbors have always been

friendly and I have never complained to a city or county for any issues before.

Ms. Ahn stated she only arranges to rent out her home for Airbnb purposes while travelling. Upon my research on the Airbnb website regarding her property, she is trying to rent out her home for the majority of February and March; only two dates in 60 days are not available. (Exhibit "C")

As a Licensed Real Estate Broker for over 30 years, I am aware of what having an Airbnb next door to my home has done to my property value. Should I ever sell my home, I must disclose the Airbnb information to a potential buyer. Security issues alone would scare away most potential buyers.

Thank you very much,

A handwritten signature in blue ink that reads "Melissa Maffeo". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

Melissa Maffeo

Jill Needham

From: Mark Pellegrino <markp@windermere.com>
Sent: Tuesday, January 31, 2023 12:31 PM
To: Russell Wright; Melissa Place; Jill Needham; David Levitan; Nico Faz; Brett Gailey; Kim Daughtry; Gary Petershagen; Ryan Donoghue; Mary Dickinson; Anji Jorstad; Steve Ewing; Marcus Tageant
Subject: AirBnBs in Lake Stevens

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To whom it may concern:

I recently had a discussion with a friend of mine and the subject of Airbnb's came up. As someone who was displaced from his home for an extended period of time, this hit close to home.

Late spring, early summer of 2022, my fiancé and I were displaced from our home due to a water pipe burst from the previous winter's frost. In leaving our home, we searched out Airbnb's to stay at to keep us in Lake Stevens to keep our lives as normal as possible. We utilized no less than a half dozen different Airbnb's around Lake Stevens and can't even imagine what we would have had to deal with if those weren't available, as the time frame for our job getting completed was constantly shifting and moving by days, weeks, and months. The Airbnb's were an essential service that we utilized to its fullest extent and couldn't be happier about it.

As a real estate agent, I know the value of services such as this and as a homeowner even more so. Airbnb's around Lake Stevens were busy all summer long due to tourism and people like myself that needed it as a stopgap in order to keep us local in our city. Most of these Airbnb's are run very professionally and provide a short-term service for quick visits by people that otherwise would have to stay over in Everett, rent a car, and traverse the trestle every day to come to Lake Stevens, for whatever their particular reason is. In our situation, locking up a month-to-month rental wasn't in the cards since our time table was constantly moving. Utilizing Airbnb's made this much simpler. We also got to witness first-hand the number of tourists that come to Lake Stevens from late spring through early fall visiting the city and staying in these accommodations. If you get rid of Airbnb's, my question is, how do you suggest that this shortfall will be covered?

While I understand the need for rules and guidelines that these rentals need to adhere to, I think the idea of eliminating them will adversely affect Lake Stevens, its residents, and potential tourists.

Thank you for your time and consideration.

Mark Pellegrino

Real Estate Broker

Windermere Bellevue Commons



[206-255-9799](tel:206-255-9799) Cell / [425-462-8000](tel:425-462-8000) Office / [425-450-2600](tel:425-450-2600) Fax
markp@windermere.com

AGENDA



Short-Term Rental Subcommittee

DATE: December 12, 2022

LOCATION: The Mill (Sawyers Room) – 1808 Main Street

TIME: 5:30 pm

INTRODUCTIONS

DISCUSSION

- Ground Rules
- Growth Management Act / Lake Stevens Comprehensive Plan
- Project Background
- Project Goals
- Group Discussion

NEXT STEPS

- Next Meeting
- Comparison of other cities' codes

AGENDA



Short-Term Rental Subcommittee

DATE: January 9, 2023

LOCATION: The Mill (Sawyers Room) – 1808 Main Street

TIME: 5:30 pm

MEETING 1 RECAP

- Project goal should be to protect home values, affordability and neighborhood character to maintain the non-commercial atmosphere and corporate owned-STRs. Committee members agreed that un-hosted short-term rentals constitute a commercial use, while hosted rentals are a compatible residential use
- Preference for owner-occupied units
- There was consensus that large gatherings such as weddings should not be permitted within a short-term rental.
- Following the meeting, staff sent out a few articles related to the management of short-term rentals.

DISCUSSION

- Review comparison table of regulations from other jurisdictions
- Review outline, purpose statement and definitions
- Questions for discussion
 1. How much of the year should the owner live at the residence to be able to operate an STR as hosted?
 2. What permit process should STRs use to determine notice to neighbors? Annual license or permit?
 3. Should there be limits on the number of bedrooms rented, number of occupants or square footage rented?

