

**BADERTSCHER, SHERRIE**

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**From:** MCLEOD, RENATA  
**Sent:** Tuesday, November 1, 2022 10:58 AM  
**To:** HOLM, SEAN; PATTERSON, HILARY  
**Cc:** BADERTSCHER, SHERRIE  
**Subject:** FW: trick or treat

fyi

**From:** Jan Marie <jan58marie@gmail.com>  
**Sent:** Monday, October 31, 2022 5:40 PM  
**To:** GOOKIN, DAN <dgookin@cdaid.org>; HAMMOND, JIM <jhammond@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; MCLEOD, RENATA <RENATA@cdaid.org>; EVANS, AMY <aevans@cdaid.org>  
**Cc:** impactlighting <impactlighting@roadrunner.com>; sarah grenfell <sarahhegdahl@icloud.com>  
**Subject:** trick or treat

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Just an observation~ There are 4 EMPTY houses on our block that have no one home to hand out candy for Halloween! So Sad! BECAUSE THEY ARE VACATION RENTALS!

Just another tradition stripped because of STR's!!

With Kind Regards,

Jan Marie

**BADERTSCHER, SHERRIE**

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**From:** carol sego <csego2004@yahoo.com>  
**Sent:** Tuesday, November 1, 2022 8:10 PM  
**To:** HAMMOND, JIM  
**Subject:** STR Regulations  
**Attachments:** City Council.docx

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Dear Mr. Mayor,

We wanted to share with you our letter to City Council Members regarding the current discussions and evaluation of regulations effecting Short Term Rentals in our city. Thank you in advance for your review and consideration of our concerns.

Sincerely,

James and Carol Sego

## **BADERTSCHER, SHERRIE**

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**From:** carol sego <csego2004@yahoo.com>  
**Sent:** Tuesday, November 1, 2022 8:16 PM  
**To:** PlanningDiv  
**Subject:** Short Term Rental Regulations  
**Attachments:** City Council.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom it May Concern:

Please find attached our letter to City Council Members regarding the current discussions and evaluations of regulations effecting short term rentals in the city. Thank you in advance for your review and consideration of our concerns as it relates to city planning.

Kind regards,

Carol and James Segο

Dear City Council Members:

We are Carol and James Segó writing to you as owners of a fully compliant STR, and members of the CDA – Vacation Rental Alliance, to express our concerns on the current topic of regulations under consideration by the City. We first came to CDA on a vacation 10 years ago, while living in Illinois. We fell in love with the gorgeous lake and surrounding mountains, the town and its people very quickly! We decided to move here 8 years ago, and bought a charming vintage home, built in 1917, in the Garden District. We love the downtown location with it being an easy walk to the lake, restaurants and more.

While living in the home over the past 8 years, we have invested a lot of time, hard work, and money into making improvements and remodeling this home to make our vision for it come to life. We love and take pride in this city and in our home. It is that love and pride that lead us to make the decision a couple of years ago to work towards offering our home to vacationers as a short-term rental. It took another year and a half of concentrated work doing more remodeling and upgrading, adding safety precautions, and preparing the home for guests.

We love Coeur d'Alene and want vacationers to have the best possible experience while visiting. Our rental offers things that can't be found in a hotel such as a charming front porch with a swing and other seating where guests can watch the neighborhood go by, indoor and outdoor dining tables with an outdoor grill built in beautiful stonework with lighting, and a fully stocked kitchen with equipment for making meals. We have games for kids and families to play, and comfortable outdoor furniture situated on a newly built deck under a big shade tree. We also have a hot tub in the fenced in backyard. Our guests have commented in their reviews how much they loved the outdoor spaces on the property, and the beauty of the home.

Our home first opened as an STR, with the appropriate license from the city, beginning in June of 2022. Every rental party so far has taken great care of our property, and have all left 5 star reviews. They have mentioned the beauty of the street, and that it was a safe neighborhood in a great location close to everything downtown. I have no doubt that each of our guests would say that our rental home, and others like it, enhance the integrity of our beautiful city! We invite you to view our listing and see what you think.

[www.vrbo.com](http://www.vrbo.com) [Downtown 3 Story Home with Hot Tub! Easy walk to lake!](#)

Our rental property is a tri-level 3-bedroom home with a maximum occupancy of 6 people. The last thing we want to happen is to have renters who do not take care of the property or pose a problem in the neighborhood. We use several strategies to try to avoid bad renters. Those strategies include a minimum stay of 3 nights, pricing, vetting potential guests, and

requiring guests to sign our very detailed STR Agreement. Among other things, the contract explicitly states the following house rules: no parties or events, no pets, no smoking, illegal drugs or other substances, no fireworks or firearms, and must observe quiet hours from 10:00 p.m. until 8:00 a.m. We do not offer instant booking, so we have 24 hours to decide if a potential rental party is suitable for our property. We also require the renter to either put up a \$700 damage deposit or buy a low cost insurance policy, which can be bought for less than \$100. All of these measures combined means the people that want to come and party for a night or two are not interested in our property, and that's the way we want it.

We understand that the city has concerns about parking and congestion. When we were living in our city home full time, we parked our 2 cars on the street in front of the home. We haven't had any rental parties with more than one car. Many homes downtown do not have garages or driveways, and the homeowners park on the street. It is evident to everyone living in CDA that the population has grown significantly over the past 3 years. More residents has lead to more traffic and more cars being parked on city streets, particularly downtown, because it's such a popular area, for work, dining, and play. There are many concerned citizens who would like to know how you have made your assessment that the parking problems and congestion are a result of the number of STR's. Please explain how the fact finders determined which cars parked on city streets downtown or elsewhere belonged to STR guests, which cars belonged to hotel guests, and those vehicles that belonged to CDA residents who have come downtown to enjoy the area, or to work. It would be helpful if you presented the facts gathered that you used to reach your conclusions, so we could all understand the process used.

