



**ATTACHMENT No. 1**

112 Second Street  
P.O. Box 366  
Langley, WA 98260  
(360) 221-4246

**City of Langley  
PLANNING ADVISORY BOARD  
PUBLIC HEARING  
MINUTES  
5:30 PM@ JULY 16, 2019  
LANGLEY METHODIST CHURCH  
112 2<sup>nd</sup> Street, Langley WA**

**ATTENDANCE**

Board: Thomas Gill, chair; Burt Beusch; Tucker Stevens; Maralie Johnson; Rhonda Salerno

Regrets: JR Fulton

Staff: Brigid Reynolds, Director of Planning; Jill Needham, Planning Assistant

Council: Bruce Allen, Dominique Emerson and Mayor Tim Callison

Approximately 45 people were in attendance.

**1. Call to Order**

The meeting was called to order at 5:30 pm.

**2. Approve agenda**

The agenda was approved.

**3. Approve minutes of**

The minutes of July 2 were approved.

**4. Discussion Items:**

a. Public Hearing for Ordinance 1058

Thomas Gill opened the Public Hearing at 5:34 PM. Brigid reviewed the staff report and the findings of fact.

Thomas invited comments. Brigid read and summarized the comments she received via email. Written comments were received from Walt Blackford, Steve Trembley, Joyce Riley, and a powerpoint submission from Tom Felvey.

Dr. Shelia Dunn-Merrit of 3390 Fox Spit Rd expressed concern regarding unhosted short term rentals in her neighborhood. She reported feeling hesitant to confront neighbors as they allegedly owned guns. Rhonda Salerno noted that Fox Spit was outside Langley jurisdiction and the ordinance would have no effect on her neighborhood.

Judith Reichenberg recalled her recent experiences with short term rentals along her quiet street as a 22 year resident. Over the past year, she reports the house next door has been utilized as a short term rental. Although she doesn't object to all STRs, she objects to her neighbor's STR due to the steep and secluded drive that can be a challenging to navigate. She recalled that her home occupation application was denied by the City due to the steepness of the driveway. She investigated the property and found that the septic permit was only approved for 2 bedrooms yet was being advertised as a STR for 9 people. She expressed concern about the health of the septic system and who is responsible if it fails. When she reached out to her neighbor, she was told to contact their lawyer. She would like to see more accountability for non-compliant properties and recourse for affected neighbors.

Steve Trembley of 115 4<sup>th</sup> St described the access easement over his property that is shared with his two neighbors. His one neighbor, Fred McCarthy, has operated a STR therefore guests use it to access the property. In the last four days there have been eight people staying there including a dog. This place is not supposed to be rented out. He stated that people on vacation have a more relaxed attitude and this attitude may negatively impact full time residents due to noise, smoking outside, etc. Mr. Trembley believes vacation rentals should not exist for properties with shared easements when those who are party to the easement disapproves. He contends that it is an invasion of privacy and peace of mind and likened it to living next to hotel. Oftentimes the access drive is fully blocked. He is in favor of short-term rentals being illegal altogether.

Leanne Finlay, a real estate agent in Langley, reports that the vacation rentals have become increasingly popular in the last few years, although typically they are only active for 3-4 years as owners seem to burnout. She suggests that properties with steep driveways (such as where the post office refuses to deliver to) should be disqualified. She also suggests that the City not stipulate the number of children per room as that would be a violation of the Fair Housing Act.

Randy Eyer of 106 Park stated he liked the draft regulations but questioned the efficacy of enforcement after reading the draft code. He reiterated there has to be an enforcement program in place.

Brigid responded that the City has contracted with Host Compliance, an outside agency that specializes in STR enforcement. Their data will allow City staff to enforce the code as necessary. A 24-hour hotline will be accessible for anonymous reporting. Penalties will be as high as \$500 per day.

Melissa Sawatsky, spoke regarding her mother Nancy Opfer's properties, 118 and 120 Sunrise Ln. She reports that guests leave excellent reviews and their property manager does a phenomenal job. She claims the beachfront property her family owns draws a lot of tourists who support the local economy. She read a letter from Nancy Opfer describing how she inherited the property and the joy it brings her and why she has chosen to operate a STR. She provided a copy of her written submission to staff.

Sharon Heath of 417 1<sup>st</sup> ST reports being a Langley resident since 2000 and an Airbnb host since 2013. She explained that the space is not appropriate for a long-term rental as it has no kitchen and that they don't serve food. Before renting the space, it was not used often. She mentioned her guests are mostly older couples looking for a genuine homestay experience. Kids are not allowed in their unit. She claims there have been no complaints from neighbors. She states this use is important for the economic stability of the City as we are largely a tourist town. She finds the layers of government requirements unnecessary and has not gone through the permit process as she believes that it does not apply to their unit.

Sue Frause of 189 Brackenwood mentioned she is a longtime Langley resident since 1975 and has been an Airbnb operator for many years. She rents out a unit she refers to as a "bungalow" in the back of her home and there is no kitchen. She reports getting no complaints about the impact of her STR, though she is concerned about Type IV STRs. She expressed concern regarding the amount of government involvement and the high fees. If the ordinance passes as written, she may not continue to operate her STR. Both her and Sharon Heath would like to see less red tape and government intervention.