NEXT STEPS

- Draft Short Term Rental Code

ATTACHMENTS

Attachment 1 Comparison table

Attachment 2 Code outline with purpose statement and definitions

Attachment 3 Recent public comments

AGENDA



Short-Term Rental Subcommittee

DATE: January 23, 2023

LOCATION: The Mill (Sawyers Room) – 1808 Main Street

TIME: 5:30 pm

MEETING 2 RECAP

- Reviewed definitions and code outline
- General preference for owner-occupied units, though more discussion was had about unoccupied units than at the previous meeting
- General consensus that an owner must occupy the site as their primary residence for at least 240 days per year to be considered a hosted rental

DISCUSSION

- Review STR Draft Code, including definitions
 1. Should unhosted rentals be allowed?
 2. If so, is the Type II permit process (with public noticing) sufficient?
 3. How far away (i.e., in miles) can an owner's primary residence be from the STR while still maintaining the hosted designation?

NEXT STEPS

- Refine Code Draft at Final Meeting

ATTACHMENTS

Attachment 1 Draft Code

Public Comments

AGENDA



Short-Term Rental Subcommittee

DATE: February 1, 2023

LOCATION: The Mill (Sawyers Room) – 1808 Main Street

TIME: 5:30 pm

MEETING 3 RECAP

- Reviewed first draft of code, including several alternatives. The group discussed:
 1. If ‘unhosted’ rentals should be allowed at all
 2. Safety self-certification vs. staff inspection
 3. Amending the definition of a hosted STR to include a 24/7 contact within 10 miles
- Committee members agreed near unanimously on the following items:
 1. The definition of hosted should be changed to include a 24/7 contact within 10 miles
 2. The ‘unhosted’ definition should be removed
 3. Self-certification for safety with documentation (e.g., photos)
 4. Reference penalty for fraudulent or otherwise misrepresented applications

PUBLIC COMMENTS SUMMARY

- Staff has received comments from a total of 27 unique commenters, to date
- Of those, 9 were in favor of un-hosted rentals and 18 were not in favor
- All comments received since December 12 were included in agenda packets

DISCUSSION

- Public Comments Summary
- Final STR Draft Code as reviewed by the city attorney
 - Re-organized and condensed some sections for overall clarity
 - New modifications section – LSMC 14.44.064
 - Removed language requiring 8.5 x 11 poster on site and replaced with notice to adjacent properties
 - Optional cap on number of STRs – recommend just the separation requirement
- Select a spokesperson for Planning Commission & City Council

NEXT STEPS

- Planning Commission De-brief (February 15, 2023)
- City Council De-brief (TBD)

ATTACHMENTS

Attachment 1 Draft Code

Attachment 2 Public Comment Summary

Attachment 3 Recent Public Comments

PLANNING COMMISSION STAFF REPORT



Agenda Date: 2/15/2023

Subject: Shoreline Master Program

Contact Person/Department: Russ Wright, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Hold the final public hearing, take public testimony and provide a recommendation to the City Council to approve proposed amendments to the Lake Stevens Shoreline Master Program (SMP).

SUMMARY/BACKGROUND:

The city's [Shoreline Master Program](#) (SMP) regulates uses and development standards along Lake Stevens and other waters of the state. The city adopted its first SMP in 2013 (Ordinance 889) following a several year process, and completed a mandatory periodic review in 2019 via Ordinance 1057.

Chapter 2 of the SMP identifies the city's shoreline environment designations, which are illustrated in the [shoreline designations map](#) and provide a means of adapting broad policies to shoreline sub-units. The majority of areas along Lake Stevens are designated Shoreline Residential, which coincides with the city's Waterfront Residential (WR) zoning district as established by [LSMC 14.36.010\(a\)\(2\)](#) and "is designed primarily to accommodate single-family detached residential uses at medium densities of six to seven dwelling units per net buildable acre."

The city adopted infill housing regulations ([Chapter 14.46 LSMC](#)) via Ordinance 1081 to allow small-scale multifamily residential (MFR) development (triplexes, fourplexes, and garden/courtyard apartments) in the majority of the city's residential zoning districts. The city formed a Waterfront Residential Task Force (WRTF) in July 2020 to consider expanding infill housing options to the WR zoning district. The majority opinion of the

WRTF was to limit residential development in the WR zone to detached single-family residences and duplexes, which both the Planning Commission and City Council affirmed.

PROPOSED SMP AMENDMENTS

The primary changes are minor in nature and ensure the shoreline master program and development regulations remain consistent in accordance with WAC 173-26-090(3)(b)(ii).