There was some discussion by Council members about requiring STR owners who operate in a residential neighborhood to reside on the premises for a certain number of days per year, thereby eliminating owners who do not live in CDA. On August 22, 2022, the United States Court of Appeals for the Fifth Circuit, in *Hingell-Stark v. City of New Orleans*, held that the residency requirement for STR violated the dormant commerce clause and was thereby unconstitutional. It was discriminatory against interstate commerce on its face. Likewise, *Zaatari v. City of Austin*, Appeal no. 03-17-00812-CV on 11/27/19 Third Court of Appeals invalidated the City of Austin's ban on short-term rentals by owners who do not claim a home as a homestead.

There was also some discussion about banning commercial business in a residential zone. In *Houston v. Wilson Mesa Ranch Homeowners Assoc. Inc.*, the Colorado Court of Appeals held that STR did not violate a covenant prohibiting commercial use of a unit. Renting is not considered "commercial use" of the unit. The Court also reviewed case law from other states reasoning that so long as property is used for living purposes it "does not cease being residential." Idaho law takes that view as well.

We believe that by identifying and eliminating the non-licensed STR's, imposing a 2 night minimum stay requirement, not issuing any STR business licenses for first time applicants until the number is more desirable, and by regulating a maximum occupancy number based

on the number of bedrooms in a unit, the City would be taking very effective and fair measures in moving towards its intended goals. Punishing licensed, compliant STR owners in order to make up for the lack of planning and monitoring in the past will create more problems and does not protect the rights of private property owners. Property ownership includes the right to gain income from the property. A lottery system would unjustly take away some property owners rights, by effectively banning them from utilizing their source of income, in direct conflict with **The Right to Earn a Living Act** (alec.org). Peg and David Schroeder, a North Carolina couple who own an STR found themselves in that exact situation after they were not selected in a lottery system designed to decide who could rent their properties. They filed a lawsuit challenging the City of Wilmington's Ordinance imposing a 2% cap on vacation-rental properties and requiring a 400-foot separation between vacation rentals. The N.C. Court of Appeals affirmed a lower-court ruling blocking Wilmington from using a registration scheme to limit ownership of short-term rental properties. **The Appellate Court's decision eliminates the registration, the need to obtain a permit to rent, the lottery, and the cap-end separation limitation.**

Property is the foundation of all rights, including the right to be free! Property ownership includes the right to gain income from property. The National Association of Realtor's policy proposals on Property Rights is often referenced and discussed and reads:

***"Governments shall not arbitrarily infringe on the basic right of the individual to acquire, possess and freely transfer real property, and shall protect private property rights as referred to in the 5<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution."***

These Amendments prohibit others from the "taking away" of these rights.

We sincerely thank you for the time, effort and consideration that you give to these important issues, and for listening to public comments regarding the same. We trust that the city will derive possible solutions aimed at reaching your goals without taking away private property owners rights, thereby optimizing the good for our city that comes from responsibly owned and operated STR properties.

Very truly yours,

James and Carol Sego  
630-701-8801 (James)  
[segoja2000@yahoo.com](mailto:segoja2000@yahoo.com) (James)

[csego2004@yahoo.com](mailto:csego2004@yahoo.com) (Carol)

**BADERTSCHER, SHERRIE**

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**From:** Stephanie Berl <smzberl@gmail.com>  
**Sent:** Friday, November 4, 2022 1:22 PM  
**To:** HAMMOND, JIM  
**Subject:** Thank you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

**Dear Mayor Hammond,**

**Thank you so much for having the workshop meeting for STR public comments on Monday October 22, 2022. We really appreciate your listening to our views and input. We are very thankful for your willingness to come up with the best solution.**

**Please consider allowing the original STR licensees to be grandfathered in. We realize the number of licenses has doubled in this past year since you started the commission to modify the present STR ordinance. We have been a licensee for two ½ years and have followed the rules. Please, please consider grandfathering us in. We realize grandfathering in was not even an option, but please let it back in and let the council decide. It wasn't even brought up as an option.**

**You could consider grandfathering all those who were licensed before you started to consider a change to the ordinance, or a cutoff with 2022.**

**Please consider taking off the manager on site as a requirement. This is not possible if you have a single family home that is your STR. You would have to be in the house with your guests or sleep in a tent on the property if you have a single family home STR. We do not have an ADU or room to build one on our lot. Our son is 8 blocks away and is our manager, and can be at our house in 3 minutes. Please consider other options.**

**Another thought on that line would be to require anyone using a management company to have it be one in CDA or a 30 miles radius of CDA so they can respond quickly as opposed to an out of the area management company.**

**Please consider taking off the 300 ft. rule or have it for completely new, never licensed licensees only from now on. We do not have a huge lot, nor do most homes in downtown CDA. 300 feet is huge. Maybe limit the number of STRs to two or three per block. Thank you.**

**Again we want to thank you for allowing public input on this serious matter for STRs owners like ourselves, who are having the rules changed midstream, and could end up being not allowed to get a license. Devastating as it could apply to some of us licensed STR owners and change our lives for the worst.**

**Thank you for your time and consideration. I have also enclosed some questions and ideas for your input. Thank you.**

**Sincerely yours,**

**Lance and Stephanie Berl  
507 S. 13th Street**



