

BOARD OF COUNTY COMMISSIONERS
CHELAN COUNTY, WASHINGTON

RESOLUTION NO. 2021-20

Summary: A resolution further amending and continuing the moratorium enacted on August 25, 2020, pursuant to Resolution 2020-86 and as amended on October 6, 2020 in Resolution 2020-104 on the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting of new short term rental uses, structures, residences, businesses, lots, zones, buildings.

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, CCC 14.98.420 defines a commercial use as any activity involving the sale of goods or services carried out for profit, and short term rental use requires payment of business related taxes for services rendered and must meet various state regulatory standards as a commercial lodging use and therefore is a commercial use, and

Whereas, commercial uses of property must be consistent with the county comprehensive plan and appropriate zoning requirements, and

Whereas, for purposes of this moratorium, lodging facilities, bed and breakfasts, guest inns, and tourist/recreational use facilities/permits not explicitly permitted in the Chelan county code 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 March 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 continued 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 Chelan County Comprehensive plan recognizes tourist transient lodging needs, and that there are appropriate places that short-term rental uses may occur in order to meet those needs, and

Whereas, in order to have effective and appropriate regulation of short term rentals, the county needs to maintain the status quo and not allow any new or expanded short term rental property uses after the August 25, 2020 moratorium date until such time as the new short term rental regulation adoption and implementation process finalizes, and

Whereas, since the adoption of Resolutions 2020-86 and 2020-104, 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, after the adoption of Resolutions 2020-86 and 2020-104 Chelan County has been engaged in a public process of drafting, reviewing, and seeking public input and testimony for several months, including two public hearings in front of the Planning Commission and one hearing in front of the BOCC regarding regulations applicable to short term rentals, and

Whereas, Chelan County having reviewed the testimony and applicable comprehensive plan provisions and available research information about impacts and challenges to neighborhood character, safety, peace, health, and welfare, and impacts to affordable housing in communities, code drafts were created and then adopted by the Planning Commission and a draft code was recommended to the BOCC on July 14, 2020, and

Whereas, the Planning Commission version draft code was remanded back to the Planning Commission by the BOCC on September 9, 2020 for further review and consideration, where a new public hearing was held and edited provisions and a revised draft code was passed by the Planning Commission and was submitted back to the Board on October 16, 2020, including a recommendation of the creation of a working citizen Task Force comprised of parties representing the opposing views of short-term rental regulations to Resolution 2021-~~20~~

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evaluate the continuing issues and concerns connected to implementation and effectiveness of an adopted code and provide further recommendations for adjustments to the code, and

Whereas, the BOCC has been actively working to use the Planning Commission version of the draft code to further refine the draft to adequately address the provisions and vision of the Chelan County Comprehensive Plan, and to address impacts and challenges on neighborhood character, safety, peace, health, and welfare, and impacts on affordable housing in communities, and

Whereas, the BOCC held a public hearing on December 22, 2020 which received public testimony both for and against the draft short-term rental code, resulting in an additional draft version developed for continued written comment and BOCC consideration, and

Whereas, Chelan County has received extremely large volumes of written public input regarding potential regulations pertaining to short term rentals and said public input has been both positive and negative, and very large in volume to read, digest, and consider, and

Whereas, the BOCC wish to have representatives of the stakeholder groups in the neighborhoods and of the rental properties affected by the code draft meet in a BOCC-appointed Task Force in order to refine the current versions of the code so that the BOCC may consider that input before finalizing the short-term rental code for adoption, and

Whereas, the BOCC created this Task Force for three months and appointed its member participants. Once it completes its work they shall make a recommendation to edit and adopt one of the code options presented in the record as of December 28, 2020, and

Whereas, if the Task Force fails by April 23, 2021 to reach a recommendation for adoption of an edited revision of the current code drafts in front of the BOCC as of December 28, 2020, the BOCC may resume consideration of those draft code options present in the record, and render a decision by June 29, 2021, and

Whereas, a moratorium pertaining to certain 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, and

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, Vacation Rental properties within the Manson UGA that had a current and valid 2020 Vacation Rental permit issued by Chelan County under 11.23.040, are not included in this Resolution solely for purposes of permit re-issuance and may apply for issuance of a 2021 Vacation Rental permit under the existing Chelan County code within 30 days of the passage of

this moratorium, and are thus only excluded from this Resolution regarding their vacation rental permitting, and

Whereas, nothing in this moratorium binds nor restricts a future short-term rental code from being adopted that requires different standards from those of the moratorium, 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 amend and continue the six month moratorium on the designation, permitting, construction, development, expansion, creation, locating, and siting of any new or future short term rental structures, residences, businesses, uses, lots, zones, and buildings originally adopted on August 25, 2020.
3. While this moratorium is in effect, no application for any county permits or approvals for a new or future short term rental use including any, new, or re-permitting of an expired 2019 or older Manson UGA vacation rental permitted property, building, variance, conditional use, 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 the creation of a new 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 to prove an existing short term rental, bed and breakfast, guest inn, or lodging facility.
5. Lodging facilities, bed and breakfasts, guest inns, and tourist/recreational use facilities/permits involving any lodging, not explicitly permitted in the Chelan County Code 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 complies 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 and expedient to implement this moratorium.
7. Vacation Rental properties within the Manson UGA that had a current and valid 2020 Vacation Rental permit issued by Chelan County under 11.23.040, are not included in this

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Resolution solely for purposes of permit re-issuance and may apply for issuance of a 2021 Vacation Rental permit under the existing Chelan County code within 30 days of the passage of this moratorium, and are thus only excluded from this Resolution regarding their vacation rental permitting.

7. The BOCC will conduct a public hearing on August 3, 2021, at 10:30 A.M. regarding any further extension of this moratorium;

8. This moratorium shall be for a period not to exceed six months from February 23, 2021, until midnight on Tuesday, August 24, 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 as amended in Resolution 2020-104 and is in the best interests of good government and the public health, safety, and welfare.

DATED at Wenatchee, Washington this 2nd day of February, 2021.



CHELAN COUNTY BOARD OF COMMISSIONERS


BOB BUGERT, CHAIR


KEVIN OVERBAY, COMMISSIONER


TIFFANY GERING, COMMISSIONER

Attest:


Anabel Torres, Deputy Clerk of the Board

Dated: 2/2/21