- The SMP includes several references to MFR development being either a permitted use or a predominant land use type within the Shoreline Residential designation, which conflicts with the zoning code regulations for the WR zone.
- The SMP also references an outdated version of the city's Critical Areas Ordinance ([Chapter 14.88 LSMC](#)), adopted as [Ordinance 984](#). The current critical areas regulations did not become effective until approximately three months after the SMP was adopted; however, the city did evaluate the updated critical areas ordinance for consistency with the SMP prior to the adoption of Ordinance 1057, as detailed in Appendix B of the 2019 SMP.

The city is proposing the following amendments to the SMP to provide consistency between the SMP and the Land Use Code, as shown in the exhibit to the ordinance, with changes shown in strikethrough/underline (**Attachment 1**) and summarized in the local review checklist (**Attachment 2**):

- Coversheet: Added new adoption date and ordinance numbers.
- Section 2.C.4.b (page 18): Removed reference to multi-family residential (MFR) as a predominant land use type in the Shoreline Residential designation criteria.
- Section 2.C.4.c.5 (page 19): Removed reference to MFR as a permitted use in the Shoreline Residential management policies.
- Section 3.B.3 (page 24): Update reference to the current Critical Areas Ordinance, to reflect the version adopted by Ordinance 984.
- Section 4.C.3.b.3 (page 53): Removed reference to MFR.
- Section 4.C.3.c.6 (page 54): Removed reference to MFR.
- Section 4.C.3.c.21 (page 56): Removed reference to MFR.
- Section 5.b, Table 2 (page 70-71): remove MFR as a permitted use in the Shoreline Residential designation and delete footnote 13.
- Section 5.C.8.a and b (page 83) Removed references to MFR.
- Section 6 Definitions (pages 98, 105 and 107) Removed references to MFR.
- Section 7.C.1. h (page 121) Removed reference to MFR.

JOINT REVIEW PROCESS WITH DEPARTMENT OF ECOLOGY

For the proposed SMP amendment, the city has opted to use the optional joint review process with the Department of Ecology outlined in the Shoreline Management Act ([Chapter 90.58 RCW](#)) and the SMP Guidelines ([WAC 173-26-104](#)). The joint review process requires a 30-day public comment period, which was initiated by Ecology and runs from November 7 through December 7, 2022. As of December 1, no written comments have been received. The city must also hold a joint public hearing during this period to allow for oral testimony, which is the purpose of the December 7 public hearing.

On November 4, Ecology sent notice of the upcoming public comment period to their list of interested parties, which includes local tribes, local/state/federal agencies, and community and environmental organizations. The city provided public notice via its website and published a notice in the Everett Herald on November 25 and December 2, 2022. The city submitted a 60-day notice of its intent to adopt SMP amendments to the Department of Commerce on October 14, 2022 (ID 2022-S-4458). No comments were received.

Following the optional review process, the Planning Commission and Department of Ecology held a joint hearing on December 7, 2023. After the city received its formal written statement of initial concurrence related to the proposed amendments on January 12, 2023 (**Attachment 3**), it completed its State Environmental Policy Act Review and provided notice of the final hearing with the Planning Commission to satisfy local processing requirements per Chapter 14.16B LSMC. After local adoption, the city will formally submit the SMP amendment to Ecology for a final decision, per WAC [173-26-104](#) and [173-26-110](#).

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Att 1-Ordinance 1156
2. Att 2 - Local Review Checklist
3. Att 3 - Determination of initial concurrence

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 1156

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, ADOPTING FINDINGS; APPROVING MINOR AMENDMENTS TO THE CITY OF LAKE STEVENS SHORELINE MASTER PROGRAM PER CHAPTER 173-26-PART II OF THE WASHINGTON ADMINISTRATIVE CODE (WAC); PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION BY ORDINANCE TITLE, AND AN EFFECTIVE DATE.

