

Ben Rough

From: Bill Pope <mazamabill@gmail.com>
Sent: Saturday, July 11, 2015 12:38 PM
To: Ben Rough; Perry Huston
Cc: John Hayes; Ray L. Campbell; Brian Charlton; Central Reservations
Subject: Zoning changes?

Ben and Perry:

I have seen some of the drafts of proposed changes to the zoning code. There are really three that I am most concerned about, which are (a) the addition of a right to build an accessory dwelling unit on nonconforming lots, (b) the elimination of any limitations or restrictions on an "accessory" dwelling unit, and (c) the addition of a "right" to have a nightly rental (or rentals) on any lot in any zone.

I also have a concern about the effects of these changes on the whole notion of a "planned development", which is a tool that has been crucial to intelligent planning and development in Mazama and elsewhere. If your intent is to effectively double the density of RRD and LDRD zones by allowing two dwelling units of any size on every lot, including nonconforming lots (many less than one acre in size), and then also allow every such structure to be rented as a nightly rental, then you are effectively pulling the rug out from under the PD concept. There is no reason for a developer to agree to clustering or any of the other requirements if he can already double the density and rent all the structures without a PD.

I do note that despite your changes, you have decided to maintain a definition of "commercial". Pursuant to that definition, any tourist accommodation of any sort is clearly "commercial". I believe this is the correct way to look at nightly rentals. They are really no different than one unit hotels or motels, and yet you continue to keep hotels, inns and motels out of these primarily residential zones. (Not sure why you think "Guest Ranches" belong in these zones. There is no definition that distinguishes a "guest ranch" from an inn or lodge.) I realize that a nightly rental 'OOKS like a residence in most cases, but it is certainly commercial.

You also continue to place restrictions on B&Bs that require them to be owner-occupied and to provide no kitchen facilities to their guests. B&Bs are the one form of tourist accommodations that have historically been permitted in virtually all zones, including "residential" zones, and that is because of the requirement that the owner must be in residence. A B&B is more like a real residence, where an owner is present to deal with issues that may arise with guests. Remove the owner, it is no longer a B&B. I think the policy that underlies this requirement is equally applicable to nightly rentals.

However, if the County is committed to allowing nightly rentals OUTSIDE of planned developments, then it should be a "conditional use" only and should require the owner to satisfy certain criteria and obtain a renewal each year, just like nightly rentals within PDs today. If you go back 20 years, we actually did address this issue in OCC 17.14.115. In essence, that statute (which sunsetted in 1995) provided a CUP process and imposed certain requirements to protect the neighbors and the traveling public. Unless a CUP process is in place, there is no way to assure that the owners of rental properties will seek Public Health approval or pay the hotel/motel taxes that are due. In fact, as a condition of obtain a CUP, an owner who has been operating a nightly rental illegally should be required to make good on all the taxes he or she should have paid. Anything else creates an unfair burden on those of us who have complied with the law up to now.

I should also point out that opening up all residential neighborhoods to commercial tourist accommodations will hurt all of the existing hotels, motels, inns, guest ranches, and nightly rental owners. We are in competition every day with illegal nightly rentals. (When I say "illegal", I mean that they are not in full compliance with County code.) Because these owners do not have the expenses of employees, taxes, commercial insurance coverage, health department compliance,

and other costs the rest of us bear, they can drive down the market price of accommodations to the point of making it uneconomic for the rest of us. After all, many of these scofflaws are just trying to amortize the cost of their dream cabins in the Methow, so they aren't really concerned about covering their "expenses". Anything they can earn on their cabins is a bonus. If this illegal activity continues or accelerates, it can only result in a race to the bottom, both in prices and in service.

I realize the County is dealing with an explosion of online rentals, but that is not a good reason to simply give up on the notion of regulating them. I would urge you to work with the lodging industry to make sure that all tourist accommodations, including nightly rentals (whether rented online or through Methow-based reservation services), are properly regulated and pay their taxes.

Thanks.

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