

BOARD OF COUNTY COMMISSIONERS
CHELAN COUNTY, WASHINGTON

RESOLUTION NO. 2020-104

Summary: A resolution continuing the moratorium enacted on August 25, 2020, pursuant to Resolution 2020-86 on the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting of short term rental uses, structures, residences, businesses, lots, zones, buildings.

Whereas, on Tuesday, October 6, 2020, at 10:15 a.m., the Board of Commissioners conducted a public hearing regarding the moratorium and heard and considered the public testimony and information submitted, and

Whereas, the public testimony and information submitted included comments and information from members of the community with varying perspectives, and

Whereas, the public testimony and information submitted at the October 6th public hearing was substantially similar to the public testimony and information submitted to the county via previous and recent public hearings on this topic, and

Whereas, a short term rental is a residential dwelling or portion thereof, either detached or attached, rented out on a nightly basis for less than 30 days to an individual, family, or group of transient guests, is not a permitted hotel or motel, and includes structures, buildings, and residences where the owner or manager is either on site or not, and includes but is not limited to properties that are advertised on internet platforms such as Airbnb and HomeAway, and

Whereas, RCW 64.37.010 defines a short term rental as a lodging use, that is not a hotel, motel, or bed and breakfast, in which a dwelling unit or portion thereof is offered or provided to a guest or guests by a short term rental operator for a fee for fewer than thirty consecutive nights, and is subject to taxation, and

Whereas, for purposes of this moratorium, lodging facilities, bed and breakfasts, guest inns, and tourist/recreational use facilities/permits involving any lodging, must be included and subject to this moratorium in order to maintain its efficacy and prevent false applications, and

Whereas, Chelan County has been engaged in the process of drafting, reviewing, and seeking public input and testimony, for several months, regarding regulations applicable to short term rentals, and

Whereas, Chelan County has received large volumes of public input regarding potential regulations pertaining to short term rentals and said public input has been both positive and negative, and

Whereas, data provided to Chelan County, including but not limited to a July 2020 Berk Consulting report indicates that short term rentals have increased to a great extent in Chelan County and continue to rise, and

Whereas, short term rentals have potential negative impacts on residential areas not originally anticipated, including but not limited to nuisance impacts such as excess garbage, insufficient parking, excess noise, trespassing, infringement upon privacy, lack of septic capacity, increased fire risk, zoning code violations, inadequate insurance coverage, excess demands upon law enforcement, and other negative impacts on the peaceful enjoyment of neighborhoods and public health, safety, and welfare, and

Whereas, the proliferation of short term rentals also has a potential negative impact on the economy of the county, exacerbating the scarcity of affordable housing for permanent residents as well as excess demands on public services and facilities, and

Whereas, the rate of new applications which could be for the modification or creation of unknown and unpermitted short term rentals has continued to increase and permit application processing is not manageable and the true nature of the bases for such applications is not consistently discernable, and

Whereas, in order to have effective and appropriate regulation of short term rentals, the county needs to maintain the status quo until such time as the new short term rental regulation adoption and implementation process finalizes, and

Whereas, since the adoption of Resolution 2020-86, county staff and the planning commission have continued working earnestly on receiving and considering public testimony and evidence, and reviewing and revising draft short term rental code regulations, and

Whereas, such work by staff, the planning commission, and the county commissioners is scheduled to continue with continued earnest, and

Whereas, a moratorium pertaining to the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting, etc., of short term rental uses, structures, residences, businesses, lots, zones, buildings, etc., needs to be continued.

Whereas, the negative impacts created by the mismanagement of some short term rentals continue to occur to the detriment of numerous neighborhoods in the county, and

Whereas, this moratorium will be for a period not to exceed six months unless extended for good cause by resolution at a later date, although it is hoped that it can be ended prior to six months;

NOW, THEREFORE, BE IT RESOLVED as follows by the Chelan County Board of Commissioners:

1. The above recitals are hereby adopted as findings and conclusions herein.

2. Chelan County does hereby continue the six month moratorium on the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting of short term rental structures, residences, businesses, uses, lots, zones, and buildings originally adopted on August 25, 2020.

3. Except for clearly identified emergency repairs for unexpected damage, or for emergent life safety needs, while this moratorium is in effect, no application for any county permits or approvals, including but not limited to building, remodeling, expansion, occupancy, tenant improvement, fence, deck, variance, conditional use, fire safety, fire code, drainage, driveway permits, subdivision, short plat, rezone, comprehensive plan amendment, binding site plan, boundary line adjustment, other development, designation, or construction permits or approvals shall be accepted as either consistent or complete by any county department if said application pertains to either an existing or future short term rental use, structure, site, business, lot, residence, zone, or buildings.

4. Proof of complete compliance with Chapter 64.37 RCW prior to the date of enactment of this moratorium shall be required as part of the criteria necessary prove an existing short term rental.

5. Lodging facilities, bed and breakfasts, guest inns, and tourist/recreational use facilities/permits involving any lodging, are included and subject to this moratorium unless such a facility was granted all applicable permits and approvals, and was fully operational on or before August 25, 2020, and is in compliance with the county code, all other applicable regulations, and all conditions of applicable acquired permits and approvals.

6. The Chelan County Department of Community Development may develop forms and procedures, or amend existing forms and procedures, as it deems useful to implement this moratorium.

7. This board will conduct a public hearing on February 23, 2021, at 10:15 A.M. regarding any further extension of this moratorium;

8. This moratorium shall be for a period not to exceed six months from August 25, 2020, until midnight on Tuesday, February 23, 2021, unless extended for good cause by resolution at a later date, although it is hoped that it can be ended prior to six months;

9. This moratorium took effect immediately upon adoption of Resolution 2020-86 and is in the best interests of good government and the public health, safety, and welfare.

DATED at Wenatchee, Washington this 16th day of October, 2020.

CHELAN COUNTY BOARD OF COMMISSIONERS



[Signature]
DOUG ENGLAND, CHAIR

[Signature]
BOB BUGERT, COMMISSIONER

[Signature]
KEVIN OVERBAY, COMMISSIONER

Attest:

[Signature]
Carlye Baity, Clerk of the Board
Dated: October 16, 2020