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the Shoreline Management Act (SMA) requires the city of Lake Stevens to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the city of Lake Stevens adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of June 14, 2013 and updated on June 11, 2019; and

WHEREAS, the city of Lake Stevens proposes minor amendment to its SMP that reflect changed circumstances and new information for consistency with adopted zoning regulations and to update code references in accordance with WAC 173- 26-090; and

WHEREAS, the city of Lake Stevens consulted with the Department of Ecology during the drafting of the amendments. The city of Lake Stevens worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173- 26-104; and

WHEREAS, the city of Lake Stevens used Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the city of Lake Stevens reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, city of Lake Stevens has provided opportunities for public participation including postings on the city's website, public meetings with the Planning Commission, a formal comment period and legal notices to interested parties and affected jurisdictions in accordance with WAC 173-26-090 and WAC 173-26-104; and

WHEREAS, the city submitted a 60-day notice of its intent to adopt SMP amendments to the Department of Commerce on October 14, 2022 (ID 2022-S-4458)

WHEREAS, the city published a legal notice of Public Hearing in the Everett Daily Herald on November 25 and December 2, 2022, in accordance with WAC 173-26- 090 for the joint hearing with the Department of Ecology on December 7, 2023, to allow public testimony on the proposed amend Lake Stevens's Shoreline Master Program; and

WHEREAS, the Department of Ecology provided the city with its formal written statement of initial concurrence of the proposed amendments on January 12, 2023; and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared and the city of Lake Stevens SEPA responsible official issued a SEPA Addendum and circulated a copy of the checklist and addendum on January 25, 2023 with an effective date January 27, 2023; and

WHEREAS, the city published a legal notice for the pending Planning Commission and City Council Public Hearings in the Everett Daily Herald on January 30 and February 13, 2023 in accordance with LSMC 14.16B.360; and

WHEREAS, the Lake Stevens Planning Commission held a Public Hearing on February 15, 2023 and recommended approval of the proposed amendments a to the City Council; and

WHEREAS, the Lake Stevens City Council held a Public Hearing on February 28, 2023 and after considering all public comments and evidence, the City Council determined that the proposed amendments comply with all applicable laws and rules; and

WHEREAS, this completes the city's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION 1. The Lake Stevens City Council hereby adopts the above recitals as findings in support of this ordinance and approves the minor amendments to the Lake Stevens Shoreline Master Program **as set forth in Exhibit A**, which is attached hereto and incorporated herein by reference.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 28th day of February 2023.

Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

By: _____
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

Greg A. Rubstello, City Attorney

First Reading and Final Reading: February 28, 2023

Published:

Effective Date:

Exhibit A

Lake Stevens 2013 Shoreline Master Program

ECOLOGY APPROVED – May 31, 2013

(Effective Date: June 14, 2013)

Amended 2019 (Ordinance 1057)

Amended 2023 (Ordinance 1156)



City of Lake Stevens
Planning and Community
Development Department
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Lake Stevens, WA 98258



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Seattle, Washington 98101



750 6th Street South
Kirkland, WA 98033



This report was funded in part
through a grant from the
Washington Department of
Ecology.



c. Management Policies

Uses

1. Water-oriented recreational uses should be given priority over nonwater-oriented uses. Water-dependent recreational uses should be given highest priority.
2. Commercial activities enhancing ecological functions or the public's enjoyment of publicly accessible shorelines may be appropriate.
3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
4. Development that hinders natural channel movement in channel migration zones should not be allowed.

Ecological Restoration and Public Access

5. During development and redevelopment, all reasonable efforts, as determined by the City, should be taken to restore ecological functions.
6. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.
7. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

4. "Shoreline Residential" (SR) Environment

a. Purpose

The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with this SMP. An additional purpose is to provide appropriate community access and recreational uses.

b. Designation Criteria

A "Shoreline Residential" environment designation will be assigned to City of Lake Stevens' shorelands if they are predominantly single-family ~~or multifamily~~ residential development or are planned for residential development.

c. Management Policies

Uses

1. Water-oriented recreational uses should be allowed.
2. New residential development should be supported by adequate land area and services.

3. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.
4. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
5. New ~~multi-family development and new~~ subdivisions of land into more than four parcels shall provide public access, which could include benches for viewing in a public right of way, community access, or similar types of public access.
6. New residential development should be located and designed so that future shoreline stabilization is not needed.
7. Maintenance or repair of existing development should be allowed, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

5. "Aquatic" Environment

a. Purpose

The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

b. Designation Criteria

An "Aquatic" environment designation will be assigned to shoreline areas waterward of the ordinary high-water mark.

c. Management Policies

1. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
4. Provisions for the "Aquatic" environment should be directed towards maintaining and restoring habitat for aquatic species.
5. Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed except where necessary to achieve Shoreline Management Act



4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit) as well as the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be included in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

3. Critical Areas

Critical areas in shoreline jurisdiction are regulated by Appendix B of this SMP. The regulations in Appendix B: Critical Areas Regulations Within Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations. The provisions of the Critical Areas Regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. Critical areas outside shoreline jurisdiction are regulated by the City's Critical Areas Regulations, Chapter 14.88 LSMC (Ordinance 741 effective May 8, 2007 and amended ~~by Ordinance 773 effective April 21, 2008~~ most recently by Ordinance 984, effective September 26, 2019).

4. Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction that are not within the jurisdiction of the Critical Areas Regulations as addressed in Section B.3 above.

b. Policies

1. In implementing this SMP, the City should take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.

3. Over-Water Structures - Including Piers and Docks, Floats, and Boardwalks

a. Applicability

Over-water structures for moorage, boat-related, float plane-related, and other direct water-dependent uses or development, including docks, piers, boat launches, and swimming/diving platforms, inflatable recreational equipment, as well as public access boardwalks, fishing piers, and viewpoints, in shoreline areas shall be subject to the following policies and regulations. All over-water structures shall also conform to all applicable state and federal requirements.

b. Policies

1. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft (including float planes).
2. New moorage, excluding docks accessory to single-family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use. To demonstrate “need”, the applicant shall provide a statement that clearly shows the intent to provide for a water-dependent or public access use as well as the provision of all other services and support (e.g. utilities, access, etc.) needed for the intended use.
3. To minimize continued proliferation of individual private moorage, reduce the amount of over-water and in-water structures, and reduce potential long-term impacts associated with those structures, shared moorage facilities are preferred over single-user moorage. New subdivisions of more than two (2) lots ~~and new multi-family development of more than two (2) dwelling units~~ should provide shared moorage.
4. Docks, piers, and other water-dependent use developments including those accessory to single-family residences, should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.
5. Moorage and other water-dependent use developments should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.
6. Moorage and other water-dependent use developments should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of over-water structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.
7. Moorage and other water-dependent use developments should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.



c. Regulations

General Regulations for Private and Public Structures

1. All new, reconstructed, repaired, or modified over-water structures shall be allowed only in support of an allowed water-dependent use and must comply with all other regulations as stipulated by State and Federal agencies. Non-water-dependent uses may use a dock constructed for a water-dependent use as long as they do not impede the water-dependent use. Over-water structures built solely for the purpose of a non-water-dependent use are prohibited.
2. All moorage and other over-water structures shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
3. Proposed private over-water structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a shoreline variance. (See Chapter 7 Section E.)
4. No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the waterbody, protrude more than three (3) feet above the OHWM. Temporary cabanas without a permanent frame may be allowed. Temporary structures are allowed for only five months of the year (May 1 – September 30).
5. Docks, piers, and other developments for water-dependent uses shall be located at least ten (10) feet from the extended side property lines (extended at the same angle as the property line on shore), except for joint use structures. Where a ten (10) foot setback is not feasible, as determined by the Shoreline Administrator, a five (5) foot setback from the side property line may be permitted. All over-water structures shall be configured to minimize interference with rights of navigation.
6. No residential use may occur over water, including houseboats, live-aboards, or other single-~~or multi~~-family dwelling units.
7. All floats, ells, fingers, and lifts must be at least 30 feet waterward of the OHWM.

Exception: For docks shorter than 50 feet, the Shoreline Administrator may make an administrative exception to allow lifts within the first 30 feet if the applicant submits a specific request, reason for the request and documentation of the dock dimensions and proposed locations for lifts.

8. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
9. Skirting that extends to the water is not permitted on any structure except to contain or protect floatation material.
10. All piers, docks, and similar structures shall at no time rest on the lake substrate.
11. All over-water structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
12. Lighting associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies except for motion-detector lights. Illumination levels shall be the minimum necessary for safety. All lights, except motion-



21. A new private pier or dock may be permitted on lots owned for residential or for private recreational use, provided:
 - a. The applicant has demonstrated a need for moorage.
Exception: Docks accessory to a single-family residence are allowed without requiring a demonstrated need (WAC 173-26-231(3)(b))).
 - b. No more than one (1) pier is permitted for each single-family residence or private recreational lot not used for commercial purposes.
 - c. On waterfront lots subdivided to create additional waterfront lots, ^{or} upland lots with waterfront access rights, ~~or lots with waterfront multi-family development,~~ joint-use piers shall be required.
22. A new, joint-use pier may be permitted on a community recreation lot shared by a number of waterfront or upland lots provided the applicant has demonstrated a need for moorage or other allowed water-dependent use or in the case of single-family residences, no demonstrated need is required.
23. New floating docks located within the first 30 feet of shoreline, measured waterward of the OHWM, are prohibited except where the float is located in water at least six (6) feet in depth, measured from the OHWM. Piers that terminate in a waterward float are allowed; provided that the landward edge of the float is over water with a depth of six (6) feet or more, measured from the OHWM, or is at least 30 feet waterward of the OHWM. All float tubs shall be fully encapsulated.
24. Development Standards for New Docks
 - a. Decking: All new docks require decking with a minimum of 40 percent open space within 30 feet of the shoreline. See regulations C.3.c.27 to 29 for dock replacement and repair requirements.
 - b. Piles. Piles shall be either steel, concrete, PVC, untreated wood, or treated wood meeting or exceeding the standards outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in the Aquatic and Sensitive Areas and shall be spaced a minimum of 10 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.