Fred McCarthy owns the property at 113 4<sup>th</sup> ST. He described his ties to the community being a former mayor of Langley. He does not believe his STR access drive uses Steve Trembley's easement. Instead he claims it is a non-exclusive access easement and that all three property owners have a right to use the driveway. He reports ceasing rentals in March of this year. When he did rent it he received a complaint from the Riley's about their driveway being blocked and he clearly posted where guests could park. He stated that he arrived at his home and found that it had recently been used as a STR, unknown to him. His initial

thought was that squatters had been using the rental, he called 911 and after contacting his property manager it turned out she had scheduled guests without his consent. He placed signage to guide guests to proper parking stalls. He bought the property in 2008 reports it lost 2/3 of its value. In an attempt to recoup the value of the asset, he began renting the unit out using Vacasa STR management company. He applied for a conditional use permit for \$1500, though Hearing Examiner Ted Hunter denied it. He claims he was never refunded the \$300 review fee. Although he tries to be a responsible owner, he feels he paid the price of being an early adopter.

Kathleen Davenny owns 103, 105, 107, and 109 4<sup>th</sup> St. In order to keep the rents for the long-term renters low, she reports she uses the third unit as an STR to offset the costs. Though she does not live on the property, one of her tenants acts as a property manager. She mentioned the tenants also report problems. She wished to raise the point that not all STR owners are doing it for the extra income.

April Sanders of 5291 Coles Rd has been a property manager for 25 years. She mentioned most of her guests are families with kids and they spend thousands in the local economy. She contends B&B rooms as permitted in the current code are not appropriate for families. She suggests using a standardized rental agreement pre-approved by the City. Because of the Fair Housing Act, she believes the City cannot impose a 2 adult and 2 children under 6 per bedroom regulation. She argues that the City should limit the STRs in ADUs as these are the units that can be afforded by workers. She also believes that instead of 1 per owner, it should be increased to 2 per owner. She doesn't believe that properties are going to be purchased as STR investment properties. She questioned the City's ability to limit one STR per owner.

Thomas Gill asked three times if anyone else would like to speak on the matter. Hearing none he closed the public hearing at 7:00 pm

Thomas Gill explained that Council has called a special meeting on July 29 for the purpose of considering 1<sup>st</sup> reading for the STR ordinance and code amendments.

Each PAB member remarked on the public comments they heard.

Tucker Stephens contends that whole homes have the negative issues and that these issues should be addressed. He noted that the PAB has heard from people that they favor hosted STRs and that this is in line with the proposed code. He strongly prefers ADUs/rooms as they preserve the community character better than whole homes. He is not in favor of the parking changes.

Thomas Gill believes the vast majority of people who spoke are generally in favor of the STR code. STRs provide the means to host many people that inns and hotels cannot. He reiterated that enforcement will happen. He understands

concerns and shared that this issue had been happening in his own neighborhood. He also notes that three neighbors had a STR and they are now LTR.

Rhonda Salerno believes the \$450 fee should be lowered for Type I STRs, although Council may disagree. She notes that we've been talking about this for a long time and we've heard from a lot of people. She is eager to hear about Tucker Stephen's thoughts on the new parking requirements.

Maralie Johnson defended the higher fees as we need a system to regulate the use and we need to be able to pay for the regulation and enforcement. STR operators should pay for the regulation not all tax payers. She believes since most businesses here have greater revenues in the summer, STRs should be no different so operators need to be aware of this. She notes that the PAB has heard from people that this use needs to be regulated and that the PAB has tried to do its best.

Burt Beusch is in favor of leveling the playing field among accommodation operators so the taxes can be collected and used to enhance the local economy. He notes that the PAB has put a lot of energy into this work. He stated that it's important that we have a method for monitoring operators and that they pay their fees and taxes. He is aware of the concern that the City can get overwhelmed with tourists and STRs but also this use contributes to our vibrant tourist and local economy. He doesn't believe we should put limits on the number of STRs that any one owner operates because we don't limit ownership of other businesses. He notes that the taxes generated will enhance what we love about Langley.

Rhonda Salerno asked there is a process to grant a variance regarding the number of STRs one owner might be able to operate. Brigid didn't think this would qualify for a variance. Rhonda also noted that someone could build and ADU, live in it and rent out the whole home as a STR.

Rhonda Salerno moved that PAB recommend approval of the draft code, ordinance and findings of facts to Council. Maralie Johnson seconded.

Tucker stated he is not in favor of the new parking requirements as he believes that it would encourage new parking to be created and front yards turned into parking lots. Thomas explained the new parking code in detail and clarified that Type I STRs renting out 2 bedrooms would need 2 parking stalls, as sometimes the rooms rented are two different rooms rented to two different parties. Brigid clarified that one can rent/lease parking stalls within 800 feet of the subject property to meet the parking code requirements.

The motion passed with Maralie, Thomas, Tucker, and Rhonda voting in favor and Burt opposed the motion.

**5. New Business**

There was no new business.

**6. Citizen comments**

There were no citizen comments.

**7. Announcements**

There were no announcements

**8. Adjourn**

The meeting was adjourned at 7:24

**9. Next Regular Meeting:**

The next meeting is scheduled for August 7, 2019.