P = May be permitted
 C = May be permitted as a conditional use only
 X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰
 N/A = Not applicable

SHORELINE USE

	Natural	High-Intensity	Urban Conservancy ¹¹	Shoreline Residential	Aquatic ¹²
Forest practices	X	X	X	P ⁸	X
Industrial:					
Water-dependent	X	P	X	X	X
Water-related, water-enjoyment	X	P	X	X	X
Nonwater-oriented	X	P ⁴	X	X	X
In-stream structures	C	C	C	C	C
Mining	X	X	X	X	X
Parking (accessory)	X	P ²	P ²	P ²	X
Parking (primary, including paid)	X	X	X	X	X
Recreation:					
Water-dependent	P ³	P	P	P	P
Water-enjoyment	P ³	P	P	P	X
Nonwater-oriented	X	P ⁴	P ⁴	P	X
Single-family residential	X	X	X	P	X
Multi-family residential	X	P	C¹³	P	X
Land subdivision	P	P	P ⁵	P	X
Signs:					
On premise	X	P	P ⁶	X	X
Off premise	X	X	X	X	X
Public, highway	X	P	P	X	X
Solid waste disposal	X	X	X	X	X
Transportation:					
Water-dependent	X	P	P	C	P
Nonwater-dependent	X	P	C	C	C ⁷
Roads, railroads	C ⁷	P	P ⁷	P	C ⁷
Private non-commercial float plane landing and mooring facilities on Lake Stevens	X	X	X	X	P
Utilities (primary)	C ⁷	P ¹⁵	P ⁷	P ⁷	C ^{7, 16}
Uses not otherwise listed	C	C	C	C	C

Use Matrix Notes:

1. Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.

2. *Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the Shoreline Administrator.*
3. *Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.*
4. *Nonwater-oriented uses may be allowed as a permitted use where the Shoreline Administrator determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.*
5. *Land division is only allowed where the Shoreline Administrator determines that it is for a public purpose.*
6. *Signs are allowed for public facilities only.*
7. *Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the Shoreline Administrator, and all significant adverse impacts are mitigated.*
8. *Forest practices for Class IV Conversion is allowed pursuant to Chapter 76.09 RCW Forest Practices.*
9. *Agricultural activities existing at the time of adoption of this SMP only.*
10. *For the treatment of existing nonconforming development, see Chapter 7 Section G.*
11. *Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.*
12. *Except for the water-dependent uses, uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.*
13. ~~*Multifamily residences may be allowed as part of a mix of uses, provided public access and ecological restoration are included as part of the project.*~~
14. *No new marinas allowed. See Chapter 5 Section C.3 for specific boating facilities regulations.*
15. *See Chapter 5 Section C.10 for specific regulations for utilities.*
16. *Publicly owned and operated aerators are allowed in the aquatic environment without a conditional use permit.*

restoration or public access plans indicate opportunities exist for these improvements, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new nonwater-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and, in the case of public developments, public access. The Shoreline Administrator shall consult the provisions of this SMP and determine the applicability and extent of ecological restoration and public access required.

4. Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.
5. See Chapter 3 Section 12.c.6-7 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.

8. Residential Development

a. Applicability

Residential development means one or more buildings or structures, which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes, ~~multi-family residences~~, mobile home parks, residential subdivisions, residential short subdivisions, and planned residential development, together with normal appurtenances common to a single-family residence pursuant to WAC 173-27-040(2)(g). Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

b. Policies

1. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes ~~multifamily development~~ and the creation of new residential lots through land division. (WAC 173-26-241(3)(j)).
2. Residential development should be prohibited in critical areas including, but not limited to wetlands, steep slopes, floodways, and buffers.
3. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.
4. Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore



- Critical Areas Definition – A wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.

Buffer or buffer area. Areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

Buffer management. An activity proposed by a public agency, public utility, or private entity, and approved by the Planning and Community Development Director, within a buffer required by this title, that is proposed to:

- (1) Reduce or eliminate a verified public safety hazard;
- (2) Maintain or enhance wildlife habitat diversity; or
- (3) Maintain or enhance a fishery or other function of stream, wetland, or terrestrial ecosystems.

Building height. The vertical distance measured from the mean elevation of the finished grade around the perimeter of the building to the highest point of the building.

Building Setback. An area in which structures, including but not limited to sheds, homes, buildings, and awnings shall not be permitted within, or allowed to project into. It is measured horizontally upland from and perpendicular to the ordinary high water mark.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stock watering channels.

Channel Migration Zone (CMZ). The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For locations of CMZ, refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report.

City. The City of Lake Stevens, Washington.

Classes, wetland. The wetland taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).

Clearing. The destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

Community Access. A physical or visual approach to the shoreline available only to authorized users of a development, not the general public.

Community Dock. A shared over-water structure built for a residential subdivision ~~or multi-family development~~ to provide water-dependent activities, including multiple slips for moorage of one boat per

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal or adverse impacts to critical areas or sensitive resources, including the following, which are listed in the order of sequence priority, with (a) being top priority.

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations.
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage facility. Any device or structure used to secure a boat, float plane or a vessel, including piers, docks, piles, lift stations or buoys.

Moorage pile. A permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

~~*Multi-family dwelling (or residence).* A building containing three or more dwelling units, including but not limited to townhouses, apartments and condominiums.~~

Must. A mandate; the action is required.

Native growth protection areas (NGPA). Areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native plants or native vegetation. These are plant species indigenous to the Puget Sound region that could occur or could have occurred naturally on the site, which are or were indigenous to the area in question.

Natural resource lands. Agriculture, forest, and mineral resource lands as defined in this chapter.

Nonconforming development or nonconforming structure. An existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Nonconforming lot. A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

Nonconforming use. An existing shoreline use that was lawfully established prior to the effective date of the Shoreline Management Act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

Practicable alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Primary Structure. A structure that is central to the fundamental use of the property and is not accessory to the use of another structure on the property. Examples include a single-family home, ~~multi-family housing~~ or commercial building.

Priority habitats. Areas that support diverse, unique, and/or abundant communities of fish and wildlife, as determined by the Washington Department of Fish and Wildlife Map Products 2006.

Priority species. Wildlife species of concern due to their population status and their sensitivity to habitat alteration.

Provisions. Policies, regulations, standards, guideline criteria or designations.

Public access. Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (WAC 173-26-221(4))

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Public water system. A water system that serves two or more connections.

Qualified professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, archaeology, cultural resources or related field, and two years of related work experience.

- a. A qualified professional for streams, wetlands or other natural habitats must have a degree in biology with professional experience related to the subject critical area, for wetlands this includes delineating wetlands using federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.
- b. A qualified professional for geologically hazardous areas must be a professional geotechnical engineer or geologist, licensed by the state of Washington.
- c. A qualified professional for cultural resources must have a degree in archaeology or cultural resources and professional experience related to their discipline of expertise.

RCW. Revised Code of Washington.

Re-establishment, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

- g. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high-water mark;
- h. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family ~~and multiple-family~~ residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed: (A) twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) ten thousand dollars for all other docks. However, but if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development;
- i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
- j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- l. Any project with a certification from the governor pursuant to Chapter 80.50 RCW;
- m. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if specific provisions are met;
- n. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;
- o. Watershed restoration projects as defined in WAC 173-27-040(o) and included in Chapter 6 of this SMP. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section; or
- p. A public or private project that is designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.

Part Two: Local review amendments

Part Two is used to demonstrate compliance with WAC 173-26-090(2)(d)(ii). This checklist identifies changes to the local comprehensive plans or development regulations, changes in local circumstances, new information or improved data that may warrant an SMP amendment during periodic reviews.

Changes to Comprehensive Plan and Development regulations

Question	Answer		Discussion
Have you had Comprehensive Plan amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	☐	Yes	The city has not had any applicable Comprehensive Plan amendments, but does recognize the SMP as an ancillary document to the SMP. As such, the proposed SMP amendments have been referenced in the city's 2022 annual Comp Plan docket and the city will be soliciting public comments during November 2022 public hearings.
	☒	No	
Have you had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	☒	Yes	The city adopted infill housing regulations (Chapter 14.46 LSMC) via Ordinance 1081 in 2020 that specifically allowed small MFR projects (triplexes, fourplexes, etc.) in residential zones, with the exception of the city's Waterfront Residential zoning district, which coincides with the Shoreline Residential SMP designation. The proposed SMP amendment would provide consistency between the SMP and zoning code by removing all references to MFR development as a permitted use in the Shoreline Residential designation.
	☐	No	
Has your Critical Areas Ordinance (CAO) been updated since the SMP comprehensive update? If yes, are there changes that trigger need for an SMP amendment?	☒	Yes	The city's CAO (Chapter 14.88 LSMC) was updated in September 2019, approximately six months after the SMP was last updated. However, none of those changes are triggering this SMP amendment.
	☐	No	
Are CAO provisions incorporated by reference (with ordinance # and date) into your SMP? If yes, is it the current CAO or a previous version?	☒	Yes	Yes; previous. The CAO has been updated (via Ordinance 984, effective 09/19) since the last SMP update, so that reference will be revised as part of this amendment.
	☐	No	
Has any new shoreline area been annexed into your jurisdiction since your SMP was updated? If yes, were these areas pre-designated?	☒	Yes	The city annexed the remainder of the lakefront areas within SMA jurisdiction of Lake Stevens in August 2021 and a portion of the Machias Industrial Area within SMA jurisdiction of Little Pilchuck Creek in March 2021. Both had shoreline pre-designations, no changes to which are proposed as part of this amendment.
	☐	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP for consistency with amendments to the Comprehensive Plan and Development regulations. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
3.B.3 (p. 24)	Update reference to current Critical Areas Ordinance (CAO).		Provides accurate reference to current CAO.
2.C.4.b (p. 18)	Remove reference to MFR as predominant land use type in Shoreline Residential designation criteria.		Provides consistency between local zoning regulations and SMP regulations, as MFR not a permissible use in WR zone.
2.C.4.c.5 (p. 19)	Remove reference to MFR as permitted use in Shoreline Residential management policies.		Provides consistency between local zoning regulations and SMP regulations, as MFR not permissible use in WR zone.
5.B, Table 2 (p. 70)	Removes MFR as a permitted use in Shoreline Residential designation.		Provides consistency between local zoning regulations and SMP regulations.

Changes to local circumstance, new information, or improved data

Question	Answer		Discussion
Has your jurisdiction experienced any significant events, such as channel migration, major floods or landslides that impacted your shoreline and could trigger a need for an SMP amendment?	☐	Yes	
	☒	No	
Have FEMA floodplain or floodway maps been recently updated for your jurisdiction? If your SMP extends shoreline jurisdiction to the entire 100-year floodplain, has FEMA updated maps that trigger a need for an SMP amendment?	☐	Yes	The FEMA floodplain maps were updated in June 2020, since the city's last periodic update. However, these changes did not trigger this locally initiated amendment.
	☒	No	
Have you issued any formal SMP Administrative Interpretations that could lead to improvements in the SMP?	☐	Yes	
	☒	No	
Are there any Moratoria in place affecting development in the Shoreline?	☐	Yes	
	☒	No	
Have staff identified the need for clarification based on implementation or other changes? e.g., modifications to environment designations, mapping errors, inaccurate internal references.	☐	Yes	
	☒	No	

Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	☐	Yes	This locally initiated amendment seeks to provide consistency between the zoning regulation (which does allow MFR development in shoreline zones) and the SMP (which currently references MFR development as a permitted use in shoreline zones).
	☒	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP to address changes to local circumstances, new information, or improved data. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	NONE PROPOSED IN RESPONSE TO REVIEW/EVALUATION		

Attachment 3

From: [Barney, Stephanie \(ECY\)](#)
To: [Russell Wright](#)
Cc: [Chandler, Jackie \(ECY\)](#)
Subject: Determination of initial concurrence - Lake Stevens locally-initiated SMP amendment
Date: Thursday, January 12, 2023 3:42:45 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your December 20, 2022 initial submittal of amendments to the Lake Stevens Shoreline Master Program (SMP). Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules.

This serves as Ecology's formal written statement of initial concurrence of your proposed amendments.

As described under WAC 173-26-104(4), the next step in the approval process is for your jurisdiction to formally adopt the amendment through resolution or ordinance and send the final SMP submittal for formal agency approval as outlined in WAC [173-26-110](#).

Please let me know if you have questions or concerns.

Stephanie Barney | Regional Shoreline Planner

Shorelands & Environmental Assistance Program | Bellingham Field Office
(360) 296-2103
stephanie.barney@ecy.wa.gov

My work hours: Mon-Thurs 7AM-5:30PM